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**TRAFFORD
COUNCIL**

AGENDA PAPERS FOR COUNCIL

Date: Wednesday, 22 May 2024

Time: 6.00 pm

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

A G E N D A	P A R T I	Pages
1. MAYOR AND CHAIR OF COUNCIL		
To elect the Mayor who will be Chair of Council for the ensuing year and receive notification of the appointment of the Consort.		
2. APPOINTMENT OF DEPUTY MAYOR AND VICE CHAIR OF COUNCIL		
To appoint the Deputy Mayor who will be Vice-Chair of Council for the ensuing year and receive notification of the appointment of the Consort.		
3. VOTE OF THANKS		
A vote of thanks to the retiring Mayor and Mayoress.		
4. MINUTES		1 - 12
To approve as a correct record the Minutes of the Meetings of the Council held on the 21 st February and the 20 th March 2024 for signature by the Mayor as Chair of the Council.		
5. RESULTS OF ELECTIONS OF COUNCILLORS		13 - 14
To receive a report of the Returning Officer on the results of the Poll held on 2 May 2024 for the respective wards of the Borough.		
6. LEADER OF THE COUNCIL AND EXECUTIVE ARRANGEMENTS		15 - 20
To elect the Leader of the Council and note that the Leader will appoint the membership of the Executive and a Deputy Leader. The Council is also		

asked to note any Shadow Executive arrangements.

7. COUNCIL COMMITTEES

To receive a report on the Committees of the Council, their composition, membership and terms of reference for the 2024/25 Municipal Year.

8. APPOINTMENTS TO OUTSIDE AND INDEPENDENT BODIES

To receive a report on Council appointments to outside and independent bodies for the 2024/25 Municipal Year.

9. TIMETABLE OF COUNCIL AND COMMITTEE MEETINGS

21 - 26

To approve a timetable of meetings for 2024/25 and 2025/2026.

10. DELEGATED DECISIONS AND URGENT ACTION FOR COMMITTEES

To approve the following arrangements for dealing with delegated decisions and urgent action:

(a) Delegated Decisions

That where, under the approved scheme of delegation, decisions may be taken by Officers in consultation with non-Executive Members then in the absence of any specific arrangements having been made, the Officer shall consult the appropriate Chair, Vice-Chair and Opposition Spokesperson.

(b) Urgent Action

That, in situations which require emergency action the Chief Executive or the appropriate Officer, in consultation with the Chair and Vice-Chair of the Committee concerned and the Opposition Spokesperson where appropriate (or their respective nominees), be authorised to deal from this date until the Annual Meeting of the Council in 2025, with any matters of urgency or any other matter that cannot conveniently be deferred to the next ordinary meeting of the Committee, subject to later report for information, to the Committee in question.

11. DELEGATED FUNCTIONS AND AMENDMENTS TO THE CONSTITUTION

27 - 92

To receive a report of the Monitoring Officer and Director of Legal and Governance on the delegation of Council and Executive functions and proposed amendments to the Council's Constitution.

12. REPORT ON SPECIAL URGENCY DECISIONS

93 - 94

To consider a report of the Director of Legal and Governance and Monitoring Officer.

13. **CONTRACT PROCEDURE RULES**

95 - 134

To consider a report of the Director of Legal and Governance and Monitoring Officer, regarding contract procedure rules.

14. **MOTIONS**

To consider the following motions submitted in accordance with Procedure Rule 11:

(a) **Motion Submitted by the Labour Group - Happy 50th Birthday Trafford Council**

Trafford Council was formed on 1 April 1974 following the merger of Altrincham, Sale and Stretford Municipal Boroughs; Bowdon, Hale and Urmston District Councils; and the parishes of Carrington, Partington, Dunham Massey and Warburton. A rich and diverse range of places that continues to influence of the Trafford of today.

Over the last 50 years has had 50 mayors, 13 different leaders, Labour and Conservative administrations and periods of no overall control. Many memorable people have served this Borough since 1974.

Local Government remains a keystone in society and there's a lot Trafford Council can celebrate. From attracting national venues such as the Imperial War Museum North and working in partnership with our big sporting arenas to building thousands of new homes for people to live in, meaning that our young people can remain close to the place they grew up. From investing millions into regenerating our town centres, revitalising our leisure services and transforming Trafford's biggest park to working with our incredible schools, colleges and now UA92. From providing support and reassurance to people in our communities through the Covid-19 pandemic and the cost of living crisis to taking the necessary steps to tackle our climate crisis through active travel, reducing carbon in public buildings and progressing new ideas like district heat networks and greening Trafford Park whilst celebrating Trafford's mighty industrial heritage.

As we celebrate our first 50 years we must also look to how we shape the future. We must aim to give every child the best start; ensure people live healthy and independent lives; provide a thriving economy and homes for all; address our climate crisis; and ensure culture, sport and heritage are accessible to all.

Local Government services are integral to our communities and those services are nothing without the workforce providing them- from librarians to social workers, street cleaners to waste collectors, teaching staff to registrars, planners to bereavement service staff. Those are just a few with many, many more besides.

This council therefore resolves to:

- Note and celebrate Trafford Council's achievement on our 50th anniversary;
- Thank every council employee, past and present, for their service to this Borough.

SARA TODD

Chief Executive

Membership of the Committee

Councillors D.C. O'Sullivan (Mayor), A.M. Whyte (Deputy Mayor), D. Acton, S. Adshead, J.M. Axford, B. Babar, O.J. Baskerville, J. Bennett, J. Brophy, B. Brotherton, D. Butt, G. Carter, K.G. Carter, G. Coggins, M. Cordingley, F. Cosby, Z.C. Deakin, G. Devlin, R. Duncan, P. Eckersley, S. G. Ennis, N. Evans, W. Frass, S.J. Gilbert, K. Glenton, L. Hancock, J. Harding, B. Hartley, W. Hassan, S. J. Haughey, E.L. Hirst, J. Holden, F. Hornby, C. Hynes, D. Jarman, D. Jerrome, W. Jones, J. Leicester, S.E. Lepori, J. Lloyd, S. Maitland, M. Minnis, J.D. Newgrosh, T. O'Brien, E.R. Parker, E. Patel, K. Procter, S. Procter, T. Ross, U. Savary, J. Slater, H. K. Spencer, O. Sutton, M.J. Taylor, S. Taylor, S. Thomas, R. Thompson, M.J. Welton, D. Western, A.J. Williams, B.G. Winstanley, J.A. Wright and S. Zhi.

Further Information

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

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This agenda was issued on **Tuesday, 14 May 2024** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH.

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Agenda Item 4

TRAFFORD BOROUGH COUNCIL

21 FEBRUARY 2024

PRESENT

The Worshipful the Mayor (Councillor Dolores O'Sullivan), in the Chair.

A.M. Whyte	W. Frass	E. Patel
D. Acton	S.J. Gilbert	R. Paul
S. Adshead	J. Harding	K. Procter
J.M. Axford	B. Hartley	S. Procter
B. Babar	W. Hassan	T. Ross
O.J. Baskerville	S. J. Haughey	J. Slater
J. Bennett	E.L. Hirst	H. K. Spencer
B. Brotherton	J. Holden	O. Sutton
D. Butt	F. Hornby	M.J. Taylor
G. Carter	C. Hynes	S. Taylor
K.G. Carter	D. Jarman	S. Thomas
K. Chakraborty	D. Jerrome	R. Thompson
G. Coggins	W. Jones	L. Walsh
M. Cordingley	J. Leicester	M.J. Welton
F. Cosby	S.E. Lepori	D. Western
Z.C. Deakin	S. Maitland	M.P. Whetton
R. Duncan	M. Minnis	A.J. Williams
P. Eckersley	J.D. Newgrosh	J.A. Wright
S. G. Ennis	T. O'Brien	S. Zhi
N. Evans	E.R. Parker	

In attendance

Chief Executive	S. Todd
Director of Legal and Governance and Monitoring Officer	D. Sykes
Head of Legal and Governance	E. Malpas
Senior Governance Officer	I. Cockill
Governance Officer	H. Callaghan

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APOLOGIES

Apologies for absence were received from Councillors J. Brophy, J. Lloyd and B.G. Winstanley

56. ANNOUNCEMENTS

The Mayor announced the passing of former Councillor Alan Mitchell, who represented the Hale Central Ward for 18 years between 2004 and 2022, and during his time was an Executive Member, Chair of Accounts and Audit Committee and was also a long serving member of the Greater Manchester Pensions Committee.

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The Mayor requested that Members stand to observe a moments silence as a mark of respect. The Council passed its condolences on to the family and friends of former Councillor Mitchell.

57. BUDGET 2024/25

(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 her 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. Time for all other speeches would be restricted to a maximum of 3 minutes.)

The portfolio holder 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 be approved:

- (a) Executive's Revenue Budget Proposals 2024/25 and Medium-Term Financial Strategy 2025/26 – 2026/27;
- (b) Capital Strategy, Asset Investment Strategy, Capital Programme and Prudential and Local Indicators 2024-2027;
- (c) Treasury Management Strategy 2024/25 – 2026/27; and
- (d) Fees, Charges and Allowances 2024/25,

and that the Council sets and approves the amounts as the amounts of the Council Tax for the year 2024/2025, 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.

The Mayor announced that 3 amendments had been received from the Conservative Group, Green Group and Liberal Democratic Group. It was noted that the Director of Finance and Systems had reviewed the proposed amendments and concluded that none would undermine the adequacy of the Council's overall financial robustness and reserves if approved.

Councillor Evans responded to the Motion on behalf of the Conservative Group. Councillor Ennis responded to the Motion on behalf of the Liberal Democrat Group

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and Councillor Welton responded to the Motion on behalf of the Green Party Group. Each Member gave notice of an amendment from their party.

The Conservative amendment regarding new capital investment for highways was moved and seconded. Following a debate on the matter, the amendment was put to the vote and declared lost.

The Council proceeded to the Green amendment.

The Green amendment regarding new capital expenditure for School Street programme was moved and seconded. Following a debate on the matter, the amendment was put to the vote and declared lost.

The Council proceeded to the Liberal democrat amendment.

The Liberal democrat amendment regarding removing parking fees at Thorley Lane was moved and seconded. Following a debate on the matter, the amendment was put to the vote and declared lost

The Council proceeded to debate the substantive Motion.

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, Axford, Babar, Baskerville, Bennett, Brotherton, Carter G, Carter K, Cordingley, Cosby, Deakin, Gilbert, Harding, Hartley, Hassan, Haughey, Hirst, Hornby, Hynes, Jarman, Jones, Maitland, O'Brien, Patel, Parker, Procter K, Procter S, Ross, Slater, Taylor S, Thomas, Thompson, Walsh, Western, Whyte, Williams A and Wright.

Those against the substantive Motion: Councillors Butt, Chakraborty, Duncan, Eckersley, Evans, Holden, Paul, Taylor M, Whetton, Zhi, Ennis, Frass, Lepori, Minnis, Newgrosh, Coggins, Jerrome, Leicester, Spencer, Sutton and Welton

Those choosing to abstain: None.

With the result of the vote being 38 in favour and 21 against, with no abstentions and the Mayor choosing not to vote. The Substantive Motion was declared carried.

Resolved

a) Approves the 2024/25 net Revenue Budget of £217.83m.

b) Approves the 2025/26 to 2026/27 Medium Term Financial Strategy (MTFS) including the income and savings proposals.

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- c) Notes the continued arrangements in relation to an enhanced Finance and Change Programme and the role of the Finance and Change Board who will continue to work with the Executive on the development of sustainable budget plans to support the Council in meeting the financial challenges from 2025/26 onwards
- d) Approves the calculation of the Council Tax Requirement as summarised in Section 8.1 and set out in the Formal Council Tax Resolution in Annex J (any update for changes in Mayoral Police and Crime Commissioner or Mayoral General (incl. Fire Services) Precepts, if any, will be tabled at the Council Meeting);
- e) Approves the proposal to increase Council Tax by 4.99% in 2024/25:
- 2.99% general increase in the 'relevant basic amount' in 2024/25, and
 - 2.00% for the 'Adult Social Care' precept in 2024/25.
- f) Notes the assumptions in the MTF5 to increase Council Tax by o An increase in the 'relevant basic amount' of 1.99% in 2025/26 and 2026/27, and o for the 'Adult Social Care' precept in 1% in 2025/26 and 2026/27.
- g) Approves the planned application of earmarked reserves as detailed in Section 6.
- h) Approves the Fees and Charges for 2024/25 and those relating to Registration of Births, Death & Marriages and Allotments also shown for 2025/26, as set out in the Fees & Charges booklet.
- i) Delegates authority jointly to each Corporate Director in consultation with the Council's Director of Finance and Systems to amend fees and charges which are within their respective delegated powers during 2024/25 in the event of any change in VAT rate, as appropriate.
- j) Delegates authority jointly to each Corporate Director in consultation with the Council's Director of Finance and Systems to amend fees and charges during 2024/25 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.
- k) Approves the proposal to set the minimum level of General Reserve for 2024/25 at £10.5m (Section 6).
- l) Approves the Capital Strategy, Prudential and Local Indicators and overall level of the Capital Programme and Asset Investment Fund of £413.15m (as detailed in the Capital Strategy, Capital Programme & Prudential Indicators 2024/27) of which £152.20m relates to 2024/25.

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m) Approves the Treasury Management Strategy 2024/25 to 2026/27, including the Debt Strategy (Section 4), the policy on Minimum Revenue Provision (Section 5) the Treasury Investment Strategy (Section 6) and the Prudential Indicators, including the Authorised Limit (as required by Section 3(1) of the Local Government Act 2003, Operational Boundary, Minimum Revenue Provision and investment criteria as set out in Appendix 2 of the report.

n) Approves the flexible use of capital receipts of up to £0.85m in 2024/2025 to support the cost of the Modernisation Team in developing the Council's Finance and Change Programme.

o) Approves the proposed distribution of Dedicated Schools Grant as recommended by the School Funding Forum and Executive as summarised in Section 7 and detailed in Annex I.

p) In the event the outcome of the secondary consultation relating to the Fair Price of Care changes the proposed budget assumptions, delegates authority to the Director of Finance and Systems, in consultation with the Executive Member for Finance, Change and Governance, to vary the net Revenue Budget for 2024/25, with any shortfall being met from the Budget Support Reserve.

q) Delegates authority to the Director of Finance and Systems, in consultation with the Executive Member for Finance, Change and Governance, to vary the net Revenue Budget for 2024/25, once the Baseline Funding has been updated to reflect the changes in Public Health 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 6 of the Revenue Budget Proposals report).

s) The Executive's response to the Scrutiny Committee's recommendations to the budget proposals as included in a separate report on the agenda.

t) The Council's Public Sector Equality duty.

u) The results of the consultation on the budget proposals where required.

That in addition, the Council notes the following:

v) The approval on 4 January 2024 under delegated powers by the Director of Finance and Systems of the Council Tax Base for 2024/25 at 79,362 Band D equivalents.

w) The estimated Council Tax surplus for 2023/24 has been calculated at £0.953m, sufficient to release £0.775m to support the Council's budget plans and a distribution of £0.124m and £0.055m representing the respective shares of the Mayoral Police and Crime Commissioner Precept and Mayoral General Precept (including Fire Services). **Page 5**

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x) The base budget assumptions as set out in the Medium-Term Financial Strategy (MTFS) as detailed in Annex A.

y) The budget gap for the two years 2025/26, £15.39m and 2026/27, £14.22m.

z) That the Capital Programme for 2024/25, 2025/26 and 2026/27 is to be set at an indicative £152.20m, £231.48m and £29.48m respectively (indicative at this stage as a number of capital grants are not yet known).

aa) 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.

1. It be noted that on 4th January 2024 the Council calculated

- (a) the Council Tax Base 2024/25 for the whole Council area as 79,362 [Item T in the formula in Section 31B(3) of the Local Government Finance Act 1992, as amended (the "Act")] and;
- (b) 1,915 for dwellings in the Parish of Partington;
- (c) 148 for dwellings in the Parish of Carrington;
- (d) 167 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 2023/24 (excluding Parish precepts) as £127,108,560.

3. That the Council agrees the calculation of the Aggregate Amounts for the year 2024/25 in accordance with Sections 31 to 36 of the Act:

- (a) £608,277,734 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.
- (b) £481,031,813 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- (c) £127,245,921 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) £1,603.36 being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with

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Section 31B(1) of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).

- (e) £137,361 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act.
- (f) £1,601.63 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) £1,666.68 **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) £1,631.63 **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) £1,651.63 **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 2.0% increase to be spent exclusively on supporting the delivery of adult social care services.

5. That it be noted that for the year 2024/25 the Mayoral Police and Crime Commissioner and the Mayoral **Page 7** (including Fire Services) have issued

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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 2024/25 for each part of its area and for each of the categories of dwellings.

Valuation Bands

Council Tax Schedule 2024/25	Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
Trafford Council (including Adult Social Care Precept)	1,067.74	1,245.71	1,423.65	1,601.63	1,957.54	2,313.46	2,669.37	3,203.26
Mayoral Police and Crime Commissioner Precept	170.86	199.34	227.82	256.30	313.25	370.21	427.16	512.60
Mayoral General Precept (including Fire Services)	75.30	87.85	100.40	112.95	138.05	163.15	188.25	225.90
Sub total	1,313.90	1,532.90	1,751.87	1,970.88	2,408.84	2,846.82	3,284.78	<u>3,941.76</u>

Partington								
Parish only	43.37	50.59	57.82	65.05	79.51	93.96	108.42	130.10
Parish & District only	1,111.11	1,296.30	1,481.47	1,666.68	2,037.05	2,407.42	2,777.79	3,333.36
Aggregate of Council Tax requirements (incl. – Mayoral Precepts)	1,357.27	1,583.49	1,809.69	2,035.93	2,488.35	2,940.78	3,393.20	<u>4,071.86</u>
Carrington								
Parish only	20.00	23.33	26.67	30.00	36.67	43.33	50.00	60.00
Parish & District only	1,087.74	1,269.04	1,450.32	1,631.63	1,994.21	2,356.79	2,719.37	3,263.26
Aggregate of Council Tax requirements (incl. – Mayoral Precepts)	1,333.90	1,556.23	1,778.54	2,000.88	2,445.51	2,890.15	3,334.78	<u>4,001.76</u>
Warburton								
Parish only	33.33	38.89	44.44	50.00	61.11	72.22	83.33	100.00
Parish & District only	1,101.07	1,284.60	1,468.09	1,651.63	2,018.65	2,385.68	2,752.70	3,303.26
Aggregate of Council Tax requirements (incl. – Mayoral Precepts)	1,347.23	1,571.79	1,796.31	2,020.88	2,469.95	2,919.04	3,368.11	<u>4,041.76</u>

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21 February 2024**

PARISH COUNCIL PRECEPTS

Parish/Town Council	2023/24			2024/25			C Tax Increase
	Tax Base	Precepts £	Council Tax Band D (£)	Tax Base	Precepts £	Council Tax Band D (£)	
Partington	1,745	90,810	52.04	1,915	124,571	65.05	25.0%
Carrington	148	4,440	30.00	148	4,440	30.00	0.0%
Warburton	170	8,500		167	8,350		0.0%
TOTAL	2,063	103,750		2,230	137,361		

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

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

Councillor Amy Whyte to be the Mayor of the Borough of Trafford for 2024/25;

and

Councillor Jane Brophy to be the Deputy Mayor of the Borough of Trafford for 2024/25.

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TRAFFORD BOROUGH COUNCIL

20 MARCH 2024

PRESENT

The Worshipful the Mayor (Councillor Dolores O'Sullivan), in the Chair.

A.M. Whyte	W. Frass	R. Paul
D. Acton	J. Harding	K. Procter
S. Adshead	B. Hartley	S. Procter
J.M. Axford	W. Hassan	T. Ross
B. Babar	S. J. Haughey	J. Slater
O.J. Baskerville	E.L. Hirst	H. K. Spencer
J. Brophy	J. Holden	O. Sutton
B. Brotherton	F. Hornby	M.J. Taylor
G. Carter	C. Hynes	S. Taylor
K.G. Carter	D. Jarman	S. Thomas
K. Chakraborty	D. Jerrome	R. Thompson
G. Coggins	W. Jones	L. Walsh
M. Cordingley	J. Leicester	M.J. Welton
F. Cosby	S.E. Lepori	D. Western
Z.C. Deakin	M. Minnis	M.P. Whetton
R. Duncan	J.D. Newgrosh	A.J. Williams
P. Eckersley	T. O'Brien	B.G. Winstanley
S. G. Ennis	E.R. Parker	J.A. Wright
N. Evans	E. Patel	S. Zhi

In attendance

Chief Executive	S. Todd
Director of Legal and Governance and Monitoring Officer	D. Sykes
Governance Manager	J. Addison
Democratic Officer	H. Callaghan

APOLOGIES

Apologies for absence were received from Councillors J. Bennett, D. Butt, S.J. Gilbert, J. Lloyd and S. Maitland

58. MINUTES

That the Minutes of the Meeting of the Council held on 31 January 2024, be approved as a correct record and signed by the Chair.

That the Minutes of the Meeting of the Council held on 21 February 2024, be brought to the next meeting of the Council.

59. ANNOUNCEMENTS

(a) The Leader of the Council's Announcements

Councillor Ross paid tribute to Councillors Laurence Walsh and Michael Whetton who were both retiring from the Council at the end of the Municipal year, and as such were attending their final meeting of Council. Councillor Ross recognised the decades of service both Councillors had given to the Borough.

(b) Scrutiny, Health Scrutiny, and Children and Young People's Scrutiny

Councillors Acton, S. Taylor and Western thanked the relevant Executive Members and Officers for attending their Committee across the year, as well as the Members of the Committees for the hard work which had taken place across the year. Councillor Western also thanked the young people from Trafford College who had attended the final Children and Young People's Scrutiny Committee meeting.

60. QUESTIONS BY MEMBERS

The Mayor reported that seven questions had been received under Procedure Rule 10.2.

On the basis that the Mayor had asked for the responses to be circulated to all Councillors and published on the website, the Council consented to taking both the question and response as read and move on to the supplementary question in each case.

(Note: Members were informed that ten minutes had been allocated to this Agenda item, and any outstanding supplementary questions were to be picked up outside of the meeting).

(a) Question 1 from Councillor Zhi regarding: crossing at Altrincham Grammar Schools for Girls.

Councillor Zhi asked as a supplementary whether a Member of the Council could join representatives from the Grammar school and the landowner, alongside himself, to discuss a resolution.

Councillor Adshead, Executive Member for Highways, Environmental and Traded Services asked Councillor Zhi to contact him following the meeting to arrange this.

(b) Question 2 from Councillor Zhi regarding: litter on Motorways.

Councillor Zhi did not have a supplementary question.

(c) Question 3 from Councillor Duncan regarding: Damp and Mould problems for residents in Trafford.

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Councillor Duncan asked as a supplementary question whether the Council could consider approaching social landlords to provide temporary accommodation whilst properties which had become inhabitable due to damp and mould were dealt with and reassess their stance on this.

Councillor Wright, Executive Member for Housing and Advice responded that the Council would always support tenants in any way possible should their property become inhabitable. The Executive Member added that it was the responsibility of the social landlord to rehouse residents if they were not dealing with issues of damp and mould, with the Council stepping in if this was not available.

(d) Question 4 from Councillor Frass regarding: parks in South Trafford.

Councillor Frass asked as a supplementary question when parks, such as Buckingham Way Park in his Ward, and across Timperley, would receive budget for repairs similar to that seen in Longford Park.

Councillor Patel, Executive Member for Economy and Regeneration highlighted how the funding provided to Longford Park was wholly appropriate for securing the benefits brought through the initiative. The Executive Member suggested that Councillor Frass should raise a casework enquiry with the greenspaces team at the Council to help with the issues he had been having.

(e) Question 5 from Councillor M. Taylor regarding: the state of Halecroft Park.

Councillor M. Taylor thanked the Members for the response to the original question, however, asked similarly to Councillor Frass, when residents in his ward could expect similar funding to that seen in Longford Park.

Councillor Adshead, Executive Member for Highways, Environmental and Traded Services responded that following meetings with the greenspaces team and the Friends of Park group at Halecroft Park, repair jobs were in hand with some already completed. The Executive Member advised Councillor M. Taylor to contact him if he had any further concerns.

(f) Question 6 from Councillor Evans regarding: secondary school place in the south of the Borough.

Councillor Evans asked as a supplementary question at what stage the Council would consider expanding schools in the south of the Borough to accommodate more children, highlighting that since the 1970s there had been an exchange of students between Manchester, Salford, and Trafford.

Councillor K. Carter, Executive Member for Children and Young People referred to her original response, remarking that there was no need to expand the school places in Trafford, with no way that the Council would expand places to create further spaces for children out of Borough.

(g) Question 7 from Councillor Newgrosh regarding: Trafford Empty Homes Policy.

Councillor Newgrosh highlighted that during the time since the adoption of the Council's Empty Homes Policy, the number of long-term empty properties had risen. Councillor Newgrosh asked as a supplementary question how the Council judged its performance against the policy's indicator to reduce the number of long-term empty property.

Councillor Wright, Executive Member for Housing and Advice highlighted the complexities behind bringing long-term empty properties back into use. The Executive Member remarked that the performance by the team had been excellent, in what was a small team with very limited resource.

61. PETITION FOR DEBATE AT COUNCIL - A SAFER SCHOOL RUN FOR THE PUPILS OF OLDFIELD BROW

Lead Petitioners, Claire Knowles and James Cash introduced the following petition which had received 536 signatures in support:

"We the undersigned petition the Council to take action with regard to:

TAYLOR RD / STOKOE AVE CORNER: Stokoe Avenue (off Taylor Road) is proving a dangerous crossing area for our children at Oldfield Brow Primary School. There have been a few near misses reported of careless driving close to our children. Taylor Road alone is also known for speeding vehicles. As a parent of one of those children I also speak on behalf of other concerned parents that our Council needs to act now.

ROAD SIGNS / MARKINGS: On Taylor Road there is only 'one' sign to warn drivers of a school nearby. This is not enough. Taylor Road has poor visibility due to our many beautiful trees, hence reducing children being seen. More signs are urgently required.

CONGESTION / POLLUTION: Taylor Road is heavily congested at school times; although a zebra crossing at Taylor/Stokoe would potentially help reduce traffic, we are still exposed to the pollution from parked cars with engines running (especially at the Crescent).

There were 2,456 children under 16 seriously hurt or killed on Britain's roads last year. Oldfield Brow has an excellent community. Our roads need to be SAFE, and our air needs to be cleaner. Don't let our road be one of them.

Proposal / Solutions:

- School Crossing Patrol (between hours of 8.15am - 9.15am and 3pm - 4pm) or Zebra Crossing (permanent)

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- Speed limit reduced to 20mph and/or Speed bumps / cameras / road chippings / signs.
- School Road Signs and/or Children Crossing Signs
- SLOW Road Markings
- Turn Engine Off Signs”

The lead petitioners outlined the main reasons for the petitions ask, namely, a recent near miss from someone reversing up Stokoe Avenue; the dire need for a zebra crossing on this road to increase safety; parking and road safety coming up as the single biggest issue in the schools recent parent and carer forum; a community wide call for wider safety measures in the area; and that voice of the children at the school, who had conveyed that they did not feel safe walking to school.

Councillor Adshead, Executive Member for Highways, Environmental and Traded Services responded to the petition on behalf of the controlling group highlighting the seriousness the administration took towards safety around school, referring to the Safety around Schools steering group he set up when he became the Executive Member. This group still met and looked primarily at parking situations. The petitioners were informed that the school had been added to the list for 20 miles per hour (Mph) around the area, as well as “no idling engines” signs set to be put up. The Executive Member thanked the petitioners for bringing the issue to the Council and indicated that the Council would now work with the parking enforcement team, the local PCSO, and the school to explore how double yellow lines could be added around the school.

Councillors Zhi, Frass and Welton responded to the petition on behalf of the opposition’s political parties.

Councillor Zhi felt it was imperative the Council recognised the urgency of the issues taking place at the school.

Councillor Frass expressed the full support of the Liberal Democrats for this petition, however, recognised the limited resource available, and implored with the Administration to implement the simple changes as soon as possible.

Councillor Welton hoped that the administration would recognise the genuine concerns expressed by residents and how people across the Borough wanted further traffic calming measures.

In summary, the Leader of the Council, Councillor Ross advised that there was a will across the Labour group to improve road safety. School streets were being trialled across the Borough, and learnings from this were to be monitored. The Leader of the Council also spoke of the Vision Zero Strategy at Greater Manchester level, looking at the impact cars had on roads. Regarding the petition, the Leader informed the petitioners that the Council will look at everything it could do to work with officers and partners within the tight resources to make the area safer for everyone.

62. ADOPTION OF PLACES FOR EVERYONE PLAN

The Executive Member for Economy and Regeneration, Councillor Patel, submitted a report seeking the approval of Council to formally adopt The Places for Everyone Plan. The Executive Member spoke positively of the plan which had been submitted and marked it as a new era of regional collaboration. The Executive Member highlighted the sustainable housing growth, community infrastructure, and robust regional framework of environmental protections which came from the plan. Finally, Councillor Patel thanked officers from Trafford Council, colleagues at the Greater Manchester Combined Authority, and across Greater Manchester more widely.

The Leader of the Council, Councillor Ross seconded the plan and highlighted the importance in adopting the plan. Councillor Ross mentioned the need for housing in the Borough and outlined how the adoption of Places for Everyone was to support this. The Leader of the Council finished by joining Councillor Patel in thanking all officers for their support in the formulation of Places for Everyone.

Councillors Paul, Lepori and Coggins responded to the plan on behalf of the opposition parties.

Councillor Paul raised issue and concern around; resident opposition to the plan; areas such as Timperley Wedge and New Carrington being poorly served by public transport, road infrastructure and school places; Stockport Council taking a different approach; and Carrington being used despite being on peat moss. Councillor Paul concluded by expressing on behalf of her group, their profound objections, and disagreements with the Council's plan.

Councillor Lepori underlined the Liberal Democrats long time opposition to the plans to build on Timperley Wedge and Carrington Moss. Councillor Lepori proceeded to highlight his groups issue with the plan, including; the plan stretching services in Timperley further; lack of consideration to where water will go once building on the land began; little faith in the Government to guarantee the funding for the necessary infrastructure in the area; lack of infrastructure included for buses and cycles; the lack of leisure allocation included within the plan; and raised doubt over the affordability rates of the new housing set to be built. Councillor Lepori concluded by reemphasising the Liberal Democrats objection to the plan.

Councillor Coggins began by thanking those officers and Councillors in Trafford and across Greater Manchester for the work done over the years. Councillor Coggins also accepted that working together as a group of Councils across Greater Manchester was the best way to preserve and protect green spaces, and mentioned some of the elements of the plan they felt were positive. However, Councillor Coggins emphasised how the Green group could not support a plan which doubled airport use or intended to build a road over Carrington Moss. Furthermore, Councillor Coggins felt the plan prioritised economic growth, coming at the expense of the green belt, biodiversity, and the stability of the climate. Councillor Coggins finished by restating the Green group's intention to vote against the plan.

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Councillor Patel responded to the Members and expressed her disappointment in each group for not supporting the plan.

Prior to the putting the Motion to the vote, Councillor Ennis requested a recorded vote and was seconded in this by Councillors Brophy, Frass, Lepori, Minnis and Newgrosh. In line with Rule 16.5 of the Trafford Council Constitution, the request for a recorded vote was accepted.

The Motion was then put to a recorded vote. The result was as follows:

Those in favour of the substantive Motion: Councillors Acton, Adshead, Axford, Babar, Baskerville, Brotherton, G. Carter, K. Carter, Cordingley, Cosby, Deakin, Harding, Hartley, Hassan, Haughey, Hirst, Hornby, Hynes, Jarman, Jones, O'Brien, Parker, Patel, K. Procter, S. Procter, Ross, Slater, S. Taylor, Thomas, Thompson, Walsh, Western, Whyte, Williams, Winstanley and Wright.

Those against the substantive Motion: Councillors Brophy, Chakraborty, Coggins, Duncan, Eckersley, Ennis, Evans, Frass, Holden, Jerrome, Leicester, Lepori, Minnis, Newgrosh, Paul, Spencer, Sutton, M. Taylor, Welton, Whetton and Zhi.

With the result of the vote being 36 in favour and 21 against, with 0 abstentions and the Mayor choosing not to vote, the Motion was declared carried.

RESOLVED: That the Council;

- (i) Accepts the findings of the Inspectors' Report and approves the Main Modifications to the Places for Everyone Joint Development Plan Document proposed by the independent Inspectors, as set out in Appendix 1.1 and 1.2 to the report, for incorporation into the final version of the Places for Everyone Joint Development Plan Document.
- (ii) Approves the amendments to the Places for Everyone Joint Development Plan Document Policies Map, as set out in Appendix 2 to the report, for incorporation of all the changes which relate to Trafford's administrative area into the Composite Policies Map.
- (iii) Approves Additional Modifications to the Places for Everyone Joint Development Plan Document, as set out in Appendix 3 to the report, for incorporation into the final version of the Places for Everyone Joint Development Plan Document.
- (iv) Adopt the Places for Everyone Joint Development Plan Document 2022 – 2039 (provided in Appendix 4), with effect from 21 March 2024 – incorporating the Main Modifications and Additional Modifications – as part of the Development Plan for Trafford, in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended)
- (v) Adopt the Policies Map (Appendix 5) which incorporates the Modifications to it (Appendix 2) and is necessary to give effect to the policies of the Places for Everyone Joint Development Plan Document.

- (vi) Delegates authority to the Corporate Director of Place to make any minor nonmaterial editorial amendments to the Places for Everyone Joint Development Plan Document and Policies Map ahead of its final publication, subject to consultation and agreement with the eight other Places for Everyone authorities. These amendments will be limited to correcting minor errors and formatting text.

63. TRAFFORD COUNCIL'S PAY POLICY STATEMENT FOR 2024/25

The Deputy Leader of the Council and Executive Member for Leisure, Arts, Culture, and Heritage submitted a report providing the Council with information relating to Trafford's pay policy for 2024/25 in line with the requirement for the Localism Act 2011.

Councillor Hynes, Executive Member for Leisure, Arts, Culture, and Heritage, spoke briefly to report. Councillors Evans, Ennis and Jerrome, on behalf of the opposition political parties, also spoke briefly in support of the report.

RESOLVED: That the report be noted and the 2024/25 Pay Policy statement, as recommended by Employment Committee on 11 March 2024 and as set out in the report, be approved.

64. MOTION SUBMITTED BY THE CONSERVATIVE GROUP - FOCUS ON TRAFFORD

The Motion set out on the Summons regarding Focus on Trafford was moved and seconded.

The proposed Amendment was moved and seconded as set out and published.

Following a debate on the matter, the Amendment was put to vote and declared carried.

The substantive Motion as Amended was then put to the vote and declared carried.

RESOLVED: That:

- 1) This Council has often found itself debating issue which it has no operational responsibility for or influence over. It is noted that the residents we are elected to represent will often contact us about issues that require some national leadership for example national policy on vaping and leasehold properties. As elected members we should always want what is best for our residents and they would expect us to advocate and amplify their issues at a national level.
- 2) As Councillors, we are elected to represent residents within the Borough on matters which this Council has control over.

- 3) Residents, quite rightly, expect those they elect to focus on Trafford.
- 4) This very simple Motion provides residents with comfort that is what we are focused on.

This Council resolves to convene a meeting of the Constitutional Working Group (cross party) to review the Council's Constitution in relation to the format of Council meetings, with a focus on the scope of admissible motions, ahead of the next Council AGM.

65. MOTION SUBMITTED BY THE LIBERAL DEMOCRAT GROUP MOTION - GETTING THE BASICS RIGHT: ROAD MAINTENANCE

The Motion set out on the Summons regarding Getting the basics right: Road Maintenance was moved and seconded.

An Amendment was moved and seconded, as set out and published.

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

Following a debate, the Motion, was put to the vote and was declared lost.

66. MOTION SUBMITTED BY THE LIBERAL DEMOCRAT GROUP MOTION - GETTING THE BASICS RIGHT: DRAINAGE

The Motion set out on the Summons regarding Getting the basics right: Drainage was moved and seconded.

An Amendment was moved and seconded, as set out and published.

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

Following a debate, the Motion was put to the vote and was declared lost.

67. MOTION SUBMITTED BY THE LIBERAL DEMOCRAT GROUP MOTION - GETTING THE BASICS RIGHT: FOOTPATHS AND GINNELS

The Motion set out on the Summons regarding Getting the Basics Right: Footpaths and ginnels was moved and seconded.

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

68. MOTION SUBMITTED BY THE LABOUR GROUP - HAPPY 50TH BIRTHDAY TRAFFORD COUNCIL

RESOLVED: That the Motion be withdrawn.

69. MOTION SUBMITTED BY THE LABOUR GROUP - MY VOTE, MY VOICE CHARTER

The Motion set out on the Summons regarding My Vote, My Voice Charter was moved and seconded.

Following a debate on the matter, the Motion was put to the vote and was carried unanimously.

RESOLVED: Over 1.5 million adults in the UK live with a learning disability, and there are over 700,000 autistic adults.

Nevertheless:

40% of the general public don't know these groups have an equal right to vote.

80% of people feel that polling stations are inaccessible for disabled people as a whole.

As few as 12% of disabled voters were aware of their legal entitlements during the 2023 local elections, in the wake of new rules around voter identification and available onsite support.

There are several important elections set to take place during 2024 and every vote should count.

This Council therefore agrees to sign the My Vote, My Voice Charter.

We will encourage people with learning disabilities and autistic people to use their vote.

We will do this by:

- Sharing accessible resources.
- Encouraging people to complete the My Vote, My Voice elections surveys.
- Promoting the My Vote, My Voice campaign.
- Involving people with lived experience in this campaign.
- Championing the voting rights of people with learning disabilities and autism.

70. MOTION SUBMITTED BY THE GREEN & LIB DEM GROUPS - ISRAEL AND GAZA MOTION

Councillor Evans raised a Point of Order for this Motion regarding point 11.3 in the Council's Constitution which outlined that:

'Scope: Motions must be about matters for which the Council has a responsibility, or which affect the Borough.'

The Mayor, following a discussion with the Monitoring Officer, informed Councillor Evans that the Motion did affect the Borough and that it would be heard.

Councillor Evans raised a second Point of Order regarding point 13.6 of the Council's Constitution on '*Withdrawal of the Motion*'. The Monitoring Officer informed Councillor Evans that this was not a Point of Order.

The Mayor proceeded with the Motion.

The Motion set out on the Summons regarding Israel and Gaza Motion was moved and seconded.

The proposed Amendment was moved and seconded as set out and published.

Following a debate on the matter, the Amendment was put to vote and declared carried.

The substantive Motion as Amended was then put to the vote and declared carried.

RESOLVED: That:

This Council:

- Expresses deep sympathy for all those affected by the situation in Israel and Gaza.
- Offers our support to those in Trafford who have been affected by the ongoing violence in the region.
- Condemns the murder of Israeli civilians, the taking of hostages by Hamas and the death and destruction.
- Condemns the sexual violence perpetrated by Hamas on 7 October and on female hostages still held in captivity.
- Condemns the impact on the Palestinian people of the Israeli government's military action that has resulted in a catastrophic number of deaths, injuries, and displacement among the population of Gaza.
- Expresses a deep concern that the UN has stated that a large proportion of Gaza is now uninhabitable, and much of the population is facing hunger and insanitary conditions.
- Believes that the urgent priority must be to stop the deaths and suffering of any more civilians in Israel and Gaza.

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- Hopes for an immediate further release of all hostages and an immediate end to the holding of Palestinian prisoners in custody without charge; and an immediate, permanent bilateral ceasefire.
- Believe that the only credible basis for long-term peace is the delivery of a Palestinian state alongside a safe and secure Israel.
- Believes people of all faiths and none should feel safe in our borough.
- Condemns the increase in antisemitic and Islamophobic violence and abuse in the UK and believes all forms of racism have no place in Trafford.

The Council resolves to:

- (i) Continue to explore how the Council can support and facilitate events for people of all faiths and none, where they can come together and express solidarity and sadness in response to these events.
- (ii) Stand ready to provide support and open our arms to innocent people displaced and affected by these events in line with our recent Borough of Sanctuary motion.

The Council also resolves to ask the Leader of the Council to write to the relevant UK Government ministers:

- 1) Calling on the UK Government to press all parties:
 - To agree to an urgent permanent bilateral ceasefire in Israel and Gaza and to make every effort to resume the peace process;
 - to guarantee that international humanitarian law is upheld and that civilians are protected in accordance with those laws;
 - to ensure that civilians have access to humanitarian support, including unfettered access to medical supplies, food, electricity, other fuel and water. And to request an urgent update on UK Government action being taken to ensure this;
 - to do all in its powers to support those that are committed to a permanent peace and a 2-state solution.
- 2) Sharing the content of the motion agreed at Council this evening, which reflects our concern.
- 3) Acknowledging the recent national funding provided to help tackle antisemitism and islamophobia, but also requesting

additional funding for local authorities to help and support community cohesion projects.

71. MOTION SUBMITTED BY THE GREEN GROUP - PAVEMENT OBSTRUCTION: TOWARDS THE VISION ZERO TARGET

The Motion set out on the Summons regarding Pavement obstruction: towards the Vision Zero target was moved and seconded.

Following a debate on the matter, the Motion was put to the vote and was carried unanimously.

RESOLVED: No councillor will be unfamiliar with complaints about pavement parking and obstruction of the pavement by vehicles.

Causing obstruction that prevents someone from passing along a footway, cycleway or similar is an offence under the Highways Act 1980 sec. 137 (hereafter 'S137'). This is enforceable only by the police, not by local authority enforcement. An offence under S137 is additional to any contravention of civil driving or parking restrictions such as yellow lines. A S137 offence can occur without the whole of the footway obstructed - if any individual's "free passage" is prevented, it constitutes obstruction.

In response to a Freedom of Information request, Greater Manchester Police have provided data relating to enforcement of S137. During 2022, across all of Greater Manchester, GMP issued just 267 fixed penalties under S137, and made five arrests, two of which resulted in no further action.

Furthermore, GMP do not record what part of the highway was obstructed. They are unable to say how many of these cases relate specifically to obstruction of a footway or similar.

The Council notes that:

- Reaching its Vision Zero target depends on safe access to footways, cycleways and other non-vehicular infrastructure at all times,
- Vision Zero cannot be achieved if inadequate data is available about pavement obstructions and enforcement of existing laws,
- GMP currently do not record data about which part(s) of the highway an obstruction occurred on, when taking action under S137,
- Across the whole of Greater Manchester, police enforcement of S137 by way of fixed penalties or arrests occurs less than once a day,

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- Parking on pavements, or on any other part of the road other than a carriageway, has been banned across Greater London since 1974, with provision for local authorities to introduce exempted locations. Local authorities have the power to enforce this legislation. Similar laws were introduced by the Scottish Parliament in 2019.

The Council resolves:

- That the Leader will write to the Mayor of Greater Manchester and to the Chief Constable of GMP, requesting that data is recorded and provided about S137 offences includes:
 - The Location of the obstruction, i.e., carriageway / footway / cycleway / shared use / other,
 - The type(s) of vehicle involved, or detailing as non-vehicular obstruction where appropriate,
 - Geographic data at the level of LA wards or similarly sized ONS areas,
 - The proportion of reported S137 offences that are acted upon with fixed penalties or arrests, the proportion which receive police attention but are not acted upon, and the proportion which do not receive any police attention, and that this data is made available to local authorities in a timely manner.
- To ensure that all relevant council staff understand what constitutes an offence under S137 and how to report via non-emergency routes,
- To work with council contractors to ensure that their staff are similarly informed,
- That the leader of the council will write to the Secretary of State for Transport, calling for the prohibition of pavement parking in Greater London to be expanded across England.

The meeting commenced at 7.00 pm and finished at 9.30 pm

TRAFFORD COUNCIL

Report to: Annual Meeting of the Council
Date: 22 May 2024
Report for: Information
Report of: Chief Executive

Report Title

RESULTS OF ELECTIONS OF COUNCILLORS

Summary

To receive the report of the Returning Officer on the results of the Poll held on 2 May 2024 for the respective wards of the Borough.

Recommendation(s)

That the list of newly elected Members be noted.

Contact person for access to background papers and further information:

Name: John Addison – Governance Manager
Extension: 1387

Background Papers: None.

<u>Ward</u>	<u>Candidate Elected</u>	<u> Holds Office Until</u>
Altrincham	Michael WELTON	2028
Ashton upon Mersey	Tony O'BRIEN	2028
Bowdon	Lisa Hancock	2028
Broadheath	Ulrich Savary	2028
Brooklands	Bilal BABAR	2028
Bucklow St. Martins	James WRIGHT	2028
Davyhulme	Barry WINSTANLEY	2028
Flixton	Simon THOMAS	2028
Gorse Hill & Cornbrook	George Devlin	2028
Hale	Owain SUTTON	2028
Hale Barns & Timperley South	Michael TAYLOR	2028
Longford	David JARMAN	2028
Lostock & Barton	Shirley PROCTER	2028
Manor	Keleigh Glenton	2028
Old Trafford	Sophie TAYLOR	2028
Sale Central	Zak DEAKIN	2028
Sale Moor	Oily BASKERVILLE	2028
Stretford & Humphrey Park	Tom ROSS	2028
Timperley Central	Simon LEPORI	2028
Timperley North	Meena MINNIS	2028
Urmston	Kevin PROCTER	2028

SARA TODD

Chief Executive and Returning Officer

TRAFFORD COUNCIL

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

Report Title

LEADER OF THE COUNCIL AND EXECUTIVE ARRANGEMENTS

Summary

To elect the Leader of the Council and note that the Leader will appoint the Deputy Leader, decide the composition of the Executive Cabinet and appoint the Membership of the Executive Cabinet.

The main opposition group are entitled to form a Shadow Cabinet and elect Members with shadow responsibility for the Executive portfolio areas.

Recommendation(s)

The Council is requested to:

1. Elect a Leader of the Council and note the term of office and
 - note that the Leader proposes that the Executive shall comprise the Leader of the Council plus 9 councillors;
 - note that the Leader proposes to appoint the membership of the Executive, including the appointment of a Deputy Leader as set out in the Appendix 1 to the report.
2. To note the members of the Opposition Shadow Executive, as set out in Appendix 2 to the report (confirmation of these appointments will follow separately).
3. Authorise the Director of Legal and Governance to make any amendments necessary to the Constitution as a result of these arrangements.

Contact person for access to background papers and further information:

Name: John Addison Governance Manager
Extension: 1387

Background Papers: None

1.0 Background

- 1.1 At its meeting on 2 December 2009, the Council approved a new style 'strong' Leader and Cabinet model of executive leadership, in accordance with the Local Government and Health Act 2007. The Act required changes to the leadership of Councils giving only two options, both of which place all executive powers in the hands of one individual, who, in the normal course of events, will serve an uninterrupted 4-year term. The Council's Executive Arrangements came into operation on 6 May 2010.

2.0 New Style Leader and Cabinet

- 2.1 Under this model the Council appoints the Leader for a fixed term of office of 4 years. The Leader then appoints a Cabinet but also determines the size of the Cabinet (within the statutory minimum and maximum of 3 and 10). Under these executive arrangements provision must be made for the appointment of a Deputy Leader with power to act in the Leader's absence. Again, the Deputy Leader is appointed (and may also be removed) by the Leader.
- 2.2 The term of office of the Leader is from the date of election as Leader to the first annual meeting after their normal day of retirement as a councillor i.e. up to 4 years. Thus, a Leader needing to seek re-election as a councillor before the end of the maximum 4-year term will be elected for a shorter term.
- 2.3 The Council includes provisions in its Constitution whereby the Council may remove the Leader from office at any time (if the Council did not include such provision for the mid term removal of the Leader, the Leader would remain in office for their full term). The Council's Constitution states that the Leader shall hold office until:
- (a) (s)he resigns from the office; or
 - (b) (s)he is disqualified from being a councillor; or
 - (c) (s)he is no longer a councillor; or
 - (d) the first Annual Meeting after their normal day of retirement as a councillor save that the Council may by resolution remove the Leader from office at an earlier date.
- 2.4 The Leader will be vested with all the authority's executive functions, initially holding all the Council's executive functions under their personal control. It is then for him/her to choose whether to exercise some or all these functions personally or to decide for their discharge by the executive, a committee of the executive, by an individual member of the executive, or by officers and these will be notified at the Annual Meeting of the Council.
- 2.5 The current Leader of the Council, Councillor Tom Ross' term of office ended in May this year and he was re-elected as a Member of Council. Council is therefore required to formally elect him as Leader of the Council

for a new term of office until the Annual Meeting in 2028, the year in which he would need to seek re-election as a Councillor.

- 2.6 Subject to his reappointment as Leader, Councillor Tom Ross proposes to appoint an Executive Member as Deputy Leader with power to act in the Leader's absence. Details of the proposed deputy are as set out in the Appendix
- 2.7 He is also proposing to appoint 9 Executive Members and these are set out in the Appendix. Executive Members appointed by the Leader of the Council (including the Executive Member appointed as Deputy Leader) shall hold office until:
 - (a) they resign from office; or
 - (b) (s)he is disqualified from being a councillor; or
 - (c) they are no longer councillors; or
 - (d) the Annual General Meeting following the meeting at which they are appointed to the Executive save that the Leader of the Council may remove them from office either individually or collectively at an earlier date.

3.0 Shadow Cabinet

- 3.1 The main opposition group are entitled to form a Shadow Cabinet and elect Members with shadow responsibility for the Executive portfolio areas.
- 3.2 Shadow Executive arrangements should reflect the composition of the Council's Executive, thus:
 - (a) the Shadow Executive must be composed of identical portfolio areas; and
 - (b) the number of Members appointed to the Shadow Executive (including the Members appointed as Leader and Deputy Leader) must be equal to or less than the number of Members appointed to the Executive.

**EXECUTIVE
PORTFOLIOS 2024/25**

<u>Councillor</u>	<u>PORTFOLIO</u>
Tom Ross	Leader of the Council
Catherine Hynes (Deputy Leader)	Leisure, Arts, Culture and Heritage
Karina Carter	Children and Young People
Aidan Williams	Climate Change
Rose Thompson	Communities and Safety
Liz Patel	Economy and Regeneration
Joanne Harding	Finance, Change and Governance
Jane Slater	Healthy & Independent Lives
Stephen Adshead	Highways, Environmental and Traded Services
James Wright	Housing and Advice

MEMBERSHIP OF THE SHADOW EXECUTIVE 2024/25

<u>Councillor</u>	<u>PORTFOLIO</u>
Nathan Evans	Leader of the Opposition
Shengke Zhi	Climate Change Communities and Safety
Nathan Evans	Economy and Regeneration
Dylan Butt	Finance, Change and Governance
Lisa Hancock	Children and Young People
Phil Eckersley (Deputy Leader)	Health and Care
John Holden	Highways, Environmental and Traded Services
Rob Duncan	Housing and Advice
Michael Taylor	Leisure, Arts, Culture and Heritage

Note: Shadow Executive arrangements should reflect the composition of the Council's Executive, thus:

- (a) the Shadow Executive must be composed of identical portfolio areas; and*
- (b) the number of Members appointed to the Shadow Executive (including the Members appointed as Leader and Deputy Leader) must be equal to or less than the number of Members appointed to the Executive.*

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TRAFFORD COUNCIL

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

Report Title

Timetable of Council and Committee Meetings

Summary

To formally adopt a timetable of Council and Committee meetings for the municipal years 2024-2026.

Recommendation(s)

That the timetable of Council and Committee meetings for the municipal years 2024-2026 be approved, as set out in Appendix 1 to this report.

Contact person for access to background papers and further information:

Name: John Addison – Governance Manager
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 Management Implications	None
Risk Management Implications	None
Health and Safety Implications	None

1. Purpose of Report

- 1.1 To formally adopt a timetable of Council and Committee meetings for the municipal years 2024-2026. The timetable and frequency of meetings is set out at Appendix 1 to the report.
- 2.2 Each year at the Annual Meeting the Council constitutes its Committees and is presented with a timetable of meetings for the forthcoming year. As there are no local elections in 2025 for Trafford, a two-year timetable has been presented to provide a framework from which Members and officers could plan accordingly and ensure that the Council's decision-making processes continued to operate on a planned basis.

2. Recommendation

- 2.1 The Council is requested to approve a programme of meetings for the municipal years 2024-2026.

CALENDAR OF MEETINGS 2025/2026

	2025							2026					
	June	July	August	September	October	November	December	January	February	March	April	May	
Saturday													Saturday
Sunday	1								1	1			Sunday
Monday	2 Planning visit to Carrington (6.00pm)			1 JCP/Employ			1 JCP/Employ		2	2 JCP/Employ			Monday
Tuesday	3	1		2			2		3 JCB	3			Tuesday
Wednesday	4	2		3	1		3 JCB		4 A&A	4 Health	1		Wednesday
Thursday	5	3 Planning Training Session 2 (6.30pm)		4	2		4	1 New Year's Day	5	5 Standards (IR)	2		Thursday
Friday	6	4	1	5	3		5	2	6	6	3 Bank Holiday	1	Friday
Saturday	7	5	2	6	4	1	6	3	7	7	4	2	Saturday
Sunday	8	6	3	7	5	2	7	4	8	8	5	3	Sunday
Monday	9	7	4	8	6	3	8 Executive	5	9	9	6 Bank Holiday	4 Bank Holiday	Monday
Tuesday	10	8	5	9	7 JCB	4	9	6	10	10 CYPS	7	5	Tuesday
Wednesday	11 Planning Training Session 1 (6.30pm)	9 Scrutiny	6	10 Health	8	5 Scrutiny	10	7	11	11 Scrutiny	8	6	Wednesday
Thursday	12 Planning	10 Planning	7	11 Planning	9 Planning	6	11 Planning Standards (IR)	8	12 Planning	12 Planning	9 Planning	7 Elections	Thursday
Friday	13	11	8	12 HWB	10	7	12	9	13	13 HWB	10	8	Friday
Saturday	14	12	9	13	11	8	13	10	14	14	11	9	Saturday
Sunday	15	13	10	14	12	9	14	11	15	15	12	10	Sunday
Monday	16 Executive	14	11	15 Executive	13	10	15	12	16	16 Executive	13	11	Monday
Tuesday	17	15	12	16 PP Sub	14	11	16	13	17	17 A&A	14	12	Tuesday
Wednesday	18 A&A	16 Council	13	17 Scrutiny	15 Council	12 Health	17 PP Sub	14 Health	18 Budget Exec / Council	18 Council	15	13	Wednesday
Thursday	19 STAR (11am) (Trafford) Standards (IR)	17 PP Sub	14 PP Sub Planning	18 STAR (11am) (Stockport) Standards (IR)	16 PP Sub	13 PP Sub Planning	18 STAR (11am) (Rochdale)	15 Planning	19 PP Sub	19 STAR (11am) (Tameside) PP Sub	16 PP Sub	14 Planning	Thursday
Friday	20	18 HWB	15	19	17	14 HWB	19	16 HWB	20	20	17	15 HWB	Friday
Saturday	21	19	16	20	18	15	20	17	21	21	18	16	Saturday
Sunday	22	20	17	21	19	16	21	18	22	22	19	17	Sunday
Monday	23 JCP/Employ	21 Executive	18	22	20 Executive (inc. Budget Proposals)	17 Executive	22	19	23 Executive	23	20	18	Monday
Tuesday	24	22 CYPS	19	23 CYPS	21	18 CYPS	23	20 CYPS	24	24	21	19	Tuesday
Wednesday	25	23	20	24	22	19 Council	24	21 Scrutiny	25	25 Annual Scrutiny Review (all Members)	22	20 Annual Meeting (6 pm)	Wednesday
Thursday	26 PP Sub	24 Health	21	25 A&A	23	20 A&A	25 Christmas Day	22 PP Sub	26	26	23	21 PP Sub	Thursday
Friday	27	25	22	26	24	21	26 Boxing Day	23	27	27	24	22	Friday
Saturday	28	26	23	27	25	22	27	24	28	28	25	23	Saturday
Sunday	29	27	24	28	26	23	28	25		29	26	24	Sunday
Monday	30	28	25 Bank Holiday	29	27	24 Budget Scrutiny 1	29	26 Executive		30	27	25 Bank Holiday	Monday
Tuesday		29	26	30	28	25	30	27		31	28	26	Tuesday
Wednesday		30	27		29	26 Budget Scrutiny 2	31	28 Council			29	27	Wednesday
Thursday		31	28		30	27		29			30	28	Thursday
Friday			29		31	28		30				29	Friday
Saturday			30			29		31				30	Saturday
Sunday			31			30						31	Sunday

<u>Key:</u>	<u>Full Name & Additional Information</u>
A&A	= Accounts and Audit Committee (6.30 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.)
HWB	= Health and Wellbeing Board (10.00 a.m.)
JCP/Employ	= Joint Consultative Panel / Employment Committee (following on from JCP at 4.30 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.)
(IR)	= If Required

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TRAFFORD COUNCIL

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

Report Title

DELEGATION OF FUNCTIONS

Summary

To confirm arrangements for the delegation of Council (non-Executive) and Executive functions and to obtain Council's agreement to amend the Constitution of the Council to incorporate these arrangements if necessary.

Recommendation(s)

- 1) That Council notes that Executive functions not covered by the Officers' Scheme of Delegation are delegated by the Leader of the Council as follows:
 - (a) functions are delegated to all individual Executive Members in accordance with the Executive Members' Scheme of Delegation, set out at Appendix 1;
 - (b) all other functions are delegated to the Executive.
- 2) That the changes to the Scheme of Delegation to Officers, as set out in Appendix 2, be approved.
- 3) That the Director of Legal and Governance be authorised, if necessary, to amend the Constitution of the Council in accordance with and as a consequence of this report and other decisions made by Council at this Annual Meeting.
- 4) That Council notes that changes may be required to the Officer Scheme of Delegation during the year and that the Director of Legal and Governance be authorised to amend the Constitution following consultation with the Leader and Chief Executive.

Contact person for access to background papers and further information:

Name: John Addison
Extension: 1387

Background Papers:

Constitution of the Council

1. Background

- 1.1 It is the duty of the Council's Monitoring Officer to review the Constitution from time to time and to propose amendments to the Council. Generally amendments are proposed at the Council's Annual Meeting to reflect any changes which are proposed to the schemes of delegation for both Members and Officers, together with any further amendments which may be considered to be necessary for the efficient and effective management of the Council and Council services.

2. Executive Scheme of Delegation

- 2.1 The Leader of the Council determines how, and by whom, executive functions are carried out. The Leader has agreed a scheme of delegation of executive functions to the individual members of the Executive. The Executive Scheme of Delegation is set out in the Responsibility for Functions document at Appendix 1. This document forms Part 3 of the Council's Constitution and changes have been made to reflect the revised portfolios reported to Council under item 5 "Leader of the Council and Executive Arrangements".

3. Officer Scheme of Delegation

- 3.1 Changes to the Officer Scheme of Delegation may be recommended to ensure that the Constitution is in line with changed statutory regulations and current Council policy. The Officer Scheme of Delegation also forms Part 3 of the Council's Constitution. The Director of Legal and Governance has reviewed the scheme and changes are proposed to the Licensing; Strategic Housing and Housing Options; and Strategic Planning functions, as set out at Appendix 2.
- 3.2 There may need to be other changes throughout the year and it is recommended that these be dealt with by the Director of Legal and Governance following consultation with the Leader and Chief Executive.

4. Planning (Development Management)

- 4.1 There are two main changes to the Planning scheme of delegation. The first is to require ten representations contrary to the Officer's recommendation, rather than six, to trigger referral to Planning Committee. The second is to reduce the time that a Ward Member has to 'call in' planning applications to the Planning Committee from 28 days to 21 days from the date of publication on the 'weekly list' (which is sent to all Members).
- 4.2 These changes have been Page 40 to reflect modern communication methods and to enable the Planning Committee to focus on applications with

the most significant public interest. It will also enable the Planning Service to determine uncontroversial proposals more quickly. This will assist with meeting the more stringent planning performance measures being introduced by government.

- 4.3 The scheme of delegation has not been updated in this respect since Members and residents had to rely on visiting the town hall in order to view a paper planning application file to understand proposals. Now all plans are available immediately on the Council's website and in practice the majority of call ins are made in the first two weeks. The increase in the number of representations required is also in response to the increasing use of social media and WhatsApp to generate representations.
- 4.4 There are other incidental changes proposed to reflect updated legislation and practice.

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EXECUTIVE TERMS OF OFFICE

Portfolio - Leader of the Council

GENERAL

To act as Leader of the Council and be the Executive Portfolio holder responsible for all matters relating to the Council's affairs in respect of the Leader's portfolio. As such, the Leader is responsible for:

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally;
2. Providing the Executive's lead in the development and implementation of key policy within the remit of the portfolio
3. Agreeing, in conjunction with the relevant Corporate Director or Director, Directorate Plans for the services within the remit of the Portfolio holder;
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Representing and acting as an ambassador for the Council.
7. Promoting a neighbourhood and area focus across the Council and the Borough
8. Representing the Council's views on matters of corporate or strategic policy and any other matters which are within the Portfolio holder's terms of office.
9. Working with other Members of the Executive as required.
10. Ensuring effective partnership working in respect of matters within these terms of office.
11. Overseeing the timely progress of reviews or inspections within the remit of the Portfolio holder.
12. Exercising a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive's key objectives in these areas.
13. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

Areas of Responsibility

To have overall responsibility for:

- Strategic overview of the Council
- Overall performance of the Council
- Overall performance of the Executive
- Overall governance of the Council
- Chief Executive's functions
- Co-ordination within the Executive
 - Developing and implementing the Council's Corporate Plan
- Determination of how and by whom Executive functions are exercised
- Appointments to outside bodies not within the remit of the Council
- All aspects of the Council's corporate communications including:
 - Publicity
 - Consultation and engagement
 - Resident engagement
- Digital and Website engagement
- All matters not within the remit of any other portfolio

Key Roles and Responsibilities within the Leader's Portfolio

In accordance with section 15(4) of the local Government Act 2000, but subject to legislation, the Scheme of Delegation to officers and other provisions set out in Part 3 of the Council's Constitution, the Leader is responsible for all matters within the Areas of Responsibility set out above to the extent that they comprise Executive functions, including in particular:-

1. To provide leadership in the development and maintenance of an active and participatory local democracy.
2. To chair meetings of the Executive and ensure that the Executive acts as a corporate team working together to achieve common aims.
3. In consultation with the Chief Executive, to draw up a 4 month programme of work by the Executive and to keep it under continuous review.
4. To ensure that the Council's decision-making process functions effectively and that decisions made by the Executive take into account all relevant factors and reflect the Council's commitment to open government and equality of opportunity.
5. To discharge or arrange the discharge of the Executive functions of the Council.
6. To ensure delivery of the Council's priorities in accordance with the Corporate Plan
7. Ensuring the delivery of performance improvements and efficiencies to support the delivery of the Council's priorities in accordance with the Council's Corporate Plan

8. To implement, working with the Chief Executive, strategy and policies approved by the Council and reflecting the views of the community based around the Corporate priorities set out in the Corporate Plan (delegating work to other Executive Members where necessary).
9. To review and monitor, with the Chief Executive, the management arrangements of the Council.
10. To exercise a monitoring role regarding performance and budgets, to ensure progress towards meeting the Council's key objectives.
11. To ensure that Executive Members and services work together effectively.
12. Representing the Council externally and furthering the Council's interests within Greater Manchester Combined Authority, AGMA, the North West region and nationally.
13. To ensure that the Council and its priorities are appropriately represented in the context of Greater Manchester Police and Crime Panel matters.
14. To be the principal political spokesperson for the Council at internal and external meetings and to be responsible for council communications
15. Ensuring the delivery of effective and efficient ICT services.
16. The development and implementation of the Council's Digital Strategy.
17. To ensure liaison with the Council's external auditors and inspectors.

To submit to the Executive:

Recommendations in respect of key decisions concerning matters covered by these terms of reference.

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EXECUTIVE TERMS OF OFFICE

Deputy Leader of the Council Leisure, Arts, Culture and Heritage

GENERAL

Deputy Leader of the Council

In the event that the Leader of the Council is unable to act, or the post of Leader is vacant, the Deputy Leader shall:

1. undertake all statutory functions of the Leader of the Council; and
2. undertake the portfolio responsibilities of the Leader's portfolio.

In the absence of the Leader of the Council, the Deputy Leader shall:

1. chair meetings of the Executive; and
2. ensure that the Executive acts as a corporate team working together to achieve common aims.

Leisure, Arts, Culture and Heritage

The Executive Portfolio holder is responsible for all matters relating to the Council's affairs in respect of the Leisure, Arts, Culture and Heritage portfolio. As such, the Executive Portfolio holder is responsible for:

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally.
2. Providing the Executive's lead in the development and implementation of key policy within the remit of the portfolio.
3. Agreeing, in conjunction with the relevant Corporate Director or Director, Directorate Plans for the services within the remit of the Portfolio holder;
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Representing and acting as an ambassador for the Council.
7. Promoting a neighbourhood and area focus across the Council and the Borough

8. Representing the Council's views on matters of corporate or strategic policy and any other matters which are within the Portfolio holder's terms of office.
9. Working with other Members of the Executive on matters, as directed by the Leader.
10. Ensuring effective partnership working in respect of matters within these terms of office.
11. Overseeing the timely progress of reviews or inspections with the remit of the Portfolio holder.
12. Exercising a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive's key objectives in these areas.
13. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

Areas of Responsibility

- Culture and tourism and events
- Arts – Theatres – Waterside Arts Centre
- Festivals
- Trafford Arts Association
- The Music Service
- Libraries
- Local Studies, local history and heritage
- Leisure Centres
- Relations with Trafford Leisure
- Sports Development
- Trafford Moving and the physical activity strategy
- Conservation and building preservation
- Heritage assets
- Registration Services
- Bereavement services
- The Mayoralty
- Strategic HR Services
- Occupational Health and Safety
- Equality and Diversity – to act as the Council's champion for all matters relating to Equality and Diversity

Key Roles and Responsibilities of the Leisure, Arts, Culture and Heritage portfolio:

In accordance with section 15(4) of the Local Government Act 2000, but subject to legislation, the Scheme of Delegation to Officers and other provisions set out in Part 3 of the Council's Constitution, the Executive Member for Leisure, Arts, Culture and Heritage is responsible for all matters within their Areas of Responsibility set out above to the extent that they comprise Executive functions, including in particular:

1. Leading and overseeing the promotion of a neighbourhood and area focus across the Council and the Borough.
2. Matters concerning the provision, development, monitoring and promotion of leisure, recreation, tourism, events, arts and culture and entertainment in the Borough.
3. The strategic management and development of sports and leisure facilities and sports development.
4. Liaison with Trafford Leisure CIC and other sporting and leisure organisations.
5. All matters concerning the provision and management of public libraries.
6. The promotion of the Borough's heritage and history through support for social and local studies and its heritage assets.
7. Ensuring the delivery of the aims and objectives of the Local Strategic Partnership through the agreed delivery arrangements.

To submit to the Executive:

Recommendations in respect of key decisions concerning matters covered by these terms of reference unless otherwise authorised by the Leader of the Council.

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EXECUTIVE TERMS OF OFFICE

Portfolio – Children and Young People

GENERAL

The Executive Portfolio holder is responsible for all matters relating to the Council's affairs in respect of the Children and Young People portfolio, including acting as Lead Member for Children's Services in accordance with the Children Act 2004 and associated statutory guidance. As such, the Executive Portfolio holder is responsible for:

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally.
2. Providing the Executive's lead in the development and implementation of key policy within the remit of the portfolio.
3. Agreeing, in conjunction with the relevant Corporate Director or Director, Directorate Plans for the services within the remit of the Portfolio holder;
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Representing and acting as an ambassador for the Council.
7. Promoting a neighbourhood and area focus across the Council and the Borough.
8. Representing the Council's views on matters of corporate or strategic policy and any other matters which are within the Portfolio holder's terms of office.
9. Working with other Members of the Executive on matters, as directed by the Leader.
10. Ensuring effective partnership working in respect of matters within these terms of office.
11. Overseeing the timely progress of reviews or inspections with the remit of the Portfolio holder.
12. Exercising a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive's key objectives in these areas.
13. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

Areas of Responsibility:

- Statutory Lead Member for Children and Young People's Services in accordance with the Children Act 2004 and associated statutory guidance.
- The functions of the Council with regard to its responsibilities for the safeguarding of children and young people.
- The commissioning of public health services for children and young people as mandated in the Health & Care Act 2022, the Health and Social Care Act 2012 and any other relevant legislation.
- The functions, powers and duties of the Council as a local education authority.

Key Roles and Responsibilities of the Children and Young People portfolio:

1. Political accountability for the effectiveness, availability and value for money of all children and young people's services;
2. Leadership to engage and encourage local communities in order to improve services and outcomes for children and young people both within the local authority and externally with partner organisations;
3. Safeguarding and promoting welfare of children and young people across all agencies;
4. The functions, powers and duties of the Council as a Children's Services Authority, including specific areas such as:
 - Child protection
 - Children and families – social care
 - Looked after children
 - Foster care and adoption services
 - Provision of preventative services such as outreach services, family support services
 - Supporting vulnerable and at-risk children and young people, their families, schools and partner agencies;
5. The functions, powers and duties of the Council's social care services for children and young people including:
 - Child protection
 - Provision of a social work service to children, young people, families and carers in the community
 - Provision of specialist fieldwork social services to children with disabilities, their families and carers, and arranging respite facilities
 - Looked after children
 - Foster care and adoption services
 - Provision of a range of preventative services through family aides, family support workers, outreach services etc.
 - Provision of a field social work service to children looked after on a medium and long-term basis and placed for adoption
 - a range of preventative services field social work service to children looked after on a medium and long-term basis and placed for adoption
 - Supporting care leavers

- Supporting vulnerable and at-risk children and young people, their families, schools and partner agencies
6. The provision and commissioning of interventions and services for young people aged 11-19/25 (25 for young people with additional needs) including 'one-stopshops'; street-based work; school-based work and partnerships with the voluntary sector;
 7. The functions, powers and duties of the Council with regard to the Youth Offending Service including:
 - working with and reporting to the Crime and Disorder Reduction Partnership;
 - preventing children and young people being involved in offending or antisocial behaviour, and re-offending;
 - supporting those young people who have offended through assessment; court reports; and non-custodial sentences such as final warnings, restorative justice, involvement of victims and referral orders; and education; and
 - supporting young people serving custodial sentences and on release from custody;
 8. Oversight and monitoring of all statutory functions related to the delivery and commissioning of services for children and young people, including the continued joint working between children and adults social care and health services as embodied in the current section 75 agreement, as detailed in the Children Act 2004, the Health & Care Act 2022, Working Together to Safeguard Children 2013, The Children and Families Act 2014 and any other relevant and appropriate policy, guidance and legislation.
 9. The functions, powers and duties of the Council as a local education authority, including specific areas within the Councils core duties such as:
 - Special educational needs provision including children with disabilities
 - Support for Vulnerable Learners
 - Educational Psychology Service
 - Early years sufficiency
 - School admissions
 - School attendance and provision for pupils not in school
 - Asset management planning
 - Funding of schools
 - Sufficiency of school places
 - School Improvement
 - To receive schools OFSTED reports and subsequent Action Plans
 - To ensure an effective response to the OFSTED inspection of the LEA on SEND
 10. The functions, powers and duties of the Council with regard to the availability of advice and information for 13 to 19 year olds.
 11. Matters concerning Youth Services.

To submit to the Executive:

Recommendations in respect of key decisions concerning matters covered by these terms of reference unless otherwise authorised by the Leader of the Council.

EXECUTIVE TERMS OF OFFICE

Portfolio – Climate Change

GENERAL

The Executive Portfolio holder is responsible for all matters relating to the Council's affairs in respect of Climate Change.

As such, the Executive Portfolio holder is responsible for:

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally.
2. Providing the Executive's lead in the development and implementation of key policy within the remit of the portfolio.
3. Agreeing, in conjunction with the relevant Corporate Director or Director, Directorate Plans for the services within the remit of the Portfolio holder;
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Representing and acting as an ambassador for the Council.
7. Promoting a neighbourhood and area focus across the Council and the Borough
8. Representing the Council's views on matters of corporate or strategic policy and any other matters which are within the Portfolio holder's terms of office.
9. Working with other Members of the Executive on matters, as directed by the Leader.
10. Ensuring effective partnership working in respect of matters within these terms of office.
11. Overseeing the timely progress of reviews or inspections with the remit of the Portfolio holder.
12. Exercising a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive's key objectives in these areas.
13. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

Responsibilities:

To have overall responsibility for:

- Sustainability and the Council's response to Climate Change
- The Clean Air Plan
- To develop and implement Council's strategies and plans to become carbon neutral by 2038 including the Carbon Neutral Action Plan
- Strategic transport matters
- Pollution
- Passenger transport
- New bus routes and priorities
- Station improvements
- Active travel and the Walking, Wheeling and Cycling Strategy
- School Streets
- Environmental partnerships
- Protecting public health through strategic environmental measures to protect and promote the health of Trafford residents.
- Lead Local Flood Authority and Flood Risk Management

Key Roles and Responsibilities of the Climate Change

In accordance with section 15(4) of the local Government Act 2000, but subject to legislation, the Scheme of Delegation to officers and other provisions set out in Part 3 of the Council's Constitution, the Executive Member for Climate Change and Transport Strategy is responsible for all matters within their Areas of Responsibility as set out above, to the extent that they comprise Executive functions, including in particular:-

1. The functions, powers and duties of the Council as Highway Authority as they pertain to detailed active travel and public transportation schemes and proposals.
2. Development and implementation of the Transport Strategy.
3. Integration of public/private transport.
4. Transport for Greater Manchester matters.
5. Leadership of the Council's Climate Change agenda including response to the climate emergency and attendance at the Climate Change Network
6. Ecological protection, climate change mitigation and environmental improvements.
7. Active travel schemes and walking and cycling initiatives across Trafford; engagement with the Mayor's Walking and Cycling Fund and other funding streams as available

To submit to the Executive:

Recommendations in respect of key decisions concerning matters covered by these terms of reference unless otherwise authorised by the Leader of the Council.

EXECUTIVE TERMS OF OFFICE

Portfolio – Communities and Safety

GENERAL

The Executive Portfolio holder is responsible for all matters relating to the Council's affairs in respect of the Communities and Safety portfolio. As such, the Executive Portfolio holder is responsible for:

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally.
2. Providing the Executive's lead in the development and implementation of key policy within the remit of the portfolio.
3. Agreeing, in conjunction with the relevant Corporate Director or Director, Directorate Plans for the services within the remit of the Portfolio holder.
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Representing and acting as an ambassador for the Council.
7. Representing and acting as the following champion for the Council:
 - o Community Cohesion Champion
raising awareness about specific issues to deliver change.
8. Promoting a neighbourhood and area focus across the Council and the Borough.
9. Representing the Council's views on matters of corporate or strategic policy and any other matters which are within the Portfolio holder's terms of office.
10. Working with other Members of the Executive on matters, as directed by the Leader.
11. Ensuring effective partnership working in respect of matters within these terms of office.
12. Overseeing the timely progress of reviews or inspections within the remit of the Portfolio holder.
13. Exercise a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive's key objectives in these areas.

14. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

Areas of Responsibility

- Community Strategy, Community Cohesion and the Community Safety Partnership
- Local Strategic Partnership
- Partnership and neighbourhood working
- Locality Services
- Community Partnerships
- “Friends” Groups (parks)
- Allotments
- Voluntary Sector Grants
- Community Safety
- Domestic Violence and Abuse
- Greater Manchester Police and Crime Panel
- Environmental Health
- Trading standards
- Executive Licensing functions
- Safety at Sports Grounds

Key Roles and Responsibilities of the Communities and Safety portfolio

In accordance with section 15(4) of the Local Government Act 2000, but subject to legislation, the Scheme of Delegation to Officers and other provisions set out in Part 3 of the Council’s Constitution, the Executive Member for Housing and Neighbourhoods is responsible for all matters within their Areas of Responsibility set out above to the extent that they comprise Executive functions, including in particular:

1. Leading and overseeing the promotion of a neighbourhood and area focus across the Council and the Borough.
2. The promotion and development of a Trafford Partnership Strategy
3. Ensuring the delivery of the aims and objectives of the Local Strategic Partnership through the agreed delivery arrangements
4. Working with partners to support those impacted by domestic violence and abuse.
5. Supporting safer and stronger communities including:
 - (a) Development of policy guidelines for the management of Council policies regarding crime and community safety and monitoring the implementation of such guidelines.
 - (b) Links to Police Service, Probation Service etc. through membership of the Community Safety Partnership

- (c) Crime reduction initiatives (both social and physical) across the Executive portfolios.
 - (d) Prevention of offending and re-offending in partnership with key Criminal Justice services.
 - (e) Tackling Anti-social behaviour including appropriate consultations, interventions and enforcement.
 - (f) 24hour Control Room and CCTV network.
6. Environmental health, protection and standards including:
- a) food safety and control
 - b) control and monitoring of pollution and statutory nuisances
 - c) animal health and welfare
 - d) pest control
7. Trading Standards including:
- a) consumer advice
 - b) weights and measures
 - c) fair trading
 - d) consumer credit and safety
 - e) consumer complaints
8. Any functions under any licensing legislation including safety at sports grounds which are Executive functions and which do not fall within the remit of any other Executive Member.
9. To act as the Council's Community Cohesion Champion raising awareness about specific issues to deliver change.

To submit to the Executive:

Recommendations in respect of key decisions concerning matters covered by these terms of reference unless otherwise authorised by the Leader of the Council.

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EXECUTIVE TERMS OF OFFICE

Portfolio – Economy and Regeneration

GENERAL

The Executive Portfolio holder is responsible for all matters relating to the Council's affairs in respect of Economy and Regeneration.

As such, the Executive Portfolio holder is responsible for:

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally.
2. Providing the Executive's lead in the development and implementation of key policy within the remit of the portfolio.
3. Agreeing, in conjunction with the relevant Corporate Director or Director, Directorate Plans for the services within the remit of the Portfolio holder;
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Representing and acting as an ambassador for the Council.
7. Promoting a neighbourhood and area focus across the Council and the Borough
8. Representing the Council's views on matters of corporate or strategic policy and any other matters which are within the Portfolio holder's terms of office.
9. Working with other Members of the Executive on matters, as directed by the Leader.
10. Ensuring effective partnership working in respect of matters within these terms of office.
11. Overseeing the timely progress of reviews or inspections with the remit of the Portfolio holder.
12. Exercising a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive's key objectives in these areas.
13. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

Areas of Responsibility relating to Economy and Regeneration

To have overall responsibility for:

- Property acquisition and development
- Resource procurement
- Strategic asset management
- Planning policy and strategic and / or sub-regional planning
- Land use and development in the Borough
- Sustainable Development
- Building Control
- Planning Enforcement
- Economic growth, development and regeneration
- Town centres
- Parking services
- Property disposal
- Community Buildings
- Architectural services
- Corporate Landlord
- The Investment Strategy
- Joint ventures that support regeneration and development
- Social Value
- Strategic Housing
- Skills, Adult Education and Lifelong Learning

Key Roles and Responsibilities of the Economy and Regeneration Portfolio

In accordance with section 15(4) of the local Government Act 2000, but subject to legislation, the Scheme of Delegation to officers and other provisions set out in Part 3 of the Council's Constitution, the Executive Member for Economy and Regeneration is responsible for all matters within their Areas of Responsibility as set out above, to the extent that they comprise Executive functions, including in particular:-

1. The strategic management of the Council's property assets including:

- The acquisition, management and development of land and property acquired for the general purposes of the Council until disposal of the land or property
- The acquisition, management and development of land and property for the purposes of economic development, regeneration, delivery of Council services or in accordance with the Council's Investment Strategy
- The control and management or disposal of land and property surplus to service requirements by receiving (if necessary) a transfer or an appropriation of such land or property

- The management and control of the municipal estates, the municipal buildings forming the Waterside Centre, Sale and buildings used as offices by the Council
2. The furtherance of trade, commerce and general industrial and physical development within the Borough, including assisting with the relocation and development of industry, commerce and business, the making of grants in respect of business security, environmental improvement, commercial improvement and related matters.
 3. To promote economic growth within the Borough through effective working with Greater Manchester Combined Authority, GMCA and other partners and agencies.
 4. Development of economic strategies and land use strategies and development plans.
 5. The initiation, development and monitoring of industrial and commercial development projects and the encouragement of development of land in furtherance of the Council's policies and objectives.
 6. Supporting and promoting economic strategies and initiatives to tackle worklessness and skills
 7. Identification of and support for employment initiatives
 8. Encouragement and support for Adult Education and Lifelong Learning provision across Trafford and of initiatives to support accessibility of and engagement in Adult Education and Lifelong Learning.
 9. Obtaining external funding through e.g. GMCA funding streams including regional, national, European and lottery funding.
 10. Monitoring regeneration programme performance.
 11. Liaison with the Chair of the Planning and Development Management Committee on the relationship between strategic planning issues and emerging policies and development management.
 12. The development and management of the town centres.
 13. Planning Enforcement.
 14. The encouragement and support of community economic development initiatives.
 15. The management of the Council's market functions.
 16. The repair and maintenance of buildings in accordance with the Council's Corporate Landlord approach.

To submit to the Executive:

Recommendations in respect of key decisions concerning matters covered by these terms of reference unless otherwise authorised by the Leader of the Council.

EXECUTIVE TERMS OF OFFICE

Portfolio – Finance, Change and Governance

GENERAL

The Executive Portfolio holder is responsible for all matters relating to the Council's affairs in respect of the Finance, Change and Governance portfolio. As such, the Executive Portfolio holder is responsible for:

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally.
2. Providing the Executive's lead in the development and implementation of key policy within the remit of the portfolio.
3. Agreeing, in conjunction with the relevant Corporate Director or Director, Directorate Plans for the services within the remit of the Portfolio holder.
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Representing and acting as an ambassador for the Council.
7. Promoting a neighbourhood and area focus across the Council and the Borough.
8. Representing the Council's views on matters of corporate or strategic policy and any other matters which are within the Portfolio holder's terms of office.
9. Working with other Members of the Executive on matters, as directed by the Leader.
10. Ensuring effective partnership working in respect of matters within these terms of office.
11. Overseeing the timely progress of reviews or inspections within the remit of the Portfolio holder.
12. Exercise a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive's key objectives in these areas.
13. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

Areas of Responsibility

To have overall responsibility for:

- Corporate Financial Strategy and Planning
- Financial Management and Internal Audit
- Administration and collection of business rates, council tax and other debt
- Administration of Housing Benefits
- Delivery of value for money services
- Pension Fund
- Corporate Governance and Constitution
- Legal and Governance Services (excluding Registration Services) and liaison with the Coroner's Service
- Information Governance
- The Finance and Change Programme
- STAR Procurement
- Civil Contingencies and Business Continuity
- Customer Services/Relations
- Policy and Performance Improvement

Key Roles and Responsibilities of the Finance, Change and Governance portfolio

In accordance with section 15(4) of the Local Government Act 2000, but subject to legislation, the Scheme of Delegation to Officers and other provisions set out in Part 3 of the Council's Constitution, the Executive Member for Finance, Change and Governance is responsible for all matters within their Areas of Responsibility set out above to the extent that they comprise Executive functions, including in particular:-

1. The Council's budget planning framework, including the medium term financial plan and strategy.
2. The effective and efficient use of the Council's financial resources.
3. Financial (including insurance) management and Treasury Management.
4. Powers and duties of the Council in relation to national non domestic rates, local taxes and the administration of the benefits' schemes.
5. The functions of the Council as accountable body in respect of any schemes supported by EU and SRB funding.
6. Ensuring the delivery of effective and efficient corporate and support services including:
 - Legal Services
 - Governance Services
7. Ensuring that the Council has effective corporate governance, including:

- Internal audit assurance
 - Risk management
 - Information governance
8. The functions of the Council under the Civil Contingencies Act 2004 and responsibility for ensuring appropriate business continuity planning across the Council.
 9. Ensuring that the highest standards of customer care are delivered
 10. All aspects of the Council's customer relations including:
 - Performance and development of Access Trafford
 - Development and implementation of Customer Standards and the Customer Pledge
 - Corporate Compliments and Complaints
 11. Oversight of the Council's procurement activity and management of the Council's shared procurement vehicle (STAR).
 12. Ensuring the delivery of effective and efficient Performance Services including the development and improvement of systems and processes for business planning and performance improvement.

To submit to the Executive:

1. Recommendations concerning the formulation of and performance against the Council's Budget Framework
2. Recommendations in respect of key decisions concerning matters covered by these terms of reference unless otherwise authorised by the Leader of the Council.

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EXECUTIVE TERMS OF OFFICE

Portfolio – Healthy and Independent Lives

GENERAL

The Executive Portfolio holder is responsible for all matters relating to Health and Adult Social Care. As such, the Executive Portfolio holder is responsible for:

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally.
2. Providing the Executive's lead in the development and implementation of key policy within the remit of the portfolio.
3. Agreeing, in conjunction with the relevant Corporate Director or Director, Directorate Plans for the services within the remit of the Portfolio holder.
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Representing and acting as an ambassador for the Council.
7. Representing and acting as the following champions for the Council:
 - o Mental Health Champion; and
 - o Armed Forces Champion; and
 - o Age Friendly Championraising awareness about specific issues to deliver change.
8. Promoting a neighbourhood and area focus across the Council and the Borough.
9. Representing the Council's views on matters of corporate or strategic policy and on any other matters which are within the Portfolio holder's terms of office.
10. Working with other Members of the Executive on matters, as directed by the Leader.
11. Ensuring effective partnership working in respect of matters within these terms of office.
12. Overseeing the timely progress of reviews or inspections with the remit of the Portfolio holder including improvement activity.

13. Exercising a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive's key objectives in these areas.
14. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

Areas of Responsibility

- Overall responsibility for adult social services including:
 - Joint Commissioning of Services
 - Services to Older People
 - Mental Health
 - Learning Disabilities
 - Health & Disability Services
 - Sensory Services
 - Other Adult services
 - Liaison with NHS service providers
 - Carers services
- Mental Health Services – to act as the Council's champion for all matters relating to mental health.
- Community Health and Wellbeing Services including:
 - The Health and Wellbeing Board
 - Trafford Locality Board
 - Public health functions
 - Delivery of the Health and Wellbeing Strategy
 - Liaison with NHS commissioning bodies and NHS strategic partners
 - Represent Trafford locality at the NHS GM Integrated Care Partnership
 - Liaison with voluntary and community sector organisations in relation to health and wellbeing
 - Championing health and wellbeing issues on behalf of the Council and Trafford Partnership
 - Safeguarding Adults Board

Key Roles and Responsibilities of the Healthy and Independent Lives Portfolio:

In accordance with section 15(4) of the local Government Act 2000, but subject to legislation, the Scheme of Delegation to officers and other provisions set out in Part 3 of the Council's Constitution, the Executive Member for Health and Care is responsible for all matters within their Areas of Responsibility as set out above, to the extent that they comprise Executive functions, including in particular:

1. The powers and duties of the Council with regard to public health functions.
2. The functions of the Council with regard to its responsibilities for the safeguarding of Adults

3. The commissioning of public health services for Adults as mandated in the Health & Care Act 2022, the Health and Social Care Act 2012 and any other relevant legislation.
4. Housing related support activities relating to adults with care/support needs.
5. Overseeing the timely progress of reviews or inspections with the remit of the Portfolio holder.
6. Meeting the Council's responsibilities in relation to prevention, health improvement and the reduction of health inequalities.
7. To ensure that they are provided with appropriate support to deliver public health objectives and priorities in Trafford.
8. To ensure that a Joint Strategic Needs Assessment is in place and that it informs commissioning strategies.
9. To act as the Council's Mental Health Champion, Armed Forces Champion and Age Friendly Champion raising awareness about specific issues to deliver change.
10. Promotion of equality and diversity and ensuring compliance with the Council's equalities duties.

To submit to the Executive:

Recommendations in respect of key decisions concerning matters covered by these terms of reference unless otherwise authorised by the Leader of the Council.

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EXECUTIVE TERMS OF OFFICE

Portfolio – Housing and Advice

GENERAL

The Executive Portfolio holder is responsible for all matters relating to the Council's affairs in respect of the Housing and Advice portfolio. As such, the Executive Portfolio holder is responsible for:

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally.
2. Providing the Executive's lead in the development and implementation of key policy within the remit of the portfolio.
3. Agreeing, in conjunction with the relevant Corporate Director or Director, Directorate Plans for the services within the remit of the Portfolio holder;.
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Representing and acting as an ambassador for the Council.
7. Promoting a neighbourhood and area focus across the Council and the Borough.
8. Representing the Council's views on matters of corporate or strategic policy and any other matters which are within the Portfolio holder's terms of office.
9. Working with other Members of the Executive on matters, as directed by the Leader.
10. Ensuring effective partnership working in respect of matters within these terms of office.
11. Overseeing the timely progress of reviews or inspections within the remit of the Portfolio holder.
12. Exercise a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive's key objectives in these areas.
13. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

Areas of Responsibility

- Benefits Strategy, Advice and Information Services
- Homelessness and housing advice
- Housing Register and Allocations Policy
- Nominations agreements with Registered Providers
- Empty Properties
- Housing Standards and Houses in Multiple Occupation
- Asylum Seekers and Refugee Readiness
- Housing Related Support
- Major and minor adaptations services and the Disabled Facilities Grant
- Poverty Strategy

Key Roles and Responsibilities of the Housing and Advice portfolio

In accordance with section 15(4) of the Local Government Act 2000, but subject to legislation, the Scheme of Delegation to Officers and other provisions set out in Part 3 of the Council's Constitution, the Executive Member for Housing and Advice is responsible for all matters within their Areas of Responsibility set out above to the extent that they comprise Executive functions, including in particular:

1. The development and implementation of a Poverty Strategy for Trafford;
2. Development of Housing and homelessness policy;
3. Housing allocations through the choice based lettings system and nominations agreements with Registered Providers;
4. Private sector housing standards;
5. In accordance with the Housing Act 2004 and any other relevant legislation, keeping housing conditions in the Borough under review and identifying any action that may need to be taken.

To submit to the Executive:

Recommendations in respect of key decisions concerning matters covered by these terms of reference unless otherwise authorised by the Leader of the Council.

EXECUTIVE TERMS OF OFFICE

Portfolio – Highways, Environmental and Traded Services

GENERAL

The Executive Portfolio holder is responsible for all matters relating to the Council's affairs in respect of Highways, Environmental and Traded Services.

As such, the Executive Portfolio holder is responsible for:

1. Liaising with other members of the Executive, particularly where matters within the portfolio affect other aspects of Council business or the Borough generally.
2. Providing the Executive's lead in the development and implementation of key policy within the remit of the portfolio.
3. Agreeing, in conjunction with the relevant Corporate Director or Director, Directorate Plans for the services within the remit of the Portfolio holder.
4. Participating as necessary in the work of the Overview and Scrutiny Committees and promoting the value of Scrutiny within their service area.
5. Ensuring that spending is in line with the approved budget for the Services within the portfolio.
6. Representing and acting as an ambassador for the Council.
7. Promoting a neighbourhood and area focus across the Council and the Borough
8. Representing the Council's views on matters of corporate or strategic policy and any other matters which are within the Portfolio holder's terms of office.
9. Working with other Members of the Executive on matters, as directed by the Leader.
10. Ensuring effective partnership working in respect of matters within these terms of office.
11. Overseeing the timely progress of reviews or inspections with the remit of the Portfolio holder.
12. Exercising a monitoring role regarding performance and budgets and ensuring progress toward meeting the Executive's key objectives in these areas.
13. Ensuring appropriate consultation with partners and the community on matters within the portfolio.

Areas of Responsibility

To have overall responsibility for:

- The One Trafford Partnership
- Engineering and construction services
- Highways and traffic management
- Moving Traffic Offences
- Road safety excluding active travel initiatives
- Bridges and structures
- Environmental services
- Environmental enforcement
- Waste Management
- Tactical and operational flood management
- Parks and Green Spaces
- Operational Services for Education
- Traded Services including - specifically School Crossing Patrols, Catering & Cleaning services and support services to schools.

Key Roles and Responsibilities of the Environmental Services Portfolio

In accordance with section 15(4) of the local Government Act 2000, but subject to legislation, the Scheme of Delegation to officers and other provisions set out in Part 3 of the Council's Constitution, the Executive Member for Highways, Environmental and Traded Services is responsible for all matters within their Areas of Responsibility as set out above, to the extent that they comprise Executive functions, including in particular:-

1. The functions, powers and duties of the Council as Highway Authority including:
 - a) detailed highways and transportation schemes and proposals excluding active travel
 - b) traffic calming, street lighting, road safety, traffic regulation and network management
 - c) management of decriminalised parking enforcement and car parking facilities
2. Highways inspections and maintenance.
3. Highways and engineering planning and development.
4. Matters relating to the strategic management of parks and green spaces
5. Sewers and drainage including tactical and operational flood and water management
6. Waste collection, management, disposal and recycling.

7. Clean neighbourhoods including street cleansing and collection of litter.
8. Operational services for Education (TSE) including
 - a) Support services
 - b) School catering services
 - c) Cleaning and caretaking Services
 - d) School crossing patrols
9. Traded Services including outdoor media advertising

To submit to the Executive:

Recommendations in respect of key decisions concerning matters covered by these terms of reference unless otherwise authorised by the Leader of the Council.

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CORPORATE DIRECTOR OF PLACE	In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision, to take necessary and appropriate action in respect of the following:
CORPORATE DIRECTOR OF PLACE; OR DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF GROWTH, COMMUNITIES AND HOUSING	<p>A <u>Inclusive Economic Growth</u></p> <ol style="list-style-type: none"> 1. To prepare and submit applications for funding to any providers of external funding to which the Council is eligible. 2. To manage and deliver all business/community/VCFSSE grant or loan applications which comply with the agreed criteria. Any other grant or loan applications to be referred to the Executive Portfolio Holder. In consultation with the Executive Portfolio Holder to deal with all business grant or loan applications which comply with the agreed criteria. Any other grant or loan applications to be referred to the Executive. 3. In consultation with the Executive Portfolio Holder, to generate revenue from economic growth services, activities, initiatives and programmes, where appropriate, in accordance with Council policies, statutory requirements, guidance and Codes of Practice’.
CORPORATE DIRECTOR OF PLACE; OR DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF GROWTH, COMMUNITIES AND HOUSING	<p>B <u>Strategic Housing and Housing Options</u></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <ol style="list-style-type: none"> 1. To develop close working relationships between the Council and Registered Providers and housing developers operating in the borough. 2. To discharge the Council’s statutory functions under legislation relating to housing and homelessness. 3. To deal with special circumstances not adequately provided for within the Council’s Allocations Policy. 4. To prepare and submit applications for funding to any providers of external funding to which the Council is eligible. 5. In consultation with the Executive Portfolio Holder to: <ol style="list-style-type: none"> (i) Make minor amendments to the Housing Allocations Policy. (ii) approve Registered Providers schemes for grant funding. (iii) approve grant or loan applications for the provision of social rented housing, temporary accommodation and other affordable housing provision which comply with the agreed criteria.
CORPORATE DIRECTOR OF PLACE;	C <u>Strategic Planning</u>

<p>OR DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF GROWTH, COMMUNITIES AND HOUSING</p>	<ol style="list-style-type: none"> 1. In consultation with the Executive Portfolio Holder to: <ol style="list-style-type: none"> i) develop, produce and monitor plans and policies and reports to meet the Council's statutory obligations under relevant legislation and government guidance including, but not restricted to, Levelling Up Act when enshrined in law, Planning and Compulsory Purchase Act 2004, Localism Act 2011, National Planning Policy Framework 2012, Environment Act 2021 (and any amends / revisions thereof). ii) meet Neighbourhood Plan obligations under the Localism Act 2011. iii) contribute to the development and delivery of sub-regional plans and policies. iv) contribute to the development and delivery of sub-regional transport plans and policies, including those of national significance that have a direct effect on the borough. 2. In accordance with Council policies, statutory requirements, guidance and Codes of Practice to manage and monitor the implementation of Section 106 and CIL. 3. To produce the Local Development Scheme. 4. To prepare and submit applications for funding to any providers of external funding to which the Council is eligible.
<p>CORPORATE DIRECTOR OF PLACE; OR DIRECTOR OF GROWTH AND REGULATORY SERVICES</p>	<p>D <u>Housing Renewal</u></p> <ol style="list-style-type: none"> 1. To issue licences and certificates as appropriate for licensing and accreditation schemes for privately rented properties. 2. To authorise all action required to address public health concerns within private sector housing including statutory nuisances, filthy and verminous premises, pest control, local drainage concerns and accumulations. 3. To determine applications for grants to improve properties and to take all necessary steps to ensure that any action relating to the implementation of renewal areas, grants and necessary repairs of properties is carried out. 4. To authorise enforced sales of long-term empty properties, where appropriate, in consultation with the Director of Legal and Governance and Monitoring Officer and Director of Finance.
<p>CORPORATE DIRECTOR OF PLACE; OR DIRECTOR OF DEVELOPMENT AND ESTATES OR ASSISTANT DIRECTOR OF ESTATES AND DEVELOPMENT</p>	<p>E <u>Planning Permission and Property</u></p> <ol style="list-style-type: none"> 1. Under the Town and Country Planning General Regulations 1992 to seek planning permission for development by the Council or in respect of land vested in the Council. 2. The management of buildings and facilities under their control, subject to advice and guidance from the Corporate Director of

	<p>Place in relation to the strategic and corporate use of assets.</p> <p>3. To permit the casual use of property by outside organisations, in accordance with the policy of the Council.</p>
<p>CORPORATE DIRECTOR OF PLACE; OR DIRECTOR OF DEVELOPMENT AND ESTATES OR ASSISTANT DIRECTOR OF ESTATES AND DEVELOPMENT</p>	<p>F <u>Asset Management</u></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <p><u>Land and Property</u></p> <ol style="list-style-type: none"> 1. To undertake estates management functions, including dealing with applications to develop, alter or assign property, where the Council's consent as landlord is required, and to determine whether action should be taken under relevant property related legislation. 2. To be responsible for progressing all land and property transactions. 3. To take action to protect the Council's legal or financial position in relation to the management of property. 4. Strategic Land Review Programme: <ol style="list-style-type: none"> i) In respect of the Strategic Land Review Programme, as approved from time to time, authority to: <ol style="list-style-type: none"> a) Engage external resources where this will assist in implementation of the programme. b) Submit for planning consent on any of the properties included in the programme where this will assist in marketing. c) Negotiate and accept bids. d) Advertise the intention to dispose of a site in the event that it comprises open space as defined by the Town and Country Planning Act 1990, in accordance with relevant statutory procedure and if any objections are received to refer them to the Executive for consideration. e) Offset eligible disposal costs against the capital receipts in accordance with capital regulations up to a maximum of 4% of the value of the receipt. ii) In respect of the Strategic Land Review Programme, in consultation with the Executive Portfolio Holder, authority to <ol style="list-style-type: none"> a) Approve the substitution or addition of sites to the Strategic Land Review Programme. b) Approve the hiring of security services or the demolition of any property should this become necessary. c) Authorise an alternative method of sale where appropriate. 5. Subject to compliance with the Council's agreed arrangements, appropriate budgetary provision and to securing the best consideration that can be obtained:

- a) to approve the taking of, or the grant, renewal, assignment, transfer, surrender, taking of surrenders, review, variation and terminations of any leases, licences, easements and wayleaves, consents and rights in land, for a consideration that does not exceed £25,000 per annum or a premium of £499,000.
- b) to approve the acquisition and disposal of land, buildings or other property interests for a consideration not exceeding £499,000.

- 6. To approve the purchase price and all compensation payable in respect of land and buildings included in Compulsory Purchase Orders, including home loss and disturbance payments, and to authorise acquisitions by agreement as an alternative to the making of a Compulsory Purchase Order.
- 7. All rent reviews and lease renewals.
- 8. Sale of freeholds in accordance with the Leasehold reform Act 1967, in accordance with the prevailing rate of capitalisation.
- 9. The installation of wireless apparatus, Telecom installations, Water Authority installations, electricity sub-stations, gas governors and other minor works in or on properties under the management of the Asset Management Service.
- 10. Where the sale of that property has been authorised, to place for auction any miscellaneous properties where such a course of action is expedient to effect a sale of the land/property.
- 11. To appoint consultants for small works in line with agreed policy.
- 12. To authorise the repair and maintenance of Council property in accordance with the approved budget or the use of virement.
- 13. To settle claims under Part 1 of the Land Compensation Act 1973 and Claims resulting from the laying of sewers and other apparatus under the Public Health Act 1936, Water Acts and Land Drainage Acts.
- 14. To agree terms and conditions of re-purchase of defective former Council or public authority dwellings under Part XVI, Housing Act 1985.
- 15. The acquisition and disposal of Chief Rents on Council property.
- 16. The Authority to make proposals, objections and agreements in respect of rating assessments on corporate land and property including, where necessary, attendance at Valuation tribunals and Lands Tribunals.
- 17. To prioritise works in respect of access for the disabled and fire precaution work.
- 18. To approve the appointment of estate agents for residential disposals

	<p>on the basis agreed by the Council.</p> <p>19. To manage all building services for the Council's administrative buildings.</p> <p>20. To act in the best interests of the Council in relation to energy management.</p> <p>21. To repair and maintain buildings and grounds within approved revenue estimates for these purposes.</p> <p>22. To authorise statutory authorities to carry out essential works.</p> <p>23. To determine requests for inscriptions to be added to Cenotaphs throughout the Borough.</p>
CORPORATE DIRECTOR OF PLACE	<p><u>Markets</u></p> <p>24. To be responsible for the management of any markets that the Council may operate in the Borough, including the letting, transfer and surrender of stalls, applications for change of trade, collection of charges and any matters under the market regulations.</p> <p>25. To licence or refuse temporary markets in accordance with the policy approved by the Council</p>
CORPORATE DIRECTOR OF PLACE	<p><u>Lettings and Public Halls</u></p> <p>26. To control the range and frequency of events in public halls, subject to obtaining planning permission when necessary.</p> <p>27. To approve lettings and concessions of Council accommodation for hire, in accordance with the Council's approved scheme.</p>
CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT	<p><u>G PLANNING AND DEVELOPMENT MANAGEMENT</u></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision, to take necessary and appropriate action in respect of the following:</p> <p>1. Definitions</p> <p>For the purposes of this scheme and for the avoidance of doubt: -</p> <p>a) 'planning application' means:</p> <ul style="list-style-type: none"> ❖ Applications for Outline Planning Permission, Full Planning Permission and Approval of Reserved Matters ❖ Applications for development within the curtilage of a dwellinghouse ❖ Applications for minerals and waste development (including Review of Minerals Permissions) ❖ Applications under Section 73 of the Town and Country Planning Act 1990 to vary, modify or remove a planning condition, including minor material amendments and applications to extend the time limit on a permission (including any forthcoming powers under S73B as proposed by the Levelling Up and Regeneration Act 2023).
CORPORATE DIRECTOR	

OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT

- ❖ Applications under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011
- ❖ Applications requiring the completion of a legal agreement / planning obligation under S106 of the Town and Country Planning Act or any other enabling power.
- ❖ Applications for 'relevant demolition' in a conservation area.
- ❖ Applications for Listed Building Consent and other heritage consents under the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Planning (Listed Buildings and Conservation Areas) Regulations 1990
- ❖ Applications for consent to display Advertisements (under the Town and Country Planning (Control of Advertisement) Regulations 2007
- ❖ Applications for non-material amendments under S96A of the Town and Country Planning Act 1990
- ❖ 'Deemed' applications (where an appeal is made).
- ❖ Applications for permission under the Town and Country Planning General Regulations 1992
- ❖ Application for Hazardous Substances Consent under the Planning (Hazardous Substances) Act 1990.
- ❖ Applications for prior approval under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- ❖ Applications for permission in principle and technical details consent under the Town and Country Planning (Permission in Principle) Order 2017 as amended.
- ❖ Inclusion of a site on Part 2 of the Council's brownfield land register under the Town and Country Planning (Brownfield Land Register) Regulations 2017.
- ❖ Applications for Nationally Significant Infrastructure Projects under the Planning Act 2008 (as amended) where the Local Planning Authority is a consultee and a Local Impact Report is required.
- ❖ Applications for approval of details under the High Speed 2 Act(s) (or howsoever those provisions are enacted).

b) "application to be determined by committee' means (other than applications fully delegated to officers and excluded by Part 3):-

i) Applications where ten or more representations* contrary to the Officers' recommendation have been received from separate addresses within the prescribed period.

* For the purposes of this section a representation shall be taken to mean a letter, a signature on a petition or e-mail.

ii) Where an application has been "called in" for determination by the Committee by either (i) a Member who represents the ward in which the application site lies, or (ii) by the Chair of the Committee. For the avoidance of doubt there is no geographical limit to the call in powers of the Chair. Such call-ins are to be made in writing with planning reasons provided within the period of 21 days of the date of issue of the relevant Weekly List of Applications submitted to the Council and the Member to attend the meeting of the Committee

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when the application is considered.
Proposals considered to be a material departure from the provisions of the Development Plan or of other Development Plan Documents which officers are minded to approve and where the officer recommendation is for approval, save where (i) Development Plan policies are 'out of date' (in National Planning Policy Framework terms) and the proposal is in accordance with national policy and / or (ii) the proposals comprise a minor departure from the standards set out in adopted SPGs and SPDs or their successor documents.

- iii) Applications in which a Member or Officer has declared a personal or pecuniary interest.
- iv) Applications for the enlargement, improvement or other alteration of existing dwellinghouses will not normally be referred to Committee unless:

(i) the Officer concerned is:

- employed in the Place Directorate;
- employed in Governance Services;
- Head of Service level and above in any Directorate; or
- any other employee who has involvement in the Council's determination of planning applications; or

(ii) One or more objection has been received that is material.

- v) Applications for development by or on behalf of the Council (including a Local Authority controlled school) to which an objection has been made which is material to the development proposed.

c) 'planning permission' includes approvals and consents issued in respect of a 'planning application' as defined in section 1(a)

d) 'the prescribed period' means the period within which consultees and residents are required to submit representations following consultation/notification and/or publicity of applications in accordance with statute and the Council's approved arrangements.

e) 'the Act' means the Town and Country Planning Act 1990

f) 'the Order' means the Town and Country Planning (General Permitted Development) (England) Order 2015

g) 'the Committee' means the Planning and Development Management Committee

h) Any reference to an Act, Order or Regulation in this Part D shall be interpreted to mean any amendment or

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replacement to the said Act, Order or Regulation

2. Arrangements For Exercising Delegated Powers

The powers delegated to officers in this scheme shall be exercisable by the Corporate Director of Place, Director of Growth and Regulatory Services or Head of Planning and Development except where on his/her written instruction, or in the event of his/her absence for a period exceeding 24 hours, they shall be exercisable by other senior managers within the Place Directorate.

3. Planning Applications

3.1 Processing Planning Applications

- a) To discharge the Local Planning Authority's duties under the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- b) To discharge the Local Planning Authority's duties under the Town and Country Planning (Permission in Principle) Order 2017 as amended, or the Town and Country Planning (Brownfield Land Register) Regulations 2017.
- c) To determine the validity of any planning or other application made to the Local Planning Authority.
- d) To determine whether an applicant has carried out necessary pre-application consultation under S61W of the Act.
- e) To determine what consultation, notification and publicity is appropriate and to carry this out in accordance with statute and the Council's approved arrangements.
- f) To maintain for inspection registers of applications and associated matters, brownfield land, works to protected trees and decision notices as required by statute.
- g) To determine whether or not an application appears to be a departure from the Development Plan and to take appropriate procedural action.
- h) To determine whether or not an Environmental Impact Assessment is required, stipulate the minimum information needed and, if necessary, require additional information on receipt of a statement under the Act and the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- i) To determine on the receipt of Outline Applications whether further information is required under the Town and Country

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<p>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT</p>	<p>Planning (Development Management Procedure) (England) Order 2015 .</p> <ul style="list-style-type: none"> j) Jointly with the Director of Finance and Systems to operate the system of charging fees for planning applications, pre-application advice, site visits, Planning Performance Agreements, High Hedge complaints under Part 8 of the Anti-social Behaviour Act 2003 and the High Hedges (Appeals) (England) Regulations 2005 and any other charging fees within the remit of the Planning Service including the assessment and receipt of fees under the charging scheme. k) To issue all decision notices when exercising powers under the Act and other relevant legislation. l) To take all steps necessary to implement the Community Infrastructure Levy Regulations 2010 (as amended) (“CIL”) including (without limitation) all necessary enforcement action under CIL. <p>3.2 Determination of Planning Applications</p> <p>To determine all planning applications except those falling under the provisions in 1(b) ‘Applications to be determined by Committee’.</p> <p>For the avoidance of doubt the following planning applications are fully delegated to officers and the provisions in 1(b) do not apply:-</p> <ul style="list-style-type: none"> a) Applications for prior approval under the Town and Country Planning (General Permitted Development) (England) Order 2015. b) Applications for permission in principle and technical details consent under the Town and Country Planning (Permission in Principle) Order 2017 as amended. c) Inclusion of sites on Part 2 of the Council’s brownfield land register under the Town and Country Planning (Brownfield Land Register) Regulations 2017. d) Applications for advertisement consent under the Town and Country Planning (Control of Advertisements) Regulations 2007. e) Non-material amendments under Section 96A of the Town and Country Planning Act 1990. f) Repeat applications for proposals which have previously been subject to a determination by the Local Planning Authority / Planning Inspectorate, are of fundamentally the same nature and description, there has been no material change in planning circumstances and the officer recommendation remains in accordance with the previous decision (where there is any doubt, the Chair of the Committee should be consulted) For the avoidance of doubt this provision does not include S73 applications.
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In addition the following functions are delegated to officers:-

- g) Screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- h) To decline to determine planning applications under the provisions of Section 70(A) of the Act and Section 81A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- i) To attach conditions (and associated reasons) to planning permissions determined under this delegation and to make modifications to the standard planning conditions as necessary.
- j) To approve or refuse details and plans submitted to discharge conditions attached to planning permissions, including deemed planning permissions and those imposed by an Order, Direction or statute.
- k) To finally dispose of applications.
- l) To determine Applications for Certificates of Lawful Development under Section 192 of the Act which requests a determination as to whether development would be lawful by virtue of permission being granted by Schedule 2, Part 1 or 2 of the Town and Country (General Permitted Development) Order 2015.
- m) To determine 'deemed' applications (where an appeal against an enforcement notice has been made).

3.3 Minerals Applications

- n) To make Orders in respect of the control of minerals development under the Town and Country Planning Act 1990.

3.4 Response To Consultations

- o) To respond to consultations from the Secretary of State in respect of Crown Development under S293 of the Town and Country Planning Act 1990.
- p) To respond to consultations from neighbouring Councils on applications received by those Councils for development where the response would accord with the provisions of the Development Plan, or where development plan policies are out of date, national planning policy.
- q) To respond to consultations under Section 36 of the Electricity Act 1989 and the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013 where the response would accord with the provisions of the Development Plan, or where development plan policies are out of date, national planning policy.
- r) To respond to consultations under Section 37 of the Electricity Act 1989 (overhead electricity lines of less than 132kV or less than 2km in length) where the response would accord with the provisions of

	<p>the Development Plan, or where development plan policies are out of date, national planning policy.</p> <p>s) To respond to consultations under the Planning Act 2008 in respect of Nationally Significant Infrastructure Projects where the response would accord with the provisions of the Development Plan, or where development plan policies are out of date, national planning policy, save where a Local Impact Report is required where such consultations will be subject to the provisions in 1(b).</p>
<p>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT IN CONSULTATION WITH DIRECTOR OF LEGAL AND GOVERNANCE</p>	<p>t) To determine applications for Certificates of Lawfulness in relation to existing and proposed uses or development under the Act. Exceptions to these are specified in paragraph 3.2 (l).</p> <p>u) To determine applications for Certificates of Lawfulness of Proposed Works to a Listed Building under the Planning (Listed Buildings and Conservation Areas) Act 1990</p> <p>v) To determine applications for Certificates of Appropriate Alternative Development.</p> <p>w) To agree variations and/or modifications to planning agreements/ obligations by agreement or application under section 106A or 106BA of the Act or through formal or informal dispute resolution provisions.</p> <p>x) To revoke planning permissions under section 97 of the Act where revocation is unopposed.</p>
<p>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT IN CONSULTATION WITH DIRECTOR OF LEGAL AND GOVERNANCE</p>	<p>4. Planning Appeals / Secretary of State call in</p> <p>4.1 To defend the decisions of the Council at appeal (including applications 'called in' for determination by the Secretary of State') through engagement with all necessary steps of the process.</p> <p>4.2 To decide whether the Council requests that a particular appeal be dealt with by the local inquiry, informal hearing or the written representations procedure.</p> <p>4.3 To agree matters arising during the process which do not conflict with the resolution of the Committee (if relevant) in order to best present the Council's case.</p> <p>To appoint consultants to assist the Council where necessary.</p>
<p>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT</p>	<p>5. Enforcement of Planning Control</p> <p>5.1 Generally:-</p> <p>a) To maintain for inspection registers of enforcement notices as required by statute.</p> <p>b) To take initial action to deal with breaches of planning control including the service of Planning Contravention Notices / notices under Section 330 of the Town and Country Planning Act 1990 to obtain relevant information in order to assess whether or not a breach of planning control has occurred.</p>

	<p>c) To serve notice regarding powers of entry onto land and to issue authorisation to officers of the Council to enter land for enforcement purposes.</p> <p>d) In consultation with the Director of Legal and Governance, to determine the expediency of planning enforcement action.</p>
CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT IN CONSULTATION WITH DIRECTOR OF LEGAL AND GOVERNANCE	<p>e) To serve Breach of Condition Notices.</p> <p>f) To serve Enforcement Notices and Listed Building Enforcement Notices.</p> <p>g) To withdraw, modify and reissue any Enforcement Notice including following a decision by the Committee to grant permission for development / work which affect that Enforcement Notice or Listed Building Enforcement Notice.</p> <p>h) To authorise entry onto land to carry out works required by Enforcement Notices and Listed Building Enforcement Notices and to recover expenses reasonably incurred in doing so.</p>
CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT JOINTLY WITH DIRECTOR OF LEGAL AND GOVERNANCE	<p>i) To serve Stop Notices and Temporary Stop Notices.</p> <p>j) To make applications for Planning Enforcement Orders in respect of deliberately concealed unauthorised development.</p> <p>k) To bring prosecutions in respect of breaches of planning and listed building control.</p> <p>l) To make applications for an injunction to restrain breaches of planning and listed building control.</p> <p>m) To take all necessary enforcement action under the Planning (Hazardous Substances) Act 1990 and any amendment thereto.</p> <p>n) To serve Building Preservation Notices where there is an imminent threat of demolition of a building.</p> <p>o) To serve completion notices.</p>
CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT IN CONSULTATION WITH DIRECTOR OF LEGAL AND GOVERNANCE	<p>5.2 Advertisements:-</p> <p>a) To serve Discontinuance Notices and removal notices under the Act and the Town and Country Planning (Control of Advertisements) Regulations 2007.</p> <p>b) To enforce the control of fly-posting through the obliteration and/or removal of any unauthorised placard or poster on private land.</p>
CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY	<p>5.2 Advertisements:-</p> <p>c) To bring prosecutions in respect of breaches of the Advertisement</p>

<p>SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT JOINTLY WITH DIRECTOR OF LEGAL AND GOVERNANCE</p>	<p>Regulations.</p>
<p>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT IN CONSULTATION WITH DIRECTOR OF LEGAL AND GOVERNANCE</p>	<p>5.3 Neglected/ Untidy Land:-</p> <ul style="list-style-type: none"> a) To take action, including the service of Notices under Section 215 of the Act, requiring owners/ occupiers to carry out proper maintenance of land where its condition detracts from the amenity of the area, and to carry out such works in the event that the owners/ occupiers fail to do so. b) To authorise entry onto land to carry out works required by a Section 215 Notice and to recover expenses reasonably incurred in doing so.
<p>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT JOINTLY WITH DIRECTOR OF LEGAL AND GOVERNANCE</p>	<ul style="list-style-type: none"> c) To bring prosecutions in respect of breaches of Section 215 Notices.
<p>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT</p>	<p>6. Heritage</p> <p>6.1 To approve or refuse requests for grant aid for works to Listed Buildings or buildings within Conservation Areas within the approved budget.</p>
<p>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT IN CONSULTATION WITH DIRECTOR OF LEGAL AND GOVERNANCE</p>	<p>6.2 To issue Listed Building Repair Notices.</p> <p>6.3 To issue Notices for Urgent Works to Listed Buildings and buildings in Conservation Areas and to retrieve the Council's reasonable costs for works carried out.</p> <p>6.4 To enter into Listed Building Heritage Partnership Agreements.</p> <p>6.5 To make Local Listed Building Consent Orders.</p>
<p>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT</p>	<p>7 Trees and Hedgerows</p> <p>7.1 Applications for works</p> <ul style="list-style-type: none"> a) To determine applications for works to, including felling of, trees protected by Tree Preservation Orders including the imposition of any conditions.

		<ul style="list-style-type: none"> b) To process notices under S211 of the Town and Country Planning Act 1990 (notices for works to trees in a conservation area). c) To determine applications under the Hedgerow Regulations 2007. d) To approve or refuse requests for grant aid for works to protected trees and new planting within the approved budget. e) To maintain for inspection a register of Tree Preservation Orders as required by statute.
CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT JOINTLY WITH DIRECTOR OF LEGAL AND GOVERNANCE	7.2	<p>Orders and Notices</p> <ul style="list-style-type: none"> a) To make, confirm and amend Tree Preservation Orders subject to confirmation (or otherwise) by the Chair, Vice Chair and Opposition Spokesperson in those cases where the Order is opposed. b) To bring prosecution proceedings for breach of tree preservation or hedgerow control.
CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT IN CONSULTATION WITH DIRECTOR OF LEGAL AND GOVERNANCE		<ul style="list-style-type: none"> c) To serve Tree Replacement Notices under Section 207 of the Town and Country Planning Act 1990. d) To make and confirm Hedgerow Retention and Replacement Notices.
CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT IN CONSULTATION WITH DIRECTOR OF LEGAL AND GOVERNANCE	7.3	<p>High Hedges</p> <ul style="list-style-type: none"> a) To carry out all necessary procedures under Part 8 of the Anti-social Behaviour Act 2003 and High Hedges (Appeals) (England) Regulations 2005 in respect of high hedge complaints. b) To authorise entry onto land to carry out works required by High Hedge Remedial Notices and to recover expenses reasonably incurred in doing so.

GOVERNANCE	
CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT JOINTLY WITH DIRECTOR OF LEGAL AND GOVERNANCE	c) To bring prosecution proceedings for breach of High Hedge Remedial Notice.
CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT	d) To take initial action to deal with high hedge complaints under Part 8 of the Anti-social Behaviour Act 2003 and High Hedges (Appeals) (England) Regulations 2005 to obtain relevant information in order to assess whether or not a notice should be served.
CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF PLANNING AND DEVELOPMENT	8 Grant Funding To prepare and submit applications for funding to any providers of external funding to which the Council is eligible and to manage funding awards once made.
CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF REGULATORY SERVICES	<p>H <u>BUILDING CONTROL</u></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision, to take necessary and appropriate action in respect of the following:</p> <ol style="list-style-type: none"> 1. Building Regulation Applications <ol style="list-style-type: none"> 1.1 Processing Building Regulation Applications. 1.2 Jointly with the Director of Finance and Systems to operate the system of charging fees for applications, including ensuring that the correct fee has been paid under the approved charging scheme. 1.3 To issue all decision notices relating to the determination of building regulation applications. 1.4 Determination of Building Regulation Applications. 1.5 To determine applications under the Building Regulations.

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- 1.6 To determine applications for relaxation of the Building Regulations.
- 1.7 To issue conditional notices of approval.
- 1.8 To determine amendments to approved schemes and to determine whether the variation requires a further application and fee.
- 1.9 To issue Certificates of Completion of Work.
- 1.10 To deal with the submission of Building Notices under the Building Act.
- 1.11 To deal with the submission of Initial Notices under the Building Act.
- 1.12 To deal with applications under the Building Safety Regulator (BSR) scheme.
- 2. Other Building Control Matters**
 - 2.1 To approve or refuse minor amendments to Building Regulation applications not requiring a new application.
 - 2.2 To exercise all other functions under the Building Act.
 - 2.3 To enter into Partnership schemes.
 - 2.4 To undertake relevant functions and provide assistance as directed or requested by the Building Safety Regulator.
 - 2.5 To issue Compliance Notices and Stop Notices under the Building Safety Act 2022.
 - 2.6 To apply for Remediation Orders and Remediation Contribution Orders under the Building Safety Act 2022.
- 3. Contraventions**
 - 3.1 To authorise action, including legal proceedings to ensure compliance with building control requirements.
 - 3.2 In respect of building control and general powers, to serve notices or to approve or reject plans under the Highways Act 1980, Section 180 for pavement lights and ventilators.
- 4. Miscellaneous Planning And Building Control Matters**
 - 4.1 To sell service publications in accordance with the Council's scheme of charging.
 - 4.2 Authority to sell departmental publications to the general public at printing or copying cost, plus postal charges where applicable, but that no charge be made for the issue of copies to Members and other Council departments and first copies of guidelines, etc. to

	architects, estate agents, civic societies and similar persons or voluntary organisations.
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<p>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF REGULATORY SERVICES</p>	<p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision, to take necessary and appropriate action in respect of the following:</p>
<p>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF REGULATORY SERVICES</p>	<p><u>I. ENVIRONMENT</u></p> <p><u>Regulatory Services</u></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <ol style="list-style-type: none"> 1. To carry out the functions, duties and powers of the Council in relation to statutory nuisances, offensive trades, pest control, infectious diseases, food and drugs, poisons, animal health, welfare and safety, environmental protection, pollution control, air quality, smoke-free legislation, health and safety at work, shops, consumer protection, trading standards, housing standards, houses in multiple occupation. 2. To carry out all licensing, registration and enforcement functions, including determining applications and imposing conditions in connection with scrap yards, , street traders, acupuncturists, tattooists, ear piercers and electrolysis, pet shops, animal boarding establishments, animal trainers and exhibitors, zoos, caravan sites, slaughter houses, riding establishments, dog breeders and dangerous wild animals. 3. Authority to carry out the duties of the Council's Chief Inspector of Weights & Measures is delegated to the Regulatory Services Manager (Trading Standards and Licensing). 4. In consultation with the Director of Legal and Governance to take direct action to remove unlawful itinerants' encampments from Council-owned and other land in certain circumstances. 5. To authorise all action required repairing and/or improving conditions in private sector housing, to protect the health, safety and welfare of the occupants and persons visiting the premises, to bring long term empty domestic properties back into use and to investigate harassment and illegal eviction of private sector tenants. 6. Except where otherwise specified, authority to exercise all functions, powers and duties includes the authority take appropriate enforcement action, including issuing notices and cautions and, in consultation with the Director of Legal and Governance, bringing proceedings under any appropriate legislation, statutory provisions and by-laws.

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Licensing

7. To grant, renew, transfer, suspend and vary, where no objections have been received, and to make conditions in relation to annual licences, occasional licences, registrations, certificates, permits, permissions and consents relating to:
- House-to-House Collections
 - Performances of Hypnotism
 - Premises for the solemnisation of marriage
 - Scrap Metal Dealers
 - Second Hand Dealers
 - Sex Establishments
 - Street Collections
 - Street Trading
8. In accordance with the Licensing Act 2003, authority to determine, where no objections/representations have been received:
- (a) applications for personal licences;
 - (b) applications for premises licences/club premises certificates and provisional statements;
 - (c) applications for transfer of premises and club premises certificates;
 - (d) applications for interim authority;
 - (e) applications to vary the designated premises' supervisor;
 - (f) requests to be removed as designated premises supervisor; and
 - (g) authority to suspend licences for non-payment of the annual maintenance fee.
9. In accordance with the Gambling Act 2005, authority to determine, where no objections/representations have been received:
- (a) applications for premises licences; gaming licences and gaming permits; and
 - (b) authority to suspend and revoke the licence for non-payment of the annual maintenance fee.
10. In accordance with the Local Government (Miscellaneous Provisions) Act 1976 authority to grant, renew, vary and transfer applications for Hackney Carriage and Private Hire Drivers, Vehicles and Operators where the licence holder/applicant/vehicle meets all the Councils licensing standards.
11. To suspend (and lift where appropriate) the hackney carriage or private hire vehicle licence:
- a) where the vehicle owner has failed to renew the certificate of compliance; or failed to produce the certificate of compliance;
 - b) under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 where officers are not satisfied as to the fitness of the vehicle to be used as a hackney carriage or private hire vehicle.

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12. To suspend (and lift when appropriate) the hackney carriage or private hire driver licence where:
 - a) the licence holder has failed to be correctly registered for tax;
 - b) the licence holder's GP or a medical professional has declared that the driver is not medically fit to drive a hackney carriage or private hire vehicle; or where a driver refuses or has failed to submit a medical certificate;
 - c) the licence holder has been declared unfit to drive by his doctor or other medical professional, or where the driver has declared circumstances where they may be unfit to drive;
 - d) the licence holder does not have a current DBS certificate;
 - e) the licence holder has not registered with or failed to remain registered with the DBS update service;
 - f) a check on the DBS update service has disclosed a change in status which the licence holder has failed to declare.
 - g) the licence holder has failed to provide the six-monthly manual DBS certificate.
13. To revoke the hackney carriage driver's licence, private hire driver's licence or private hire operator's licence where the licence holder is not permitted to hold any such licence because of their immigration status.
14. To revoke the hackney carriage driver's licence or private hire driver's licence where the licence holder has been disqualified under the Road Traffic Act 1988 and is no longer authorised to drive a motor vehicle in Great Britain.
15. To award penalty points (up to a maximum of 150 points) to hackney carriage/private hire drivers, proprietors and operators in accordance with the current penalty point system.
16. To refuse to grant or renew a hackney carriage or private hire driver's licence where the applicant has failed to provide all required documents and has not provided satisfactory evidence of exceptional circumstances.
17. To make entries to record decisions (whether new or historical) by the Licensing Authority to refuse, revoke or suspend a driver's licence in the licensing information database.
18. To refuse to grant or renew a street trading licence or consent where the applicant has failed to provide all required documents or the required fee.
19. To revoke or suspend a street trading licence or consent where the licence or consent holder fails to comply with the terms or conditions of the licence or consent.
20. To revoke or suspend a street trading licence or consent where the Local Highways Authority considers it necessary because of road works/street works or for reasons of public safety.

<p>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF REGULATORY SERVICES</p>	<p><u>Safety at Sports Grounds</u></p> <p>17. Authority to make all decisions relating to the content, issue, service, review and amendment of General Safety Certificates and Special Safety Certificates under the provisions of the Safety at Sports Grounds Act 1975 as amended, and authority to sign such Certificates.</p> <p>18. Authority to serve prohibition notices under Section 10 of the Safety at Sports Grounds Act, as amended by the Fire Safety and Safety at Places of Sports Act 1987. This is in respect of sports grounds in the Borough where it is considered that spectator safety is seriously at risk, on the understanding that any such notice would be served only after full consultation with the Police Ground Commander and other emergency services as appropriate.</p>
<p>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF REGULATORY SERVICES</p>	<p><u>Public Health</u></p> <p>19. To appoint suitably qualified persons as proper officers under the following legislation:</p> <p style="padding-left: 40px;">Public Health (Control of Disease) Act 1984 and regulations made thereunder National Assistance Act 1948 National Assistance (Amendment) Act 1951</p> <p>20. To appoint suitably qualified persons to act as Public Analyst under Section 27 of the Food Safety Act 1990.</p> <p>21. To appoint suitably qualified persons to act as Agricultural Analyst under Section 67 of the Agriculture Act 1970.</p> <p>22. Authority to act on behalf of the Council in respect of the following legislation:-</p> <p style="padding-left: 40px;">Public Health (Control of Disease) Act 1984 and all Regulations made thereunder. National Assistance Act 1948. National Assistance (Amendment) Act 1951</p> <p>is delegated to the UK Health Security Agency North West Consultants in Health Protection/Consultants in Communicable Disease Control (also to include Director of Public Health and Consultants in Public Health).</p>

<p>CORPORATE DIRECTOR OF PLACE; DIRECTOR OF GROWTH AND REGULATORY SERVICES; OR HEAD OF REGULATORY SERVICES</p>	<p>Housing Standards</p> <ol style="list-style-type: none"> 1. <u>To issue licences and certificates as appropriate for licensing and accreditation schemes for privately rented properties.</u> 2. To authorise all action required to address public health concerns within private sector housing including statutory nuisances, filthy and verminous premises, pest control, local drainage concerns and accumulations. 3. <u>To determine applications for grants to improve properties and to take all necessary steps to ensure that any action relating to the implementation of renewal areas, grants and necessary repairs of properties is carried out.</u> 4. <u>To authorise enforced sales of long term empty properties, where appropriate, in consultation with the Director of Legal and Governance and Monitoring Officer and Director of Finance.</u>
<p>CORPORATE DIRECTOR OF PLACE</p>	<p><u>M Anti-Social Behaviour, Crime and Policing Act 2014</u></p> <ol style="list-style-type: none"> 1. The exercise of all functions, powers and duties relating to Community Safety, including the taking of any appropriate enforcement action. 2. The issuing of notices and cautions and bringing proceedings under any appropriate legislation, statutory provisions and by-laws.
<p>CORPORATE DIRECTOR OF PLACE AND CORPORATE DIRECTOR OF CHILDREN'S SERVICES</p>	<p><u>N Chanel Panels</u></p> <ol style="list-style-type: none"> 1. The exercise of all functions, powers and duties relating to Chanel Panels under section 36 to 38 and Schedule 7 of the Counter Terrorism and Security Act 2015.
<p>CORPORATE DIRECTOR OF PLACE</p>	<p><u>J. Highways, Engineering And Traffic Management</u></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <ol style="list-style-type: none"> 1. To exercise the Council's functions, powers and duties in respect of: <ul style="list-style-type: none"> (a) regulation of the use of the highway (b) protection of highways and highway users (c) the adoption of highways (d) the maintenance and improvement of public highways (e) dangerous or dilapidated buildings or structures, dangerous excavations and dangerous trees on land accessible to the public (f) abandoned vehicles (g) private streets and unadopted highways (h) interference with highways and streets (i) footpaths, cycleways and bridleways (j) sewers and land drainage

<p>CORPORATE DIRECTOR OF PLACE</p>	<ul style="list-style-type: none"> (k) the management of on and off-street parking (l) transport (m) fleet management and maintenance (n) Traffic Management Statutory Duty (o) the enforcement of on and off-street parking <p>including the authority to grant or refuse privileges, licences, permits, approvals and consents relating to matters in, on, over or under the highway, serve, receive and advertise notices, execute works, recover costs and authorise any appropriate enforcement and legal action.</p> <ol style="list-style-type: none"> 2. In relation to road traffic orders: <ul style="list-style-type: none"> (a) To make and implement temporary road traffic orders under the provisions of any relevant legislation. (b) Subject to there being no unresolved objection, to make and implement traffic regulation orders. 3. To arrange for the temporary prohibition or restriction of traffic on roads by temporary traffic regulation order or notice and the temporary diversion of rights of way. 4. To deal with all matters relating to the private street works code and to inspect and adopt sewers following private street works. 5. To exercise the Council's powers to name streets and require the renumbering of buildings in streets, subject to consultation with Ward Councillors. 6. To exercise the Council's powers and duties in relation to the safety of reservoirs. 7. To be the lead Local Flood Authority, responsible for the powers transferred from the Environment Agency, including ordinary watercourse regulation under the Flood Risk Regulation 2009 and Flood and Water Management Act 2010. 8. To be responsible for operation of the Council's policy with respect to sewer ownership and water resources (non-mains water) and oversee the Council's obligations as a riparian owner. 9. To serve notices of approval or rejection of plans under Sections 263 and 264 of the Public Health Act 1936. 10. To recover the cost of maintaining certain lengths of public sewers under Section 24 of the Public Health Act 1936. 11. The power to make arrangements with the appropriate statutory undertakers to ensure the provision of utilities to service developments promoted by the Council or to localities within the area of the Council where the Council deems such provision to be necessary. 12. To deal with applications for easements and wayleaves affecting highways. 13. To negotiate with prospective sponsors with regard to charges which
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	<p>may be made for advertisements on sponsored litter bins, together with locations and other pertinent commercial matters.</p> <p>14. To exercise functions required by the Road Traffic Act 1974 to promote road safety:-</p> <p>(a) to carry out studies into accidents arising out of the use of vehicles on roads or parts of roads other than trunk roads within the Borough, and</p> <p>(b) following consultation with the Executive Portfolio Holder, authorisation to disseminate information and advice relating to the use of roads and to give practical training to road users or any class or description of road users in the light of such studies (other measures to be reported to the Executive).</p> <p>15. In consultation with the Police, to approve the siting of temporary school crossing patrol points in such circumstances, for example, as road works and royal visits.</p> <p>16. To determine all applications for signs within the Borough.</p> <p>17. Authority in consultation with local Ward Members, the Chair, the Vice-Chair and the Opposition Spokesperson of the Planning Development Control Committee and the Police to consider applications for the placing of tables, chairs and certain associated furniture on the highway. If the application is considered suitable to serve notices, obtain necessary consents from owners and occupiers and, if no objections are received, to grant permission subject to such conditions as he/she considers appropriate.</p>
<p>CORPORATE DIRECTOR OF PLACE IN CONSULTATION WITH DIRECTOR OF LEGAL AND GOVERNANCE</p>	<p>1. To determine applications for Definitive Map Modification Orders.</p>
<p>CORPORATE DIRECTOR OF PLACE</p>	<p>K. <u>Environmental Services</u></p> <p>In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision:</p> <p>1. To manage and maintain the Council's parks, play areas and open spaces.</p> <p>2. To give authorisation for events in the Borough's Parks, [in consultation with the Executive Portfolio Holder.]</p>

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TRAFFORD COUNCIL

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

Report Title

**EXECUTIVE DECISIONS TAKEN UNDER SPECIAL URGENCY
(REGULATION 11) PROVISIONS**

Summary

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 provide that a report should be made periodically to Council on Executive Key Decisions which have been taken under the Special Urgency provisions set out in Regulation 11. The purpose of this report is to provide this information to Council.

Recommendation(s)

That the content of the report be noted.

Contact person for access to background papers and further information:

Name: John Addison, Governance Manager
Extension: 1387

Background Papers: None

1.0 Background

1.1 Under the terms of Regulation 19 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, which came into effect in September 2012, a report should be made periodically to Council on those Executive Key Decisions which have been taken under the Special Urgency provisions set out in Regulation 11.

1.2 The following table gives details of the relevant decisions since the last report to Council on 24 May 2023:

Decision:	Date	Decision Maker
Mayoral Challenge Fund (MCF) Talbot Road Active Travel Scheme	1 June 2023	Executive Member for Climate Change

TRAFFORD COUNCIL

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

Report Title

CONTRACT PROCEDURE RULES (CPRs) Revision

Summary

Members are asked to review the STAR report that outlines a revision to the current Contract Procedure Rules (“CPRs”) to include current legislation for Health Care Services (Provider Selection Regime) Regulations 2023 and proposes the adoption of the revision to the current CPRs by each of the STAR Authorities.

Recommendation(s)

- 1) That Council notes the report of the STAR Joint Committee attached as appendix 1 and approves the changes to the contract procedure rules as per appendix 2.

Contact person for access to background papers and further information:

Name: John Addison
Extension: 1387

Background Papers:

Constitution of the Council

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Report to: STAR Joint Committee
Date: 15th April 2024
Report for: Information
Report from: Assistant Director STAR

Report Title

CONTRACT PROCEDURE RULES (CPRs) Revision

Summary

This report provides a revision to the current Contract Procedure Rules (“CPRs”) to include current legislation for Health Care Services (Provider Selection Regime) Regulations 2023 and proposes the adoption of the revision to the current CPRs by each of the STAR Authorities.

Recommendations

The recommendation of this report is that the STAR Board:

- Notes the content of the report

Contact person for access to background papers and further information:

Name: Elizabeth McKenna
Phone: 07811983687

Consultation

No public consultation required

1. Background

1.1 The CPRs are standing orders made pursuant to s135 of Local Government Act 1972. Where such standing orders are made, they shall include provision for securing and regulating competition for contracts entered into. They may also

include exemptions to such provisions under certain thresholds specified within the CPRs.

- 1.2 Since the establishment of STAR Procurement, it has been considered essential that all partner authorities to have a single set of CPRs in order to harmonise procurement processes and enable the shared service vehicle to deliver an effective and consistent procurement processes.
- 1.3 The Council's current CPRs have been harmonised and adopted into the Constitution of each of the following STAR Authorities Stockport, Trafford, Tameside and Rochdale and there is a current process being undertaken for St Helens and Knowsley Council to adopt the STAR CPRs.

2. CPRs Revision

2.1 The new Health Care Services (Provider Selection Regime) (PSR) Regulations 2023 came into force on 1st January 2024. To ensure that the CPRs are up to date with current legislation the CPR's need to be revised to include these new Regulations.

2.2 The changes are minimal and are limited to the following sections only:

- Clause 1.1. reference made to PSR legislation.
- Clause 1.2 – Knowsley and St Helens council included.
- After clause 5.5.5, Table 1 procurement activities: inserted the words:

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

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

- 9.1.3 (c) added in: This section 9.1.3(c) does not apply to Relevant Health Care Services. Where an award or modification for Relevant Health Care Services must be made urgently, Section 14 of The Health Care Services (Provider Selection Regime) Regulations 2023 should be followed.

- 9.3.1 added in: For Relevant Health Care Services, Section 13 of The Health Care Services (Provider Selection Regime) Regulations 2023 should be followed where a Contract or Framework Agreement is modified during its term.
- Schedule 2 Definitions:
 - o Under the current definition of Regulations, added in “and the Health Care Services (Provider Selection Regime) Regulations 2023”
 - o Added in definition of Relevant Health Care Services “means health care services which fall within one or more of the CPV codes specified in the table in Schedule 1 of the Health Care Services (Provider Selection Regime) Regulations 2023.

2.3 All STAR Authority legal teams have been consulted on the update to CPRs.

2.4 Each STAR Authority is required to separately progress the proposed revision to the CPRs through their own governance arrangements with a view to securing the adoption of the revised CPRs.

2.5 The intention is for each of the STAR Authorities to simultaneously adopt the proposed new CPRs by July 2024. Until each Council has adopted the revised Rules, each STAR Authority and STAR Procurement will continue to operate on the existing CPRs.

3. Anticipated Revisions

- 3.1 As the new Procurement Regulations are due to come into force in October 2024, there is an anticipated further review and required revisions to CPRs to include the new regulations later in the year. A future report to detail the revisions will be brought to Joint Committee.

4. Next Steps

- 4.1 Each STAR Authority will progress the updated CPRs through its own governance procedures.
- 4.2 Pending agreement and adoption of the proposed revision the proposed amendment will need to be incorporated into the Constitution of each Council.
- 4.3 STAR Procurement will undertake a programme of updating the Procurement Handbook to provide additional guidance as necessary.

5. Recommendations

- 5.1 It is recommended that the STAR Joint Committee:
- Notes the content of the report.

Report Appendices

1. CPRs April 2024

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Contract Procedure Rules including local rules listed under Schedule One

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1. Introduction

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

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

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

2. Interpretations and Definitions

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

3. Basic Principles and Responsibilities

- 3.1 Value for money is fundamental to the procurement activity carried out by the Council. This should be achieved through competition, unless there are compelling reasons to the contrary.
- 3.2 In addition to these Rules, above set financial Regulation Thresholds, procurement undertaken by the Council is subject to a legal framework which encourages free and open competition and value for money, to ensure that the public procurement market is open and competitive and that suppliers are treated equally and fairly. The legislative rules cover aspects such as advertising of contracts, procedures for assessing company credentials, awarding the contracts and remedies (penalties) when these rules are breached.
- 3.3 When procurement activity is not subject to the Public Contracts Regulations because the estimated value of a contract falls below the relevant financial Regulations Threshold, Officers and Elected Members must adhere to these Rules.
- 3.4 In all procurement activity, Officers and Elected Members must comply with the following overriding principles of procurement:
 - a. non-discrimination;
 - b. openness/transparency;
 - c. equal treatment for all;
 - d. mutual recognition; and
 - e. 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 the Freedom of Information Act 2000 (FOIA) and Environment Information Regulations 2004 (EIR);
- g. **The need to ensure legislative compliance** in procurement processes and award of contracts;
- h. **The need to promote responsiveness** by endeavouring to meet the aspirations, expectations and needs of the community served by the procurement processes;
- i. **The need to provide transparency** by ensuring that there is openness and clarity on the Council's procurement policy and its delivery and a clear audit trail in relation to procurement activity.
- j. **The need to Social Value** by considering and evaluating Social Value as part of the procurement process including the use of the Social Value Portal for all over £50,000 contracts.

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

4. Contracts to which these Rules do not apply

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

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

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

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

5. Preparation Steps

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

5.1 Governance Requirements: Approval Process

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

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

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

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

5.2 Appraisal of the Procurement Options

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

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

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

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

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

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

5.3 **Framework Agreements and DPS**

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

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

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

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

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

5.4 **Market Research, Engagement and Consultation**

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

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

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

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

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

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

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

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

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

Table 1: Procurement Activities

Supplies, Services and Concessions

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

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

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

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

Works and Public Works Concessions

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

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

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

5.6 Standards and Award Criteria

5.6.1 The ASO must define award criteria that is appropriate to the procurement activity and designed to secure an outcome giving Value for Money for the Council. The basic award criteria shall include one of the following:

- a. Most economically advantageous tender (“MEAT”) - where considerations other than price also apply;
- b. Lowest price - where payment is to be made by the Council;
- c. Highest price - if payment is to be received.

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

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

6. Quotes

6.1 Requests for Quotes

6.1.1 When requesting a Quote, a Quotation Specification must be provided to prospective Bidders to enable the submission of competitive Quotes.

6.1.2 The request for a Quote shall also make reference to or include the following as a minimum:

- a. the terms and conditions of Contract that will apply; and
- b. notification that Quotes are submitted to the Council on the basis that they are compiled at the Bidder’s expense; and
- c. a description of the award criteria as appropriate and in accordance with [Rule 5.6](#); and
- d. the date and time by which a Quote is to be submitted by; and
- e. that the Council is not bound to accept any Quotes submitted.

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

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

6.2 **Submission and Receipt of Quotes**

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

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

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

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

6.3 **Amendments to Quotes**

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

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

6.4 **Evaluation of Quotes**

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

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

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

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

6.5.2 All awards of contracts must be:

- a. in accordance with Council's Scheme of Delegation;
- b. in accordance with Finance Procedure Rules/Regulations; and

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

7. Tenders

7.1 Invitations to Tender

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

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

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

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

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

8. Contract Provisions and Contract Formalities

8.1 Contract Provisions

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

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

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

8.2 Contract Formalities

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

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

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

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

8.3 Contracts under Seal

- 8.3.1 A Contract must be sealed where:

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

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

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

8.4 Transfer of Contracts

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

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

9. Exemptions and Modifications

9.1 Exemptions

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

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

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

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

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

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

9.2 Procedure for Exemptions

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

9.3 Modifications to a Contract or Framework Agreement

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

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

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

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

(See Schedule 1 - 9.3.1 Additional Justifications may apply)

9.3.2 Where several successive Modifications are made:—

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

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

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

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

9.3.4 For the purposes of Rule 9.3.3 where several successive Modifications are made, the values shall be the net cumulative value of the successive modifications.

9.3.5 A Modification of a Contract or a Framework agreement during its term shall be considered substantial for the purposes of Rule 9.3.1(e) where one or more of the following conditions is met:

- (a) the Modification renders the Contract or Framework Agreement materially different in character from the one initially concluded;
- (b) the Modification introduces conditions which, had they been part of the initial procurement procedure, would have:
 - (i) allowed for the admission of other Tenderers than those initially selected,
 - (ii) allowed for the acceptance of a Tender other than that originally accepted, or
 - (iii) attracted additional participants in the procurement procedure;
- (c) the Modification changes the economic balance of the Contract or Framework Agreement in favour of the Contractor in a manner which was not provided for in the initial Contract or Framework Agreement; or
- (d) the Modification extends the scope of the Contract or Framework Agreement considerably;
- (e) a new Contractor replaces the one to which the Council had initially awarded the Contract or Framework Agreement in cases other than those provided for in paragraph Rule 9.3.1(d).

9.3.6 Where 9.3.1(a) applies, and the Framework Agreement or Contract provides in writing for an extension to the length of the Framework Agreement or Contract's term and the following conditions are met:

- (a) The extension is for substantially the same works, supplies and/or services provided in the original Framework Agreement or Contract;
- (b) The financial terms for the extension are as agreed in the original Framework Agreement or Contract and deliver Best Value to the Council;
- (c) The OJEU/FTS notice or other advertisements for the Framework Agreement or Contract stated that an extension Contract may be awarded;
- (d) The estimated value of the Framework Agreement or Contract in the OJEU/FTS notice or other advertisements took account of the potential extension; and
- (e) The length of the extension is no longer than that permitted by the original Framework Agreement or Contract;

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

9.4 **Procedure for Modifications**

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

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

10. Declarations of Interest and Anti-Bribery and Corruption

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

11. Contract Management

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

12. Retaining Relevant Documents

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

12.2 All contracts shall be returned to the Council by STAR and must be retained as follows:

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

12.3 If legislation related to any individual Contract stipulates a longer retention period than this, then the legislation requirements takes precedence over the Council's minimum periods.

12.4 Once executed, the Council shall retain one original of the complete Contract documents in line with the timescales in the table above and one copy of the complete Contract documents shall be provided to the Contractor.

SCHEDULE 1

Part 4 Section 8: Contract Procedure Rules, Schedule 1 - Local Arrangements for Knowsley Metropolitan Borough Council Only

1. Introduction

1.7 Further to 1.7:

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

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

2. Interpretation and Definitions

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

4. Contracts to which these Rules do not apply

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

- h) Contracts for central bank services;
- i) Contracts related to S278 agreements;
- j) Contracts related to the appointment of artists or artistic works **up to the Regulations Threshold**: Supplies or Services with a value of up to the Regulations Threshold which

are of a specialist or unique nature, such as antiquities, performance artists (e.g. theatre productions, comedians, singers, authors, etc.), and/or pre-existing works of art.

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

4.3 Contracts Relating to Limited Care Services

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

the names of the Officers and partners concerned, and the reasons for the choice of provider, should be evidenced in the individual's care record. Justifications as provided for in Regulations must also be demonstrated as being met prior to seeking relevant Executive Director approval.

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

5. Preparation Steps

5.2 Appraisal of the Procurement Options

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

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

6. Quotes

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

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

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

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

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

7. Tenders

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

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

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

9. Exemptions and Modifications

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

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

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

9.2.1 In respect of 9.2.1:

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

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

9.3 Modifications to a Contract or Framework Agreement

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

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

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

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

9.4 Procedure for Modifications

In respect of 9.4.1 and 9.4.3:

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

Definitions

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

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

SCHEDULE 2

Definitions

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

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

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

Additional Definitions for the purpose of Schedule 1

Definitions

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