

DEMOCRACY COMMITTEE MEETING

Date: Monday 2 July 2018
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Mrs Blackmore, Boughton, Fissenden, Mrs Gooch (Vice-Chairman), Joy, Lewins, Perry, Mrs Ring and Mrs Wilson (Chairman)

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

<u>AGENDA</u>	<u>Page No.</u>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Urgent Items	
4. Notification of Visiting Members	
5. Disclosures by Members and Officers	
6. Disclosures of Lobbying	
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
8. Minutes of the Meeting Held on 14 March 2018	1 - 4
9. Minutes of the Meeting held on 22 May 2018	5
10. Presentation of Petitions (if any)	
11. Question and Answer Session from Members of the Public (if any)	
12. Committee Work Programme	6
13. Proposed Changes to Constitution - Financial and Contract Procedure Rules	7 - 56
14. Review of the Committee Structure	57 - 62
15. Member Learning and Development	63 - 85

Issued on Friday 22 June 2018

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

If you require this information in an alternative format please contact us, call **01622 602899** or email committee@maidstone.gov.uk.

In order to speak at this meeting, please contact Democratic Services using the contact details above, by 5 p.m. one clear working day before the meeting, i.e. 28th June. If asking a question, you will need to provide the full text in writing. If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated on a first come, first served basis.

To find out more about the work of the Committee, please visit www.maidstone.gov.uk.

MAIDSTONE BOROUGH COUNCIL

DEMOCRACY COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 14 MARCH 2018

Present: Councillor Newton (Chairman), and
Councillors Boughton, English, Fermor, Fissenden,
Garten, Mrs Hinder, Perry and Vizzard

Also Present: Councillor Adkinson

72. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Lewins and Mrs Ring.

73. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:-

Councillor English was substituting for Councillor Lewins
Councillor Garten was substituting for Councillor Mrs Ring

74. URGENT ITEMS

There were no urgent items.

75. NOTIFICATION OF VISITING MEMBERS

Councillor Adkinson attended as a Visiting Member and indicated his wish to speak on Agenda Item 13 – Honorary Aldermen and Agenda Item 14 – Economic Development Committee.

76. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

77. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

78. EXEMPT ITEMS

RESOLVED: That the items on the agenda should be taken in public as proposed.

79. MINUTES OF THE MEETING HELD ON 10 JANUARY 2018

RESOLVED: That the minutes of the meeting held on 10 January 2018 be approved as a correct record and signed.

80. PRESENTATION OF PETITIONS

There were no petitions.

81. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

82. CHANGE TO THE ORDER OF BUSINESS

The Chairman advised that he intended to take Agenda Item 15 – Decommissioning of Democracy Committee before Agenda Item 11.

RESOLVED: That Agenda Item 15 – Decommissioning of Democracy Committee be taken before Agenda Item 11.

83. DECOMMISSIONING OF DEMOCRACY COMMITTEE

The Committee considered the report of Mr Sam Bailey, the Democratic and Administration Services Manager, which outlined proposals for the decommissioning of the Democracy Committee.

Mr Bailey advised that this report had been requested by Councillor Harper who considered that agenda items for this Committee had tended to be light and he felt that the functions of the Committee could easily be distributed to other existing Committees of the Council.

The Committee made the following observations on the proposal:-

- That there would be a further reduction of the workload of the Committee due to the outside bodies being moved to other Committees as a result of the Outside Bodies Review.
- That the Democracy and Employment Committees could merge.
- There should be a wider review carried out which looked at all the Committees, considering their size, responsibilities and whether there should be any reductions in the number of Committees overall.
- That a scoping report be brought to the next Committee meeting which set out the terms of reference of the review, to include the original principles agreed by the Council when the review of Committees was carried out in 2015.

RESOLVED:

- 1) That a review be carried out into the functions and terms of reference of all the Committees, excluding the Regulatory Committees.
- 2) That a scoping report be brought to the next Committee meeting setting out the terms of reference for the review, including the original principles agreed by the Council.

Voting For: 8 Against: 0 Abstentions: 1

84. AMENDMENTS TO THE CONSTITUTION

The Committee considered the report of Ms Patricia Narebor, the Head of Legal Services Partnership and Monitoring Officer which set out some minor changes made to the Constitution which had been made under the Monitoring Officer's delegated authority.

RESOLVED: That the report be noted.

85. APPOINTMENT TO AN OUTSIDE BODY - MAIDSTONE RELIEF IN NEED CHARITIES

The Committee considered the report of Mrs Caroline Matthews, Democratic Services Officer which set out the options to make an appointment to the Maidstone Relief in Need Charities.

It was noted that other than Councillor Daley, there had not been any further nominations received.

RESOLVED: That Councillor Daley be re-appointed as a nominative trustee of the Maidstone Relief in Need Charities.

Voting Unanimous

86. HONORARY ALDERMEN

The Committee considered the report of Mr Sam Bailey, the Democratic and Administration Manager, which set out the legal powers that the Council had for appointing Honorary Aldermen as well as a suggested selection framework.

It was noted that Councillor Harper had requested that this report be brought before the Committee for consideration.

Members made the following comments:-

- That there should be a nomination process.

- That the suggested timescale of 8 years was not enough and it should be 12 or 16 years.
- That an automatic qualification of 8 years could lead to a large number of ex-Councillors becoming Honorary Aldermen.
- That further consideration was required to enable an informed decision.

RESOLVED: That a meeting be held to take into account issues raised by Members and that a criterion for the appointment of an Alderman/Alderwoman be produced and firm proposals be brought back to the Committee.

Voting Unanimous

87. ECONOMIC DEVELOPMENT COMMITTEE

The Chairman announced that as a result of the motion being passed in relation to Agenda Item 15 – Decommissioning of Democracy Committee, this item would not be discussed but would be considered as part of the review of Committees.

RESOLVED: That the agenda item be deferred and considered as part of the review of Committees to be undertaken.

Voting Unanimous

88. DURATION OF MEETING

6.30 p.m. to 7.45 p.m.

MAIDSTONE BOROUGH COUNCIL

DEMOCRACY COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 22 MAY 2018

Present: Councillor Mrs Wilson (Chairman), and
Councillors Mrs Blackmore, Boughton, Cox, Mrs
Gooch, Joy, Lewins, Perry and Mrs Ring

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Fissenden.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Cox was present as a Substitute for Councillor Fissenden.

3. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Wilson be elected as Chairman of the Committee for the Municipal Year 2018/19.

4. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED: That Councillor Gooch be appointed as Vice Chairman of the Committee for the Municipal Year 2018/19.

5. DURATION OF MEETING

6.45 p.m. to 6.47 p.m.

Democracy Committee

2 July 2018

Proposed Changes to Constitution – Financial and Contract Procedure Rules

Final Decision-Maker	Council
Lead Head of Service/Lead Director	Mark Green, Director of Finance and Business Improvement
Lead Officer and Report Author	Georgia Hawkes, Head of Commissioning and Business Improvement
Classification	Public
Wards affected	None

Executive Summary

This report seeks approval for changes to the Contract Procedure Rules, in order to simplify them, improve compliance and manage procurement risk. The changes also give rise to a small number of consequential changes to the Financial Procedure Rules.

This report makes the following recommendations to this Committee:

1. Accept the revised wording and incorporation of flow charts into the Financial and Contract Procedure Rules as detailed in Appendices 1 and 2.
2. Agree to increase the level for sealing of contracts to £1 million for non-construction projects.
3. Remove the requirement for a procurement risk assessment at £10,000.
4. Agree to the increased emphasis on contract formulation and signing before commencement of service.
5. Delegate authority to the Head of Mid Kent Legal Partnership to incorporate appropriate changes to the Constitution to effect the required changes and/or to reflect legislative requirements prior to Council approval.

Timetable

Meeting	Date
Democracy Committee	2 July 2018
Council	18 July 2018

Proposed Changes to Constitution – Financial and Contract Procedure Rules

1. INTRODUCTION AND BACKGROUND

- 1.1 A review of procurement by Internal Audit has identified some compliance issues and problems with services not following the correct procurement processes. As part of the management response, the Council has commissioned a procurement consultant to review the Contract Procedure Rules.
- 1.2 As part of this review, it was recognised that the current regulations and processes were more complicated than necessary and that poor compliance was largely due to lack of awareness rather than malicious avoidance. It became clear that the parts of the Council's Constitution that relate to procurement and contracts ought to be made easier to understand. Accordingly a number of changes are proposed at Appendix 2 which make the Council's Constitution easier to understand and more concise, including replacing some wording with flowcharts and removing any duplication.
- 1.3 A Purchasing Guide has been prepared by the procurement consultant and the Procurement team. This is designed to provide easy step by step guidance for officers and contains some of the content in the current Contract Procedure Rules which is guidance rather than rules. Training on the procurement processes in the Guide has been undertaken with key officers across the Council and has been received positively.
- 1.4 A few additional changes to the Constitution are proposed, as follows.
 - **Change the levels at which contracts are required to be sealed** - Currently all contracts over £75,000 in value are required to be sealed. The proposal is that this level is retained for construction contracts. However, for other contracts this requirement adds no value as it simply increases the defects liability period from 6 years to 12 years. It is therefore proposed that the requirement for sealing is increased to £1 million, with officers signing below this level in accordance with the authorised approval list. If the Head of Mid Kent Legal Services deems a non-construction contract below the proposed £1 million threshold requires execution as a deed, this contract may require execution under seal.
 - **Emphasise the need for contracts to be signed or sealed before commencement of works or a service** – This is made clear in flowcharts A, B and C. Currently it is possible for contracts not to be agreed before the contractor starts undertaking works or delivering a service to or on behalf of the Council, which puts the Council at risk. There is also a requirement in the new Contract Procedure Rules for a Procurement Plan to be completed, which ensures Legal Services are always consulted and are involved where necessary on procurements over £75,000 before tenders are advertised, rather than after.

- **Remove the need for a risk assessment for all procurements over £10,000** – The current requirement for a risk assessment for all procurements over £10,000 has not been widely understood or applied across the organisation. In practice, a risk assessment adds little value for smaller procurements. Flow Chart C for procurements over £75,000 requires a Procurement Plan to be completed by the officer undertaking the procurement. The Procurement Plan incorporates a risk assessment and other important areas for consideration e.g. the route to market, type of contract required etc. This must be signed off by the Head of Commissioning and Business Improvement before any procurement can begin. Therefore, the proposed changes ensure that the highest risk contracts in terms of size and cost will always have a high quality risk assessment. In addition, the Purchasing Guide contains a requirement for officers to undertake a risk assessment on any contracts below £75,000 that involve a substantial risk to the Council.
- **Remove reference to submission and opening of paper tenders** – It is proposed that the wording that refers to dealing with paper tenders is removed as all tenders over £75,000 should be received electronically via the portal.

1.5 The new compulsory Procurement Plan ensures Legal Services are involved as required in formulation of contracts above £75,000. The Council already uses standard contracts, but the Legal Services and Procurement teams are currently reviewing the standard contracts to see if they need to be updated, as well as working on guidance for services on how to use standard contracts and an explanation of when contracts under £75,000 need to be referred to Legal. This will be added to the Purchasing Guide.

2. AVAILABLE OPTIONS

- 2.1 **Do nothing** – this will not address the issues identified by Internal Audit and the same behaviours may continue, which puts the Council at risk and does not deliver best value. The only advantage of this option is that no work would be required.
- 2.2 **Keep existing Finance & Contracts Procedure Rules and deliver training** – this does not address the root problem of the Contract Procedure Rules not being as clear as they could be. It also does not give the opportunity to use a risk based approach to procurement, which could deliver more appropriate, easier to use processes. It could be argued that officers may be more familiar with the existing Procedure Rules and training should be developed to ensure this is the case. However, the internal audit report suggests that officers in Services are not aware of the current Procedure Rules.
- 2.3 **Update Finance and Contract Procedure Rules, Purchasing Guide, Intranet and deliver supporting training** - this option allows the Council to completely review existing Procedure Rules removing duplication, simplifying and moving to a risk based approach.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

3.1 Option 2.3 is the preferred option because it will deliver improved risk based procurement including delivering better value, reducing the Legal team involvement (through standardisation), simpler processes and clearer controls. It also addresses some of the issues that are delaying award or putting the Council at risk because work is starting before contracts are in place.

4. RISK

4.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council’s Risk Management Framework. We are satisfied that the risks associated are within the Council’s risk appetite and will be managed as per the Policy. The table below shows the risk before and after proposed changes.

Before Change to Contract Procedure Rules			
Risk	Impact	Likelihood	Grade
Failure of Service to comply with Contract Standing Orders	3	4	12
Unclear approval levels/process	3	3	9
Contract not fully signed/sealed before commencement of service	4	4	16
Procurement is successfully challenged by unsuccessful supplier	5	2	10
After Change to Contract Procedure Rules			
	Impact	Likelihood	Grade
Failure of Service to comply with Contract Standing Orders	3	1	3
Unclear approval levels/process	3	1	3
Contract not fully signed/sealed before commencement of service	4	2	8
Procurement is successfully challenged by unsuccessful supplier	5	1	6

- 4.2 In addition to the training already provided to key purchasing officers, there will be an ongoing programme of procurement training to ensure that all appropriate officers understand and comply with the required procurement processes. Guidance on contract formation will be added to the Purchasing Guide and will form part of this training. This will ensure that officers fully understand how contracts need to be prepared using standard contracts, and when contracts need to be referred to Legal. The proposed threshold for sealing of non-construction contracts is much higher than the current threshold, but the new process set out in Flow Chart C ensures that officers undertaking procurements over £75,000 will consider the contract and Legal Services involvement as part of the Procurement Plan, which has to be signed off by the Head of Business Improvement before any procurement can commence. The Procurement team will ensure the Legal Services team is involved in contract formation before the tender as appropriate, including for non-construction contracts below £1 million that do not require execution under seal when this is required.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 These changes have been discussed at the Wider Leadership Team (24.4.18) and the Corporate Leadership Team (19.6.18), both groups being in support of the proposals.
- 5.2 This report is now going to Democracy Committee prior to going to Council.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 Training has already started with a clear message that some of the elements will not be implemented until approval for change has been given by the Council. The Purchasing Guide will be updated and further communication will be issued if the recommendations of this report are accepted.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council’s overall achievement of its aims as set out in section 3	Georgia Hawkes
Risk Management	Already covered in the risk section	Georgia Hawkes
Financial	The proposed changes to the Financial and Contract Procedure Rules have no direct financial implications, but are expected to lead to improved compliance and better procurement outcomes.	Section 151 Officer & Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Georgia Hawkes
Legal	Accepting the recommendations must meet the requirements of the Public Contracts Regulations 2015. The recommendations propose a variation to the financial thresholds relevant to how goods and services will be procured by the Council. The variations will need to properly reflect how works will be commissioned. Failure to incorporate appropriate contract standing orders and other relevant changes to the Constitution to reflect how the	Patricia Narebor, Head of Mid Kent Legal Partnership

	<p>Council actually undertakes these services may place the Council in breach of the 2015 Regulations and related legislation.</p> <p>Acting on the recommendations is within the terms of reference for the Democracy Committee as set out in the Council's Constitution and in accordance with the Local Government Act 1972, section 135 which requires a local authority to make standing orders with respect to how contracts are made.</p>	
Privacy and Data Protection	These changes do not affect any data held by the Council.	Georgia Hawkes
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities and Corporate Policy Officer
Crime and Disorder	The recommendation will have a no impact on Crime and Disorder.	Georgia Hawkes
Procurement	On accepting the recommendations, the Council will then follow the new proposed processes.	Georgia Hawkes & Section 151 Officer]

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Proposed changes to Financial and Contract Procedure Rules
- Appendix 2: Proposed new Contract Procedure Rules

APPENDIX 1

Proposed amendments to Constitution

Original Clause	Original Wording	New Wording	<i>Explanation</i>
FINANCIAL PROCEDURE RULES			
9.0	Placing of Contracts (Including Official Orders) Deleted	Procurement of Goods and Services Added	<i>Placing of contracts does not adequately describe the entire procurement process including tendering.</i>
9.1 14	<p>Before placing a contract, regard will be had to the Contract Procedure Rules and to the various financial limits shown in the Financial Limits Appendix which determine and affect:</p> <ul style="list-style-type: none"> (a) The form of contract to be used; (b) The need for a competitive approach; (c) The need for financial vetting; (d) Bonding arrangements; (e) Contract period; and (f) Liquidated damages. <p>(Note: The form of contract document to be used is prescribed in Contract Procedure Rule 1(5). Official Orders or a contract in a form</p>	<p>Procurement of Goods and Services shall be in accordance with the Contract Procedure Rules.</p> <p>Added</p>	<i>This paragraph duplicates material that is in the Contract Procedure Rules.</i>

Original Clause	Original Wording	New Wording	Explanation
	<p>approved by the Head of Legal Services must be used where that form of contract document does not apply.)</p> <p>Deleted</p>		
<p>9.5</p> <p style="text-align: center;">15</p>	<p>Official orders will describe, where applicable:</p> <ul style="list-style-type: none"> (a) The nature and quantity of the work, goods or services required; (b) The quality of the work, goods and services where this can be quantified and is a factor in the placing of the order; (c) Any contract or agreement or agreed prices relating thereto; (d) The estimated total cost; (e) Any defects period; (f) Any retention of monies; (g) The rate of any liquidated damages to be applied; and (h) The dates for commencement and completion of the work or services, or the date for the delivery of goods. 	<p>Official orders will describe:</p> <ul style="list-style-type: none"> (a) For materials and simple services not covered by a separate contract <ul style="list-style-type: none"> i. The nature and quantity of the work, goods or services required; ii. The quality of the work, goods and services where this can be quantified and is a factor in the placing of the order; iii. Any contract or agreement or agreed prices relating thereto; iv. The total cost (b) For services and high value materials where a formal contract is in place 	<p><i>Where applicable has been deleted as the standing order already covers the minimum requirements.</i></p> <p><i>The list has been broken into two to reflect the two very different types of order: a) those for simple procurements where the order is the form of contract and b) where a separate form of contract is in place and the order is the link to the payment system.</i></p>

Original Clause	Original Wording	New Wording	Explanation
	Deleted	i. Clear reference to the contract including reference number, name and date. Added	
9.6, 11.2a and 11.3	Official orders will be authorised in the Financial Management System by the Director or duly authorised officer, whose names will be notified in writing for the agreement of the Chief Finance Officer specifying any financial limits to that authority. Amended	Official orders will be authorised in the Financial Management System by the authorised officer as approved by the Chief Finance Officer and defined in the Delegated Authorities Matrix. Amended	<i>The Delegated Authorities Matrix has been introduced as a way of capturing details of all authorised officers.</i>
12.1 16	When a contract (including official orders) provides for payments to be made on an interim or stage basis, the Director or designated duly authorised Officer will be responsible for the maintenance of a contract register. The register will, for each contract, specify the name of the contractor, the works to be executed or the goods to be supplied, the contract period and value, bonds, liquidated damages and all payments made in accordance with the contract. Deleted	10.1 When a contract (including official orders) provides for payments to be made on an interim or stage basis, the Responsible Officer will set up and maintain a contract file including details of award, waivers, contract, payments, variations, extensions and correspondence. New Clause	<i>The Contract Register is covered elsewhere. This clause now relates to maintaining accurate and accessible contract information.</i>
AUTHORISATION LEVELS			
	<u>Contract Procedure Rules</u>	<u>Contract Procedure Rules</u>	<i>The Delegated Authorities Matrix will be simpler to understand and</i>

Original Clause	Original Wording	New Wording	Explanation
17	<p>[3.5] All contracts to the value of £10,000 or more shall be the subject of a written risk assessment.</p> <p>[5.3.6] All contracts of the value of £25,000 or more must be included on the Council's Contract Register.</p> <p>[5.3.7] Separate files recording details of contract awards, waivers and extensions shall be kept for all contracts of a value of £25,000 or above.</p> <p>[7.4] Thresholds for quotes/tenders – see table 7.4 for Contract Procedure Rules.</p> <p>[8.3] The common seal of the Council shall be affixed to every contract in excess of £75,000, unless the Head of Legal Partnership considers that this is not necessary or appropriate.</p> <p><u>Financial Procedure Rules</u></p> <p>[4.2] The overall limit for virement is £100,000.</p> <p>[4.4] The Chief Finance Officer is authorised to accept tenders or quotations on the recommendation of the Director or duly authorised Officer and subject to the conditions shown in Financial Procedure Rules in excess of £75,000. Directors are authorised to accept tenders not exceeding this sum.</p>	<p>All contracts of the value of £25,000 or more must be included on the Council's Contract Register.</p> <p>Thresholds for Tenders are set out in section 3 of the Contract Procedure Rules.</p> <p>The Common Seal of the Council shall be affixed to contracts over £1 million and construction contracts over £75,000, unless in the opinion of the Monitoring Officer exceptional circumstances require the contract to be sealed.</p> <p>Added</p>	<p><i>will cover all authorities all in one place</i></p>

Original Clause	Original Wording	New Wording	<i>Explanation</i>
18	<p>[4.7] All Committees are authorised to incur expenditure, including the acceptance of tenders, where the delegation to the Chief Finance Officer has not been exercised, in excess of £75,000.</p> <p>[4.8] (a) The limit of the authority for the Chief Finance Officer to authorise virement is £50,000 per item.</p> <p>[4.8] (b) & (c) The overall limit for deferred virement and Committee virement is £100,000.</p> <p>[4.8] (d) The limit to the authority for the Chief Finance Officer to authorise supplementary estimates is £50,000 per item.</p> <p>[4.8] (e) The limit to the authority of the Chief Finance Officer to authorise supplementary estimates in relation to a confirmed emergency or the activation of the Business Continuity Plan is £100,000 per emergency.</p> <p>[4.11] (a) The minimum carry forward is £6,000.</p> <p>[22.6] The limit to the authority of the Chief Finance Officer or an Officer authorised by</p>		

Original Clause	Original Wording	New Wording	Explanation
19	<p>him/her to write-off individual amounts due to the Council including the council tax, business rates and housing rents and to authorise adjustments to stores balances is £12,000 per item.</p> <p>[22.7] The approval of the Policy and Resources Committee is required before amounts can be written off or stores balances can be adjusted in excess of £12,000 per item.</p> <p>[16.4(a) & (b)] Any payment to a single supplier which exceeds £40,000 requires authorisation of a bank signatory.</p> <p>Delete</p>		

CONTRACT PROCEDURE RULES

1.	<p>Introduction – Purpose of the Contract Procedure Rules</p> <p>1.1 Purchasing decisions and processes are important because the money involved is public money. The purpose of these Contract Procedure Rules is to provide a structure within which purchasing decisions are made and implemented and which ensure that the Council:</p> <p>1.1.1 Furthers its corporate objectives</p>	<p>Introduction</p> <p>It is the responsibility of the Chief Executive and the Service Directors to ensure that all purchases of goods and services comply with:</p> <p>(a). Legal requirements</p> <p>(b). EU Directives</p> <p>(c). The Public Contracts Regulations 2015 (all</p>	<p><i>A detailed introduction is unnecessary and repeats other areas of the Contract Procedure Rules.</i></p>
----	---	---	---

Original Clause	Original Wording	New Wording	<i>Explanation</i>
20	<p>1.1.2 Uses its resources efficiently</p> <p>1.1.3 Purchases appropriate quality goods, services and works</p> <p>1.1.4 Safeguards its reputation from any implication of dishonesty or corruption.</p> <p>1.2 Purchasing by the Council, from planning to delivery, shall incorporate (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings.</p> <p>1.3 These Contract Procedure Rules are made in accordance with the requirements of Section 135 of the Local Government Act 1972.</p> <p>1.4 These Contract Procedure Rules do not provide guidelines on what is the best way to purchase works, supplies (goods) and services. They set out minimum requirements to be followed. Further information and guidelines are set out in the Council's Purchasing Guide.</p> <p style="color: red; text-align: center;">Deleted</p>	<p>amendments and Procurement Policy Notes that have been applied later)</p> <p>(d). The Councils Constitution including these Contract Procedure Rules, the Finance Procedure Rules and the Scheme of Delegation</p> <p>(e). Compliance with the Councils decision making process</p> <p>(f). An appropriately signed Procurement Plan is in place prior to the commencement of any procurement over £75,000 contract sum.</p> <p style="color: red;">Added</p>	
2.	General Principles – Application and	General Principles Applying to all	<i>More relevant title.</i>

Original Clause	Original Wording	New Wording	<i>Explanation</i>
	Compliance with Contract Procedure Rules Title Deleted	Procurements Title Added, other content retained	
21	3. General Principles Applying to All Contracts 3.1. All purchases however small shall be in writing. 3.2. As a minimum, all contracts shall include clauses which set out: 3.2.1. The works, supplies (goods), services, material, matters or things to be carried out or supplied. 3.2.2. The contract value or a pricing schedule by which the price to be charged for the works, supplies or services provided can be calculated. 3.2.3. The time within which the contract is to be performed. 3.2.4. Quality requirements and/or standards which must be met. 3.2.5. Requirements on the contractor to hold and maintain appropriate insurance.		<i>This section becomes guidance at lots of points and is repetitive so has been removed.</i>

Original Clause	Original Wording	New Wording	<i>Explanation</i>
22	<p>3.2.6. What happens in the event that the contractor fails to comply with its contractual obligations (in whole or in part).</p> <p>3.2.7. Requirements on the contractor to comply with all relevant equalities and health and safety legislation.</p> <p>3.2.8. Requirements on the contractor to comply with relevant sustainability guidelines.</p> <p>3.2.9. That the Council shall be entitled to cancel the contract and recover losses in the event that the contractor does anything improper to influence the Council to give the contractor any contract or commits an offence under the Bribery Act 2010.</p> <p>3.2.10. Requirements regarding freedom of information, data protection, data quality and copyright legislation.</p> <p>3.2.11. Requirements regarding business continuity.</p>		

Original Clause	Original Wording	New Wording	<i>Explanation</i>
23	<p data-bbox="331 304 987 443">3.2.12. Conditions of termination, including the Council's obligations under regulation 73 of the Public Contracts Regulations 2015.</p> <p data-bbox="443 496 958 919">Payment clauses as required by Regulation 113 of the Public Contracts Regulations 2015 which should specify that the Council will pay the contractor within 30 days from the date on which the relevant invoice is regarded valid and undisputed and oblige contractors to include similar provisions in any subsequent sub-contract entered into by the contractor.</p> <p data-bbox="241 975 920 1150">3.3. Written contracts shall not include non-commercial terms or terms unrelated to the actual performance of the contract, unless these are necessary to achieve best value for the Council.</p> <p data-bbox="241 1190 1010 1366">3.4. All contracts shall include relevant specifications and/or briefs/technical requirements which are prepared taking into account the need for effectiveness of delivery, quality, sustainability and efficiency (as</p>		

Original Clause	Original Wording	New Wording	<i>Explanation</i>
24	<p>appropriate) and the information set out in the Council's Purchasing Guide.</p> <p>3.5. All contracts of a value of £10,000 or more or which involve a substantial risk to the Council must be subject to a written risk assessment, which should be kept on the contract file.</p> <p>3.6. All contracts over a value of £10,000 or for the provision of consultancy services shall be in a form of contract approved by the Head of Legal Partnership.</p> <p>Deleted</p>		
4.	<p>Regulatory Context</p> <p>4.1. All purchasing shall be conducted in accordance with Regulatory Provisions which are:</p> <p>4.1.1. All relevant statutory provisions.</p> <p>4.1.2. The relevant European Community Treaty Principles and EU Rules, which are defined in the Council's Purchasing Guide.</p> <p>4.1.3. The Council's Constitution</p>		<p><i>These are fundamental requirements so are more appropriately dealt with in Section 1 – see above</i></p>

Original Clause	Original Wording	New Wording	<i>Explanation</i>
25	<p>including these Contract Procedure Rules, the Council's Financial Procedure Rules and Scheme of Delegation.</p> <p>4.1.4. The Council's Purchasing Guide and other policies and procedures of the Council as appropriate.</p> <p>4.2. In the event of conflict between the above, the EC Treaty Principles and EU Rules will take precedence, followed by UK legislation, then the Council's Constitution, the Council's Purchasing Guide and guidelines, policies and procedures.</p> <p>Deleted</p>		
5.0	<p>Responsibilities of Directors and Responsible Officers</p> <p>5.1. Each Director shall:</p> <p>5.1.1. be responsible for the purchasing undertaken by his/her Directorate.</p> <p>5.1.2. be accountable to the Council for the performance of his/her duties in relation to purchasing. comply</p>		<i>Replaced by Annex A, Flowcharts and Section 1</i>

Original Clause	Original Wording	New Wording	<i>Explanation</i>
26	<p>with the Council's decision making processes including, where appropriate, implementing and operating a Scheme of Delegation.</p> <p>5.1.3. appoint a Responsible Officer in writing who shall be an authorised signatory.</p> <p>5.1.4. take immediate action in the event of breach of these Contract Procedure Rules.</p> <p>5.2. A Responsible Officer is an officer with responsibility for conducting purchasing processes for the purchase of works, supplies (goods) or services on behalf of the Council.</p> <p>5.3. A Responsible Officer's duties in respect of purchasing are to ensure:</p> <p>5.3.1. compliance with all Regulatory Provisions and integrity of the tender process.</p> <p>5.3.2. compliance with the relevant statutory provisions and the Council's requirements relating to declarations of</p>		

Original Clause	Original Wording	New Wording	<i>Explanation</i>
27	<p>interest affecting any purchasing process.</p> <p>5.3.3. that there is an appropriate analysis of the requirement, timescales, procedure and documentation to be used.</p> <p>5.3.4. the purchasing process, from planning to delivery incorporates (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings.</p> <p>5.3.5. compliance with the Council's decision making processes.</p> <p>5.3.6. ensuring that all contracts of a value of £25,000 or more are included on the Council's Contract Register.</p> <p>5.3.7. making sure that proper records of all contract award procedures, waivers/exemptions and extensions are maintained, with separate files for each purchase of a value of £25,000 or more.</p> <p>5.3.8. that the works, supplies or services procured are appropriate and</p>		

Original Clause	Original Wording	New Wording	<i>Explanation</i>
28	<p style="text-align: center;">proportional to the council's needs.</p> <p>5.3.9. that value for money is achieved.</p> <p>5.3.10. that adequate and appropriate security (such as a bond or guarantee) is taken to protect the Council in the event of non-performance.</p> <p>In considering how best to procure works, supplies and services Directors and/or Responsible Officers (as appropriate in the context) shall take into account wider contractual delivery opportunities and purchasing methods including the use of Purchasing Schemes and e-procurement/purchasing methods, the Public Services (Social Value) Act 2012 and the availability of local authority charging and trading powers under the Local Government Act 2003 and Localism Act 2011.</p> <p>5.4. It is a disciplinary offence to fail to comply with these Contract Procedure Rules and the Council's Purchasing Guide. All employees have a duty to report breaches of Contract Procedure Rules to their line manager or to the Monitoring Officer or the Head of Audit Partnership.</p>		

Original Clause	Original Wording	New Wording	<i>Explanation</i>
29	<p>5.5. Any officer or Councillor who suspects any misconduct or corruption in relation to the purchase by or on behalf of the Council of works, supplies (goods) and services must immediately report that suspicion to their line manager or the Council's Monitoring Officer and Head of Audit Partnership.</p> <p>5.6. Where permissible under applicable EU Rules, any person or company against who any misconduct or corruption referred to in clause 5.6 is proved will be immediately disbarred from consideration in relation to the purchase by or on behalf of the Council of works, supplies (goods) and services.</p> <p>Deleted</p>		
6.0	<p>Scheme of Delegation</p> <p>6.1. Council purchasing may only be undertaken by officers with the appropriate delegated authority to carry out such tasks as set out in the Council's Scheme(s) of Delegation. Officers with delegated authority may only delegate to other officers who have the appropriate skills and knowledge for the task and such delegation shall be recorded in writing by the officer delegating the task and notified to the relevant Head of Service.</p>		<p><i>All authorities must be clear and transparent, and recorded in one place, hence the introduction of a Delegated Authorities Matrix.</i></p>

Original Clause	Original Wording	New Wording	<i>Explanation</i>
	<p>6.2. Officers shall, where appropriate, be informed by their Head of Service of the extent of any delegated authority and applicable financial thresholds.</p> <p>Deleted</p>		
<p>7.0</p> <p>30</p>	<p>Financial Thresholds and Procedures</p> <p>7.1. The table below sets out the general rules applying to the choice of purchasing procedure for contracts at the stated threshold values.</p> <p>7.2. There is a general presumption in favour of competition. Wherever possible contract opportunities should be advertised by way of a public notice. The Council must consider the potential cross border interest in the opportunity effect of a contract on interstate trade (at a European level). If a contract may be of interest to contractors from other member states then this may result in a need to advertise in a manner which ensures that potential contractors from other member states are aware of the opportunity, even for small value contracts or contracts under the EU Threshold levels outlined below in Table 7.4. For any contract opportunity with a value of £25,000 or</p>		<p><i>Replaced by new Section 3 and Flowcharts A, B and C.</i></p>

Original Clause	Original Wording	New Wording	Explanation						
31	<p>more, whenever the Council places a public notice in relation to a contract opportunity it must also, within 24 hours of first publication of the public notice, place a notice on the Contracts Finder website as required by the Public Contracts Regulations 2015.</p> <p>7.3. The public notice referred to at 7.2 may take the form of a notice or advertisement in an electronic or paper format, on an easily accessible website or other electronic media and/or in the press, trade journals or Official Journal of the European Union ("OJ") (as appropriate). The Responsible Officer may choose to place one or more public notices in different media but it is important to note the Council's obligations to publish notices on Contracts Finder as referred to at 7.2 above.</p> <p>7.4. Table setting out financial thresholds and procedures</p> <table border="1" data-bbox="275 1209 1055 1369"> <thead> <tr> <th data-bbox="275 1209 495 1281">Total value £</th> <th data-bbox="495 1209 719 1281">Type of contract</th> <th data-bbox="719 1209 1055 1281">Procedure to be used</th> </tr> </thead> <tbody> <tr> <td data-bbox="275 1281 495 1369">0 to 10, 000</td> <td data-bbox="495 1281 719 1369">Works, supplies and services</td> <td data-bbox="719 1281 1055 1369">At least one written quote in advance</td> </tr> </tbody> </table>	Total value £	Type of contract	Procedure to be used	0 to 10, 000	Works, supplies and services	At least one written quote in advance		
Total value £	Type of contract	Procedure to be used							
0 to 10, 000	Works, supplies and services	At least one written quote in advance							

Original Clause	Original Wording			New Wording	<i>Explanation</i>
32	10,001 to 24,999	Works, supplies and services	At least three written quotes in advance		
	25,000 to 74,999	Works, supplies and services	At least three written quotes in advance and, if a public notice is placed, then a corresponding notice on Contracts Finder also		
	75,000 to 164,176**		At least three written tenders in advance, following advertisement by public notice and on Contracts Finder		
	164,176** plus **EU Threshold for supplies and services	Supplies, services and design contracts	EU Rules apply – full competitive process following advertisement in the OJ and on Contracts Finder for supplies and services. For services listed in Schedule 3 to the Public Contracts Regulations 2015 reduced requirements apply under the EU Rules but there is a presumption in favour of advertising and a competitive process		

Original Clause	Original Wording			New Wording	Explanation
33	164,176 to 4,104,394**	Works	Full competitive process with tenders following advertisement by public notice and on Contracts Finder		
	4,104,394** plus **EU Threshold for works 589,148	Works Social and Other Specific Services	EU Rules apply – full competitive process with tenders following OJ advertisement and Contracts Finder advertisement EU Light Touch Procurement regime applies		
	<p>For the purposes of the EU Rules services are divided into two types and the EU Rules apply to a different degree. Responsible Officers should act cautiously and seek advice when considering the procedure to be used and application of the EU Rules to services contracts;</p> <p>** or relevant threshold in force at the time under the EU Rules.</p> <p>7.5. Where contracts are of a type and value which means that they are subject to the EU Rules then there are a number of EU procedures available under the Public Contracts Regulations 2015. Care must be taken to ensure that the correct and most appropriate procedure is used. For any procedure where it is anticipated that there will be negotiation with tenderers, justification as to the choice of</p>				

Original Clause	Original Wording	New Wording	<i>Explanation</i>
34	<p>procedure is likely to be needed based on the nature and complexity of the contract and assistance on the choice and use of EU procedure should be sought.</p> <p>7.6. Responsible Officers should always consider whether it is appropriate to undertake some form of market consultation before the formal procurement process is commenced. Market consultation can help to prepare for a more efficient and streamlined process but should be carried out in accordance with the Public Contracts Regulations 2015 where applicable and steps should be taken to ensure that this does not distort competition or prejudice the subsequent procurement process.</p> <p>Deleted</p>		
8.0	<p>Financial Thresholds and Processes Applying to Approval and Execution of Contracts</p> <p>8.1. For contracts over the relevant EU Threshold (in force at the time), the choice of purchasing procedure to be used and the decision to proceed to advertisement must be authorised in writing by the Head of Finance (or an Officer authorised in writing by him/her) in advance.</p>		<i>Replaced by new Section 5 and Delegated Authorities Matrix</i>

Original Clause	Original Wording	New Wording	<i>Explanation</i>
35	<p>8.2. When a decision is made to award a contract then the Responsible Officer must, in addition to complying with his/her general obligations under these Contract Procedure Rules ensure, in particular, that:</p> <p>8.2.1. the appropriate approvals have been obtained to authorise that decision; and</p> <p>8.2.2. where appropriate, a standstill period complying with the EU Rules is incorporated into the final award process.</p> <p>8.2.3. where the contract value is £10,000 and below authorisation is delegated to the appropriate officer in accordance with the previously advised financial sign off level.</p> <p>8.2.4. Where the contract value is between £10,001 and £74,999 written authorisation must be obtained from the appropriate Director prior to awarding the contract.</p> <p>8.2.5. Where the contract value is £75,000 or above, written authorisation must be obtained from Chief Finance Officer</p>		

Original Clause	Original Wording	New Wording	<i>Explanation</i>
36	<p style="text-align: center;">prior to awarding the contract.</p> <p>8.2.6. In the event that the contract is not awarded to the tender which represents the best value for money the Chief Finance Officer must consult with the relevant Committee Chairman before confirming the award.</p> <p>8.2.7. A contract award notice is published in the OJ where required by the EU Rules, and a contract award notice is placed on Contracts Finder.</p> <p>8.3. Any contracts valued at £75,000 or above shall be executed as a deed, unless in the opinion of the Head of Legal Partnership a deed is unnecessary. All other contracts may be signed by officers with appropriate delegated authority.</p> <p>8.4. Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Head of Audit Partnership.</p> <p>Deleted</p>		
9.0	Calculating the Contract Value		<i>This is guidance rather than a</i>

Original Clause	Original Wording	New Wording	<i>Explanation</i>
37	<p>9.1. The starting point for calculating the contract value for the purposes of these Contract Procedure Rules is that the contract value shall be the genuine pre-estimate of the value of the entire contract excluding Value Added Tax. This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period (including proposed extensions and options).</p> <p>9.2. There shall be no artificial splitting of a contract to avoid the application of the provisions of the EU Rules and/or these Contract Procedure Rules.</p> <p>9.3. The EU Rules can cover contracts which are below the stated EU threshold where they constitute repeat purchases and/or purchases of a similar type in a specified period. Responsible Officers should therefore seek advice on the application of the EU Rules where they envisage that they may require repeat purchases and/or purchases of a similar type.</p> <p>Deleted</p>		<p><i>mandatory requirement. It is now is incorporated in the guidance documents.</i></p>
10.0	Principles Underlying Procurement Processes and Evaluation		<p><i>This is guidance rather than a mandatory requirement. It is</i></p>

Original Clause	Original Wording	New Wording	<i>Explanation</i>
38	<p>10.1. All tendering procedures (including obtaining quotes), from planning to contract award and signature, shall be undertaken in a manner so as to ensure:</p> <p>10.1.1. Sufficient time is given to plan and run the process</p> <p>10.1.2. Equal opportunity and equal treatment</p> <p>10.1.3. Openness and transparency</p> <p>10.1.4. Probity</p> <p>10.1.5. Outcomes which deliver sustainability, efficiency and cost savings (where appropriate).</p> <p>Deleted</p>		<p><i>now is incorporated in the guidance documents.</i></p>

Original Clause	Original Wording	New Wording	<i>Explanation</i>
39	<p>11.0 Submission and Opening of tenders</p> <p>11.1. An Invitation to Tender shall be issued by the Council for all contracts over £75,000 and tenders shall be submitted in accordance with the requirements of the Invitation to Tender and the EU Rules.</p> <p>11.2. Any tenders received (other than those received electronically, to which 11.3 shall apply) shall be:</p> <p>11.2.1. addressed to the Director of Finance and Business Improvement or other nominated Director not involved in the Tender process.</p> <p>11.2.2. in a sealed envelope marked "Tender" followed by the subject matter to which it relates.</p> <p>11.2.3. kept in a safe place by the Director of Finance and Business Improvement or other nominated Director.</p> <p>11.2.4. retained unopened until the date and time specified for its opening.</p>	<p>4.0 Submission and Opening of Tenders</p> <p>4.1 In accordance with flowchart C for all contracts over £75,000 and also where appropriate for those below £75,000, a formal tender process will be followed.</p> <p>4.2 All tenders shall be submitted electronically using the e-sourcing tool in use by the Council.</p> <p>4.3 Late tenders shall not be accepted unless the Director of Finance and Business Improvement is satisfied that there is sufficient evidence that exceptional circumstances apply.</p> <p>5.0 Placing Contracts</p>	<p><i>All tenders over £75,000 should be received electronically via the portal, so reference to non-electronic tenders has been removed.</i></p>

Original Clause	Original Wording	New Wording	Explanation
40	<p>11.3. Where the Council has indicated in the Invitation to Tender and/or where the EU Rules require that a tender can or must be submitted electronically, then those tenders shall be:</p> <p>11.3.1. in the format specified in the Invitation to Tender.</p> <p>11.3.2. stored securely with a secure method of opening.</p> <p>11.3.3. retained unopened until the date and time specified for their opening.</p> <p>11.4. No tender received after the time and date specified for its opening shall be accepted or considered by the Council unless the Director of Finance and Business Improvement or other nominated Director is satisfied that there is sufficient evidence of the tender having been dispatched in time for it to have arrived before the closing date and time, or other exceptional circumstances apply and the other tenders have not been opened.</p> <p>Tenders shall be opened by the Director of Finance and Business Improvement or other nominated officer or a member of their staff designated by them and an immediate record shall be made of tenders received</p>	<p>5.1 As required under section 9 of the Financial Procedure Rules all external expenditure except those specifically exempted shall be supported by a contract and/or official order, for those contracts over £75,000 the type of contract will be defined in the Procurement Plan.</p> <p>5.2 Details to be included in a contract/order are dependent on the risk and value associated with that order (refer to sectionn 9.5 in Financial Regulations)</p> <p>Added to replace Section 11.</p>	

Original Clause	Original Wording	New Wording	Explanation
	<p>including names and addresses and the date and time of opening</p> <p>Deleted</p>		
<p>12.0 41</p>	<p>Evaluation of Quotes and Tenders</p> <p>12.1. All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in advance to those submitting quotes/tenderers.</p> <p>12.2. Tenders subject to the EU Rules shall be evaluated in accordance with the EU Rules. Save in exceptional circumstances approved in advance by the Head of Finance contracts shall be awarded on the basis of the quote or tender which represents best value for money to the Council and not on the basis of lowest price.</p> <p>Deleted</p>		<p><i>This is guidance rather than a mandatory requirement. It is now incorporated in the guidance documents.</i></p>
<p>13.0</p>	<p>Waivers</p> <p>Retained as is but moved to new Section 7</p>		

Original Clause	Original Wording	New Wording	<i>Explanation</i>
14.0	Extensions to Existing Contracts Retained as is but moved to new Section 6		
42	15.0 Purchasing Schemes 15.1. A Responsible Officer may use Purchasing Schemes subject to the following conditions and the Council’s Purchasing Guide. 15.2. Responsible Officers must check in advance that: 15.2.1. The Council is legally entitled to use the Purchasing Scheme 15.2.2. The purchases to be made do properly fall within the coverage of the Purchasing Scheme 15.2.3. The establishment and operation of each Purchasing Scheme is in compliance with the EU Rules (where they apply) and meets the Council's own requirements. 15.3. A “Purchasing Scheme” may include: 15.3.1. Contractor prequalification lists/select lists 15.3.2. Framework arrangements		<i>Some of the purchasing schemes listed within the original wording are not compliant with the Contract Procedure Rules and EU law. Identifying a compliant purchasing scheme is in any case an inherent part of the procurement planning process so this section is redundant.</i>

Original Clause	Original Wording	New Wording	Explanation
43	<p style="text-align: right;">(including those set up by the Office of Government Commerce)</p> <p>15.3.3. Purchasing arrangements set up by central purchasing bodies and commercial organisations</p> <p>15.3.4. Consortium purchasing</p> <p>15.3.5. Collaborative working arrangements</p> <p>15.3.6. Formal agency arrangements</p> <p>15.3.7. E-procurement/purchasing schemes and methods</p> <p>15.3.8. Other similar arrangements</p> <p>15.4. Where a Purchasing Scheme is used then there shall be a whole or partial exemption from the obligations under these Contract Procedure Rules in respect of the choice and conduct of procedures to the extent permitted and indicated in the Council's Purchasing Guide.</p> <p>Deleted</p>		
	<p>New Clause 8.0 Added</p>	<p>8 Approval and Execution of Contracts</p>	<p><i>This new section changes the requirement to seal all contracts over £75,000.</i></p>

Original Clause	Original Wording	New Wording	<i>Explanation</i>
44		<p>8.1. Contract award approval is to be in accordance with Delegated Authorities. All contracts must be executed and issued prior to commencement of contract.</p> <p>8.2. Contracts will be executed by hand unless they are (a) over £1 million, (b) a construction contract over £75,000 or (c) considered to require sealing by the Monitoring Officer, in which case they will be sealed.</p>	
16.0	<p>Review and Changes to these Contract Procedure Rules</p> <p>16.1. These Contract Procedure Rules shall be reviewed and updated on a regular basis. Save in the case of revisions to the EU Thresholds in Contract Procedure rule 7, amended Contract Procedure Rules shall be agreed and adopted by the Council. Revisions to the EU Thresholds shall be updated by the Chief Finance Officer.</p> <p>Deleted</p>	<p>9.0 Review and Changes to these Contract Procedure Rules</p> <p>9.1 These Contract Procedure Rules shall be reviewed and updated on a regular basis. Save in the case of revisions to the EU Thresholds, amended Contract Procedure Rules shall be agreed and adopted by</p>	<p><i>Rule 7 reference removed as there is no need to differentiate these revisions from those revisions which may be updated by the Chief Finance Officer.</i></p>

Original Clause	Original Wording	New Wording	<i>Explanation</i>
		<p>the Council. Revisions to the EU Thresholds shall be updated by the Chief Finance Officer.</p> <p>Slightly amended the original Clause</p>	

APPENDIX 2

3.6 CONTRACT PROCEDURE RULES

1. Introduction

It is the responsibility of the Chief Executive and the Service Directors to ensure that all purchases of goods and services comply with:

- a) Legal requirements
- b) EU Directives
- c) The Public Contracts Regulations 2015 (all amendments and Procurement Policy Notes that have been applied later)
- d) The Councils Constitution including these Contract Procedure Rules, the Finance Procedure Rules and the Scheme of Delegation
- e) Compliance with the Councils decision making process
- f) An appropriately signed Procurement Plan is in place prior to the commencement of any procurement over £75,000 contract sum.

2. General Principles Applying to all Procurements

- 2.1 These Contract Procedure Rules apply to the purchase by or on behalf of the Council of works, supplies (goods) and services.
- 2.2 These Contract Procedure Rules apply to all contracts including all purchase orders, concessions and contractual arrangements entered into by or on behalf of the Council, except for the specific types of contracts and purchasing methods which are listed in 2.3.
- 2.3 These Contract Procedure Rules do not apply to:
 - a) Employment contracts
 - b) Contracts relating solely to the purchase or sale of interests in land
 - c) Contracts for retention of legal representation and the appointment of expert witnesses in legal proceeding
 - d) Service level agreements setting out the conditions which the Council applies to its funding of particular voluntary sector bodies

- e) Joint arrangements to collaborate with other authorities that involve the delegation of functions.
- 2.4 All purchases however small shall be in writing, this will be either in the form of an approved written contract or for smaller purchases an electronic order.
- 2.5 Each Director shall be responsible for the purchasing undertaken by their Directorate and shall appoint a named Responsible Officer for each procurement. (Responsible Officer's duties are laid out in appendix A)
- 2.6 Shall comply with the Council's decision-making processes including complying with the Scheme of Delegation.

3. Thresholds

- 3.1 The financial values, procurements must comply with the following flow charts which form part of the Contracts Standing Orders
 - (a). £0 to £10,000 At least one written quote in advance of ordering see flowchart A
 - (b). £10,001 to £74,999 At least three written quotes in advance see flowchart B
 - (c). £75,000 and above formal tender process see flowchart C

4. Submission and Opening of Tenders

- 4.1 In accordance with flowchart C for all contracts over £75,000 and also where appropriate for those below £75,000, a formal tender process will be followed.
- 4.2 All tenders shall be submitted electronically using the e-sourcing tool in use by the Council.
- 4.3 Late tenders shall not be accepted unless the Director of Finance and Business Improvement is satisfied that there is sufficient evidence that exceptional circumstances apply.

5. Placing Contracts

- 5.1 As required under section 9 of the Financial Procedure Rules all external expenditure except those specifically exempted shall be supported by a contract and/or official order, for those contracts over £75,000 the type of contract will be defined in the Procurement Plan.

5.2 Details to be included in a contract/order are dependent on the risk and value associated with that order (refer to section 9.5 in Financial Regulations)

6. Extensions and Variations

6.1 Where extensions to existing contracts are made the extensions must be determined in accordance with the contract terms, for a specified period and made in accordance with the principles set out in the Council's Purchasing Guide.

a) Any extension must be:

- i. Fully documented
- ii. Subject to a written report in an approved format to be submitted to a Director which shall include reasons for the extension which demonstrate that the need for the extension is genuinely beneficial.
- iii. Subject to approval by the Director who shall record that they have considered the reasons for the extension and that they are satisfied that the circumstances justifying the extension are genuinely beneficial.

b) Any extension must take into account:

- i. Probity
- ii. Best value/value for money principles.

c) For contracts subject to EU Rules, any extension must meet the conditions set out in the EU Rules in addition to the more general requirements set out above.

6.2 Where an extension or variation are required to a contract, which does not allow for these then a waiver procedure must be followed.

7. Waivers

7.1 The requirement for the Council to conduct a competitive purchasing process for contracts in excess of £10,000 may be waived in the following circumstances.

- (a) For contracts which are not subject to the EU Rules, the work, supply or service is required as a matter of urgency and a delay would be likely to lead to financial loss, personal injury or damage to property; or

- (b) the circumstances set out in Regulation 6 apply (whether or not the contract is of a type which is subject to the application of the EU Rules); or
 - (c) the contract is awarded under a Purchasing Scheme of a type where a competition has already been undertaken on behalf of the Council; or
 - (d) at the discretion of the Head of Finance who may proceed in a manner most expedient to the efficient management of the service/Council with reasons recorded in writing.
- 7.1 A Responsible Officer who seeks a waiver of Contract Procedure Rules other than Procedure Rules 13.1.3 shall do so only in advance and only in exceptional circumstances. Further guidance on what may constitute exceptional circumstances permitting waiver of these Contract Procedure rules is set out in the Council's Purchasing Guide.
- 7.2 All waivers from these Contract Procedure Rules must be:
- (a) Fully documented
 - (b) Subject to a written report in an approved format to be submitted in advance to the appropriate Director which shall include reasons for the waiver which demonstrate that the waiver is genuinely required
 - (c) Subject to approval in advance by the appropriate Director who shall consult the relevant Committee Chairman and record that they have considered the reasons for the waiver and that they are satisfied that the circumstances justifying the waiver are genuinely exceptional.
- 7.3 All decisions on waivers must take into account:
- (a) Probity
 - (b) Best value/value for money principles.
- 7.4 For contracts subject to the EU Rules, any waiver from the requirement for competition must meet the conditions set out in the EU Rules in addition to the general requirements above.
- 7.5 A waiver shall not be applied for reasons of poor contract planning.

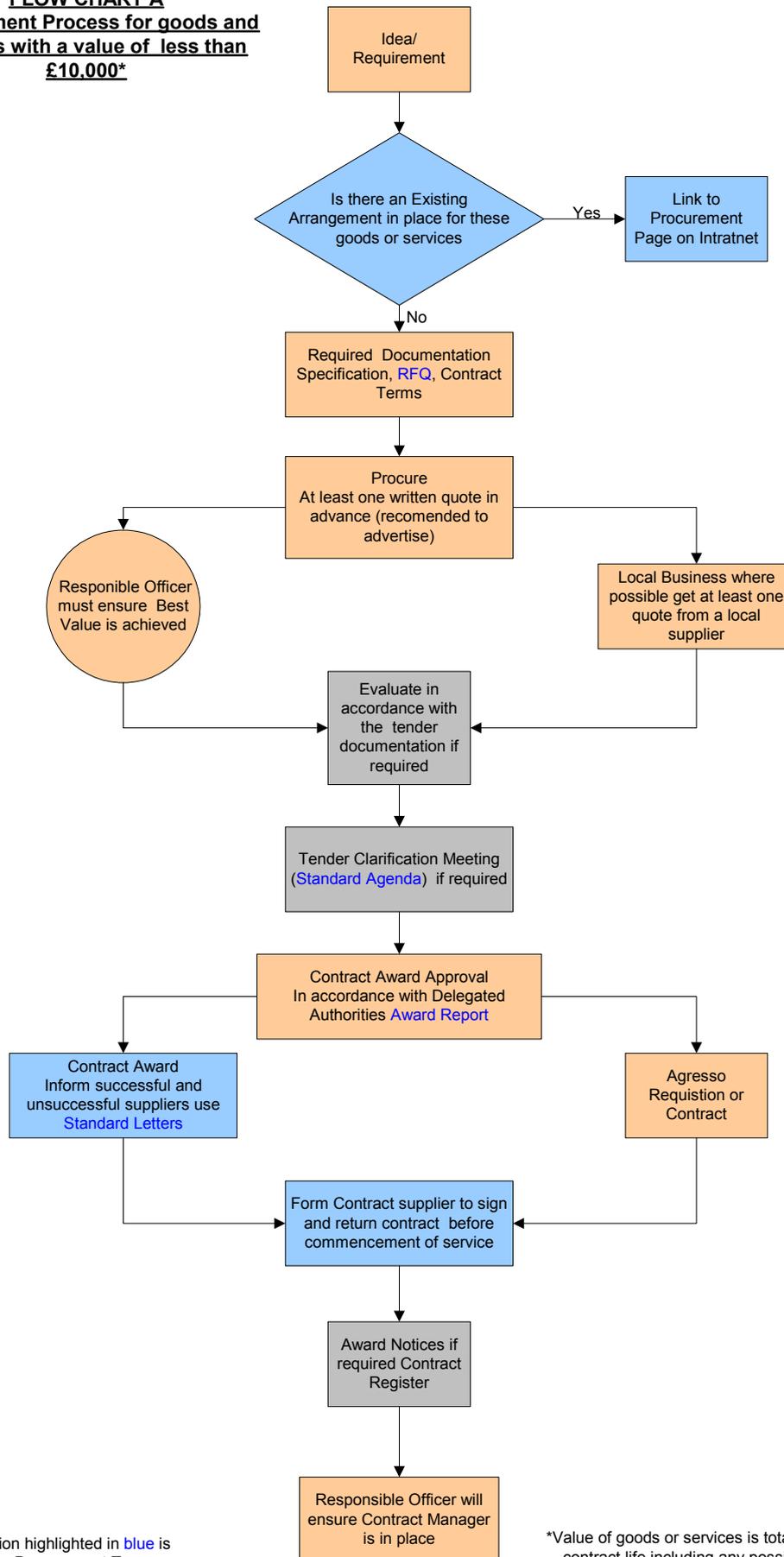
8 Approval and Execution of Contracts

- 8.1 Contract award approval is to be in accordance with Delegated Authorities, all contracts must be executed and issued prior to commencement of contract.
- 8.2 Contracts will be executed by hand unless over £1m, a construction contract over £75,000 or considered to be essential by the Monitoring Officer

9. Review and Changes to these Contract Procedure Rules

- 9.1 These Contract Procedure Rules shall be reviewed and updated on a regular basis. Save in the case of revisions to the EU Thresholds, amended Contract Procedure Rules shall be agreed and adopted by the Council. Revisions to the EU Thresholds shall be updated by the Chief Finance Officer.

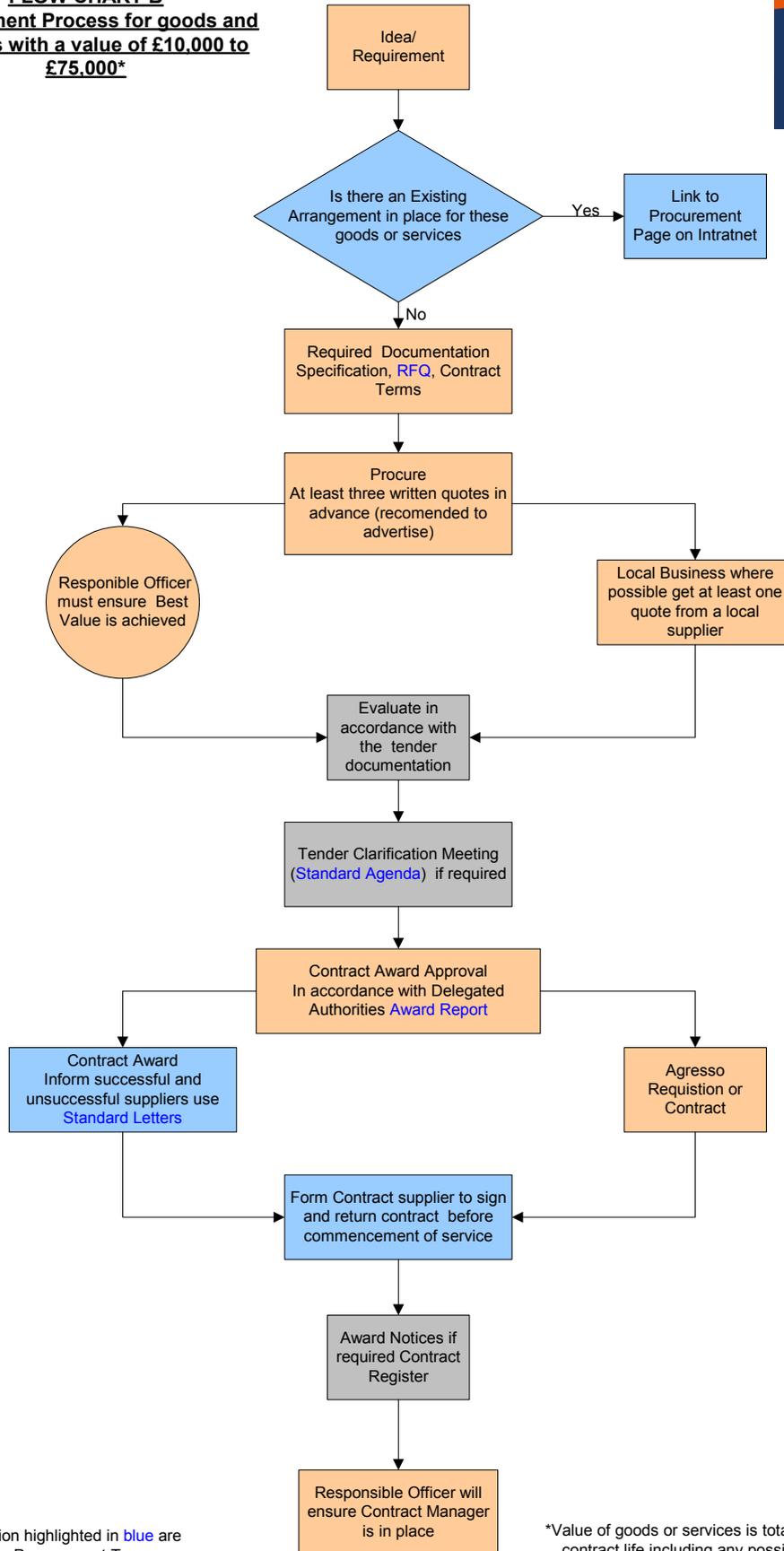
FLOW CHART A
Procurement Process for goods and services with a value of less than £10,000*



All documentation highlighted in blue is available from the Procurement Team

*Value of goods or services is total value for whole contract life including any possible extensions

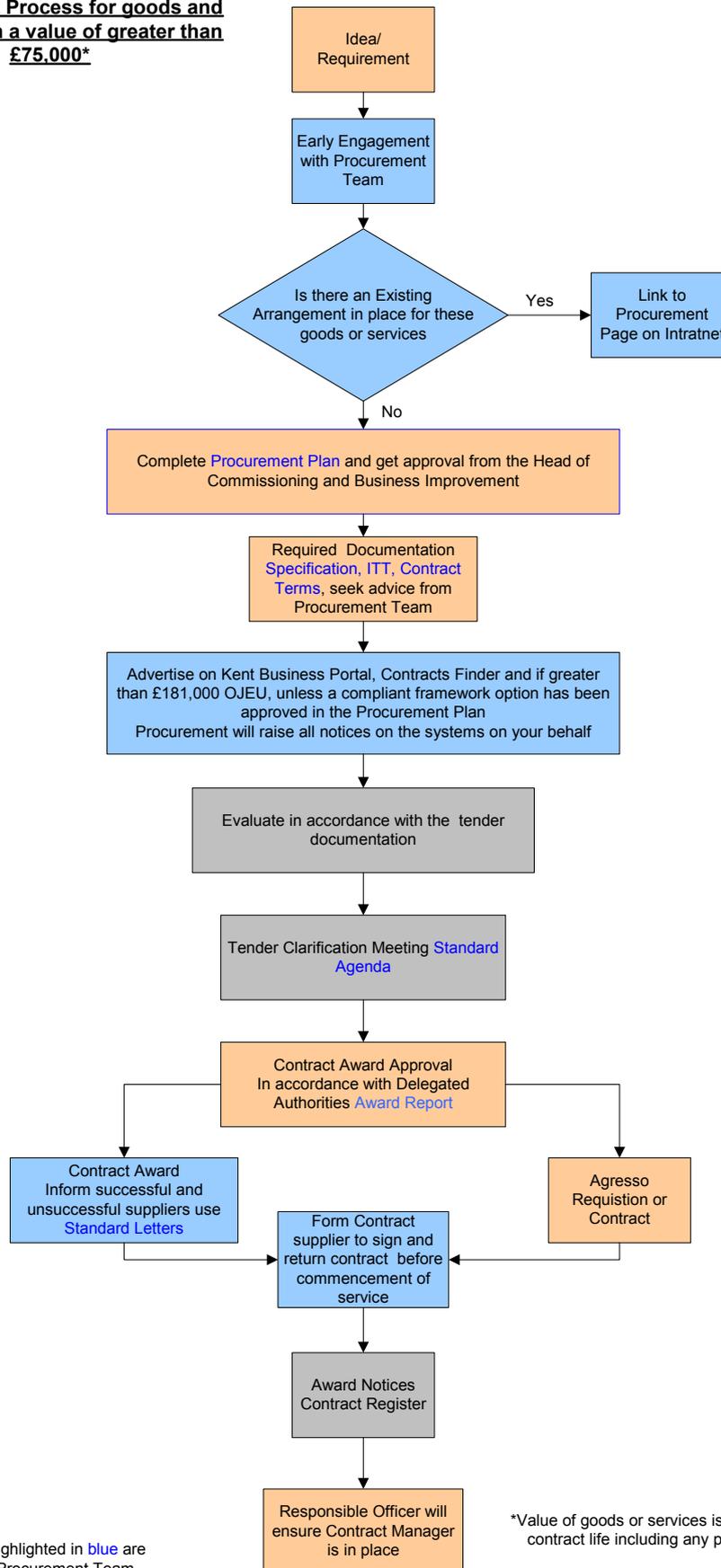
FLOW CHART B
Procurement Process for goods and services with a value of £10,000 to £75,000*



All documentation highlighted in blue are available from the Procurement Team

*Value of goods or services is total value for whole contract life including any possible extensions

FLOW CHART C
Procurement Process for goods and services with a value of greater than £75,000*



All documentation highlighted in blue are available from the Procurement Team

*Value of goods or services is total value for whole contract life including any possible extensions

Appendix A

Responsible Officer's required actions for a procurement.

The Responsible Officer will be the officer named in the Procurement Plan or by the Director responsible for the budget or in the absence of the above the officer responsible for the budget expenditure is being made against subject to delegated authority being adequate.

Action	£0 - £10,000	£10,001 - £74,999	£75,000 +
Procurement Plan	Not required	Optional	Procurement Plan must be completed seek advice from Procurement Team, signed by Head of Commissioning & Business Improvement
Tender Documentation	Ensuring tender documentation contains a clear specification, contract terms and evaluation criteria	Ensuring tender documentation contains a clear specification, contract terms and evaluation criteria	Ensuring tender documentation contains a clear specification, contract terms and evaluation criteria, seek advice from the Procurement Team and Legal if required.
Advertising	Optional but recommended to advertise on Kent Business Portal (Advert will be raised by Procurement Team)	Optional but recommended to advertise on Kent Business Portal (Advert will be raised by Procurement Team)	Required for all tenders over £75,000 on Kent Business Portal additionally for all tenders over £181,000 services or £4,511,00 works a notice is required in the Official Journal of the European Community (OJEU), seek advice at the earliest possible stage from the Procurement Team (Advert will be raised by Procurement Team)
Audit Trail	Ensure written record of all information is stored in a shared area and kept for timescale in accordance with the Council's Records Retention Schedule.	Ensure written record of all information is stored in a shared area and kept for timescale in accordance with the Council's Records Retention Schedule.	Ensure written record of all information is stored in a shared area and kept for timescale in accordance with the Council's Records Retention Schedule.
Evaluation	Carry out evaluation in accordance with the	Carry out evaluation in accordance with the	Carry out evaluation in accordance with the

	requirements of the tender, record results.	requirements of the tender, record results.	requirements of the tender, record results. Procurement Team will support and provide moderation if required.
Award	Obtain and record authorisation to award contract from appropriate officer before awarding contract. Notify suppliers if successful or unsuccessful provide feedback if requested.	Obtain and record authorisation to award contract from appropriate officer before awarding contract. Notify suppliers if successful or unsuccessful provide feedback if requested.	Complete Award Report and get approval to award in accordance with the Finance Procedure Rules. Notify suppliers if successful or unsuccessful provide feedback in letters. For tenders above OJEU thresholds a more formal process is required and support should be sought from the Procurement Team
Contract	Ensure contract or order is in place before works start, in accordance with the contract terms included in the tender.	Ensure contract or order is in place before works start, in accordance with the contract terms included in the tender.	Ensure contract or order is in place before works start, in accordance with the contract terms included in the tender.
Contract Register	Optional	If contract is more than £25k then it should be added to the contract register including the name of the Contract Manager the Procurement Team can assist in adding to the register.	Add contract register including the name of the Contract Manager the Procurement Team can assist in adding to the register.
Contract Management	Name contract manager responsible for the delivery of the goods or service, where no manager is named it will be assumed that the Responsible Officer is fulfilling that role.	Name contract manager responsible for the delivery of the goods or service, where no manager is named it will be assumed that the Responsible Officer is fulfilling that role.	Name contract manager responsible for the delivery of the goods or service, where no manager is named it will be assumed that the Responsible Officer is fulfilling that role.
Contract File	Set up and maintain contract file including details of award, waivers, contract, payments, variations, extensions and correspondence.	Set up and maintain contract file including details of award, waivers, contract, payments, variations, extensions and correspondence.	Set up and maintain contract file including details of award, waivers, contract, payments, variations, extensions and correspondence.

DEMOCRACY COMMITTEE

2 July 2018

Review of the Committee Structure Scoping Report

Final Decision-Maker	Democracy Committee
Lead Head of Service	Angela Woodhouse, Head of Policy, Communications and Governance
Lead Officer and Report Author	Angela Woodhouse, Head of Policy, Communications and Governance
Classification	Public
Wards affected	

Executive Summary

This report sets out the scope for the review of the committee structure as requested by the Democracy Committee at its meeting in March.

This report makes the following recommendations to this Committee:

To adopt the scope and timetable for the review of the committee structure.

Timetable

<i>Meeting</i>	<i>Date</i>
Democracy Committee	2 July 2018

Review of the Committee Structure Scoping Report

1. INTRODUCTION AND BACKGROUND

1.1 At the meeting held on 14 March 2018 the Democracy Committee resolved:

1. That a review be carried out in the functions and terms of reference of all the Committees, excluding the Regulatory Committee.
2. That a scoping report be brought to the next Committee meeting setting out the terms of reference for the review, including the original principles agreed by the Council.

1.2 The original objective and principles for the governance structure that were agreed at the meeting of Full Council held on 10 December 2014 were:

Objective for the Governance Structure:

- To achieve greater involvement and participation of all Members in decision making whilst avoiding a cumbersome bureaucratic structure that lacks direction and accountability.

Principles:

- To be cost neutral
- To increase Member participation in decision making
- To lead to more effective and efficient decision making

1.3 The Council changed its governance arrangements in May 2015. The Council cannot change to an alternative structure of governance for 5 years except by approval at a referendum. The earliest a new model of governance could therefore realistically be introduced is May 2020.

2. AVAILABLE OPTIONS

2.1 Review terms of Reference

Objective of Review

To assess whether the committee structure has achieved the original objective and principles set:

- To achieve greater involvement and participation of all Members in decision making whilst avoiding a cumbersome bureaucratic structure that lacks direction and accountability.

Principles:

- To be cost neutral
- To increase Member participation in decision making
- To lead to more effective and efficient decision making

Evidence and Research Required

- Review of the terms of reference of all non-regulatory committees to identify if they are effective, any confusion and whether they could be improved.
- Consultation with other Councils who have also changed governance arrangements.
- Desktop analysis of the financial cost of the structure using the information from the original review for comparison.
- Review of the number of meetings and decisions taken by committees applying the objective and principles.
- Detailed look at a sample of decisions from committees.
- Interviews with Chairs and Vice Chairs of Committees since the structure inception and group Leaders.
- Consultation with Officers and Members on whether the current structure meets the objectives and principles set.

Timetable for Review

- Evidence and research to be gathered from July until December
- Updates to Democracy Committee as appropriate
- Report to Democracy Committee Wednesday 9 January 2019
- Any recommendations for change to Council 27 February 2019
- Any changes approved implemented for the new municipal year - May 2019

How will the review be undertaken

Either a Member working Group of 3-5 Councillors or all Committee members through workshops and meeting in addition to formal meetings, with formal reporting back to the Democracy Committee as per the timetable.

- 2.2 The Committee could decide to amend the timetable, approach and structure of the review as they feel appropriate. The objectives and principles have been set out as per the Committee's decision in March 2018. Thought will need to be given about the amount of time required by councillors and officers to undertake the review and any additional work required when considering the scope.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

3.1 The preferred option is the approach set out at 2.1 above the committee is asked to agree or amend the approach. A working group has been suggested to carry out the review however the committee may want all committee members to be involved in which case the review can be carried out by all committee members using meetings and workshops to share and progress work.

4. RISK

4.1 This report sets out a scope for review, risk implications will need to be considered in the formulation of any recommendations and committee reports.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 Consultation is outlined in the scope of the review above.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 Actions will be taken in line with the scope of the review and as agreed by the Committee.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The Council's governance arrangements ensure effective decision making aligned to corporate prioritised	Head of Policy, Communications and Governance
Risk Management	Already covered in the risk section.	Head of Policy, Communications and Governance
Financial	There are no direct cost implications from undertaking the review. It was established as a principle when introducing	Section 151 Officer & Finance Team

	the Committee structure that any changes should be cost neutral. It would be advisable to maintain this principle.	
Staffing	We will deliver the review with our current staffing.	Head of Policy, Communications and Governance
Legal	<p>Under Section 101 of the Local Government Act 1972 the Council may arrange for the discharge of any of their functions by a committee, a sub-committee or an officer of the authority. Section 102 of the Act allows for the establishment of committees to fulfil functions under Section 101.</p> <p>Section 9B of the Local Government Act 2000 sets out the permitted forms of governance for local authorities in England namely executive arrangements, a committee structure or prescribed arrangements. In May 2015 Full Council resolved pursuant to Section 9K of the Act to change from an executive model of governance to a committee structure. Having resolved to change it's governance arrangements the Council is not permitted to pass another resolution that makes a change before the end of the period of 5 years beginning with the date on which the first resolution was made without holding a referendum.</p>	Interim Team Leader (Corporate Governance), MKLS
Privacy and Data	The review will be conducted in	Head of Policy,

Protection	accordance with DPA principles	Communications and Governance
Equalities	The report does not propose a change in service therefore will not require an equalities impact assessment	Head of Policy, Communications and Governance
Crime and Disorder	N/A	Head of Policy, Communications and Governance
Procurement	N/A	Head of Policy, Communications and Governance

8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

Review of Governance Arrangements Report to Council, 10 December 2014
<http://aluminum:9080/documents/s39605/Review%20of%20Governance%20Arrangements.pdf>

DEMOCRACY COMMITTEE

2 JULY 2018

Member Learning and Development

Final Decision-Maker	Democracy Committee
Lead Head of Service	Head of Policy, Communications and Governance
Lead Officer and Report Author	Sam Bailey – Democratic and Administration Services Manager
Classification	Public
Wards affected	All

Executive Summary

This report sets out a review of Learning and Development activities undertaken by Councillors in 2017/18, and recommendations to improve the provision of Learning and Development for Councillors in 2018/19.

This report makes the following recommendations to this Committee:

1. That the Learning and Development activities undertaken in 2017/18 are noted.
2. That the Training Plan for 2018/19 is agreed.
3. That the Local Government Association’s Member Development Charter is adopted as the Council’s approach to Member Learning and Development.
4. That Group Leaders report back to Democracy Committee at the year end on member learning and development.

Timetable

Meeting	Date
Democracy Committee	2 July 2018

Member Learning and Development

1. INTRODUCTION AND BACKGROUND

- 1.1 The Democracy Committee has responsibility for Member Learning and Development. In accordance with the Constitution, one of the Committee's functions is to 'advise Councillors and the Head of Human Resources Shared Service on Councillor development priorities where appropriate'.
- 1.2 This report outlines the development activities carried out over the previous year (2017/18) and proposes the creation of a Member Development Working Group to identify learning and development priorities for members and draw up a training plan.

Learning and Development Carried out in 2017/18

- 1.3 A wide range of Learning and Development activities were carried out in 2017/18. These ranged from formal training sessions, to attendance at Conferences and member briefings on important topics. Overall, 24 different Learning and Development Activities were formally arranged by Officers. However it is important to note that sometimes these events were repeated to ensure as many Councillors could attend as possible.
- 1.4 Attendance at these events varied. The event with the lowest attendance had six members (Planning Induction) and the event with the highest attendance had 26 members (Planning Annual Refresher) – although this event took place on five separate dates due to member availability.
- 1.5 A small budget of £10,600 is available to pay for member learning and development activities. In 2017/18 £5,924.93 was spent of the budget. The table below sets out the spend compared to previous years.

Year	Spend
2017-18	£5,924.93
2016-17	£3,937.59
2015-16	£5,642.19
2014-15	£6,752.15
2013-14	£7,795.16
2012-13	£6,281.39

- 1.6 Appendix 1 sets out the different learning and development activities that were undertaken in 2017/18, along with the number of members that attended each session.

Training Plan for 2018/19

- 1.7 The Training Plan for 2018/19 is attached to this report as Appendix 3. The plan outlines briefings, training sessions and site visits planned for the

2018/19 municipal year. The plan includes sessions that have already taken place for information.

Member Learning and Development Needs

- 1.8 Whilst a wide variety of Learning and Development activities had been carried out in 2017/18, these had not all been well attended.
- 1.9 The Local Government Association has produced a Member Development Charter that sets out best practice for member development. Authorities are able to self assess against the framework and choose to adopt the measures set out within the framework that they see appropriate. The Member Development Framework is attached to this report as Appendix 2. It is recommended that the Democracy Committee adopts this charter as the Council's approach to member learning and development.
- 1.10 It is proposed that Member learning and development be considered regularly by the Group Leaders at their Leaders' Forum meetings. This will ensure strategic ownership of Councillor Learning and Development. If changes are required to the programme these will be recommended to the Democracy Committee for decision. This is a key initial requirement of the Local Government Association's Member Development Charter.
- 1.11 The Democratic Services Team keep a record of all Councillors' attendance at Learning and Development events. This record of attendance should be reviewed regularly by the Group Leaders so they can work to improve attendance at learning events.

2. AVAILABLE OPTIONS

- 2.1 The Committee could choose not to adopt the Training Plan for 2018/19. However a lack of training would make it difficult for Councillors to carry out their roles effectively.
- 2.2 The Committee could choose not to adopt the Local Government Association's Member Development Charter as the Council's approach to member learning and development. However if the Committee chooses not to adopt this charter then there is a risk that member learning and development is not given the priority it deserves.
- 2.3 The Committee could choose not to have the Leaders report back to them at the end of the year. However this would mean the Committee would not have an opportunity to hold the group leaders to account and would not ensure appropriate Member leadership of learning and development.
- 2.4 The Committee could choose not to involve Political Group Leaders in member learning and development, or choose to involve a different group of members to help identify learning and development needs. However this risks not giving member learning and development the strategic prominence it requires.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 The Committee is recommended to approve the training plan for 2018-19 to ensure members have the appropriate training and development for the municipal year to support effective decision making and the development of Councillors.
- 3.2 The Committee is recommended to adopt the Local Government Association's Member Development Charter in order to ensure the council complies with best practice in relation to member learning and development.
- 3.3 The Committee is recommended to approve Group leaders reporting back to the Committee at year end on Member development to assess the political leadership's commitment to Member development.
-

4. RISK

- 4.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
-

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The training plan and review of training needs is brought to Committee on a regular basis. It was last considered by the Committee in July 2017.
-

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Training and developments sessions are advertised to all Councillors regularly.
-

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Accepting the recommendations will materially improve the Council's ability to achieve all of its priorities by ensuring the members have the skills to fulfil their roles to the best of	Democratic and Administration Services Manager

	their ability	
Risk Management	See paragraph 4.1	Democratic and Administration Services Manager
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Section 151 Officer & Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Democratic and Administration Services Manager
Legal		
Privacy and Data Protection	There are no implications for privacy and data protection.	Head of Policy, Communications and Governance
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities nad Corporate Policy Officer
Crime and Disorder	No impact.	Democratic and Administration Services Manager
Procurement	No impact.	Democratic and Administration Services Manager

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Member Learning and Development Events held in 2017/18
- Appendix 2: LGA Member Development Charter and Charter Plus
- Appendix 3: Member Training Plan 2018/19

9. BACKGROUND PAPERS

None

Appendix 1: Learning and Development Events held in 2017/18

Learning Event	Number of Sessions	Number of Attendees
Chairing Skills	2	11
Procedural Training	1	16
Standards Training	2	15
MKS Member Briefing	1	10
Speed Reading	1	7
Planning Induction	1	6
CSU Workshop	1	16
Planning Annual Refresher	5	26
Waste Strategy Workshop	1	14
Healthcare Briefing	1	12
Safeguarding	1	11
Legal Training for Planning Committee	1	12
Tri-study Workshop	1	14
Tri-study Briefing	1	15
GDPR Briefings	4	21
Licensing Law Update Training	1	13
Brunswick and Union Street Briefing	1	11
Business Rates Retention Pilot	1	15
S106 Training	1	20
Kent Medical Campus Innovation Centre Briefing	1	19
Local Plan Lessons Learned Workshop	1	23
Highways Development Workshop	1	15

The Member Development Charter and Charter Plus

69 Supporting continuing professional
development for councillors

Produced in conjunction with the following organisations



Foreword

71



The environment in which we work is ever changing and if we're to continue to meet our residents' expectations we've got to keep pace with it. That means recognising that the role of the councillor is different to what it was five, 10, even 20 years ago.

We're wardens of places, leaders who represent the interest of our residents, protectors who mitigate the impact of funding constraints, facilitators who help partners and communities work together and develop new possibilities for their local areas.

Our roles are being redefined and we need to make sure we have the skills and expertise to continue delivering for our communities.

The Member Development Charter and Charter Plus has provided councils with a robust framework and has encouraged member development across the sector. This year we've reviewed the charter to make sure we're capturing current and future challenges so that councillors are able to shape debate whilst continuing to fulfil their role as the community representatives.

I would strongly encourage local areas to adopt the Member Development Charter and Charter Plus as a guide and a benchmark as part of your improvement journey. Every profession has continuing professional development at the heart of their improvement and so should we. The Member Development Charter and Charter Plus supports this continuing professional development for councillors by being a contract between the council and its councillors that commits to invest in councillors' growth and development.

Lord Gary Porter
LGA Chairman

Guidelines

There are three essential criteria to achieving the charter:

1. There is a clear commitment to councillor development and support
2. The council has a strategic approach to councillor development
3. Learning and development is effective in building councillor capacity.

Within each of these there are a number elements and requirements to demonstrate that the criteria are being met. These do not dictate what should be in the strategy, the nature of the content or the delivery mechanisms that should be used. The emphasis is on ensuring that all councillors are appropriately developed and supported so that they can be effective in their roles.

The following lists are intended to indicate the sorts of evidence that can be used to show that the council's approach to member development meets the charter criteria. Note that:

- There is no need to show all the evidence listed.
- This does not preclude the use of other evidence that may not be listed. The emphasis is on a local approach to a national framework.
- Some are likely to be stronger indicators than others.
- Some pieces of evidence may be applicable to more than one element and criteria.

Member Development Charter and Charter Plus: examples of evidence

73

Criterion 1. There is a clear commitment to councillor development and support				
	Elements	Requirements for Charter	Requirements for Charter Plus	Examples of evidence
1.1.	Political and managerial leadership is committed to the development of councillors	<ul style="list-style-type: none"> • Clear commitment from the top political and managerial leadership • Established cross party councillor development task group (CDTG) that meets regularly • There is a clear councillor development strategy which is embedded into practice and regularly reviewed • Named councillor(s) and officer(s) responsible for councillor development 	<ul style="list-style-type: none"> • Clear commitment from top political and managerial leadership to share development opportunities across local government tiers (including with parish and town councils) • Of a strategic approach to forward planning of councillor development 	<ul style="list-style-type: none"> • Signed commitment to achieving the charter • Councillors are included in any liP Award questioning process • Strategies are in place to support councillor development • Cross party councillor development task group showing active involvement of councillors in the learning and development process

Criterion 1. There is a clear commitment to councillor development and support

	Elements	Requirements for Charter	Requirements for Charter Plus	Examples of evidence
1.2	<p>The council actively encourages citizenship and publicises the role of councillors as community leaders as part of promoting local democracy so as to encourage under-represented groups to become a councillor</p>	<ul style="list-style-type: none"> The council holds a range of activities and events to encourage people to become councillors 	<ul style="list-style-type: none"> The council takes action to encourage people to become councillors, particularly from under-represented groups and evaluates the impact and success of the activities Council provides information on the electoral process The council builds links with local businesses and employers to promote the role of the councillor 	<ul style="list-style-type: none"> Local democracy week action plan, programme of activities and review Youth council Supports the LGA “Be a Councillor” campaign Citizenship links with local schools, colleges and universities Presentations at community forum events, and targeting under-represented groups, to promote the role of councillors Prospective councillor events, materials, role descriptions – recruitment packs ‘Day in the life of a councillor’ feature in newsletters

Criterion 1. There is a clear commitment to councillor development and support

	Elements	Requirements for Charter	Requirements for Charter Plus	Examples of evidence
1.3	The council is committed to ensuring equal access to learning and development for all councillors	<ul style="list-style-type: none"> • Statistical analysis of cultural and personal circumstances • Timing of councillor development takes account of cultural and personal circumstances • All councillors have equal access to councillor development • The development programme includes a range of delivery methods to meet the different learning styles of councillors • Councillors are regularly updated on councillor development activities 	<ul style="list-style-type: none"> • Impact of analysis of access is monitored, reviewed and actioned 	<ul style="list-style-type: none"> • Statistical evidence of attendance • A range of learning and development options to meet individual needs are provided and promoted • A range of communication methods eg internet/ intranet/ social media is used to inform of development opportunities • Councillors confirm that action is taken to respond and to accommodate diversity of need • The councillor development plan evidences flexibility and consideration of the timing of development events
1.4	The council has a designated budget for councillor development which is adequate to meet priority development needs	<ul style="list-style-type: none"> • Budget is explicit and clearly identified and monitored 	<ul style="list-style-type: none"> • The budget is properly reviewed, set and prioritised by the cross party councillor development task group 	<ul style="list-style-type: none"> • Budget reports • Information that informs councillors of the existence of the budget • Minutes of meetings that shows councillors' involvement in setting and monitoring the budget • Councillors confirm that the budget is sufficient to meet priority current and future development needs

Criterion 1. There is a clear commitment to councillor development and support

	Elements	Requirements for Charter	Requirements for Charter Plus	Examples of evidence
76	<p>1.5 Designated officer/s of the council have responsibility for coordinating councillor development</p>	<ul style="list-style-type: none"> • Appropriate and adequate officer resources are in place to support councillor development 	<ul style="list-style-type: none"> • Councillor development and support staff have their own skills development programme • Councillor development and support staff are involved in regional and national learning networks to support CPD 	<ul style="list-style-type: none"> • Officer/s job descriptions • Named officer/s in councillors' handbook or other information source that is distributed to councillors and officers • Councillors are able to name the officer who supports their learning and development • Those responsible for planning learning and development activities for councillors are able to demonstrate their understanding of learning and development in a political context • Cross party member development task group terms of reference and active involvement of councillors in the learning and development process demonstrated

Criterion 2. The council has a strategic approach to councillor development

	Elements	Requirements for Charter	Requirements for Charter Plus	Examples of evidence
2.1	The council has a councillor development strategy in place	<ul style="list-style-type: none"> The strategy is developed and monitored by the cross party member development task group Strategy identifies priority development needs and makes stated and clear links with council's corporate/strategic objectives The strategy is regularly reviewed (at least once every three years) by the cross party member development task group The strategy includes an induction process that is evaluated after each election 	<ul style="list-style-type: none"> The cross party member development task group leads the evaluation of the strategy and implements improvements 	<ul style="list-style-type: none"> A strategy is in place Notes of member development meetings showing monitoring and evaluation of the strategy Member development task group demonstrates their involvement in formulating the strategy Overview and scrutiny review of the effectiveness of the strategy Those involved in formulating the strategy can demonstrate how it links to the corporate/strategic objectives and the rationale behind stated priorities
2.2	The council has a structured process for regularly assessing councillors' individual learning and development needs based on focused objectives	<ul style="list-style-type: none"> A process exists to identify individual development needs in the form of a Training Needs Analysis (TNA) or Personal Development Plans (PDPs) and is working effectively 	<ul style="list-style-type: none"> All councillors are offered PDPs and more than half of councillors take them up Council has a process for individual councillor reviews to reflect on strengths and support progression 	<ul style="list-style-type: none"> Councillor role descriptions Training needs analysis Personal development plans Use of the LGA Political Skills Framework

Criterion 2. The council has a strategic approach to councillor development

	Elements	Requirements for Charter	Requirements for Charter Plus	Examples of evidence
2.3	The various councillor roles are clearly defined and outline how they contribute to the achievement of community, political and council objectives	<ul style="list-style-type: none"> • Councillors demonstrate an understanding of the skills and knowledge required in their ward and council wide roles • Councillor role descriptions exist and are maintained for all key roles including the ward councillor • Councillors are clear about what the council is trying to achieve and the key role they play in this as councillors 	<ul style="list-style-type: none"> • Role descriptions are used for the recruitment and selection of candidates and to identify and prioritise development needs • Role descriptions are used to support succession planning • Evidence that councillors are clear about: <ul style="list-style-type: none"> ◦ the role of partner bodies ◦ the role of other stakeholders ◦ their own role on partner bodies ◦ their own role in relation to other stakeholder bodies 	<ul style="list-style-type: none"> • Systems are in place to identify individual development and support needs • Learning styles and training needs analysis • Personal Development Plans link to function and corporate objectives • Councillors are able to describe how learning and development activities have helped them to carry out their role and contribute to the achievement of the council's objectives

78

Criterion 2. The council has a strategic approach to councillor development

	Elements	Requirements for Charter	Requirements for Charter Plus	Examples of evidence
2.4.	The council has a structured process for assessing current and future leadership and executive team development needs	<ul style="list-style-type: none"> • Structured process to assess current and future leadership development needs • A development plan is in place that supports the top political and management teams in learning about each other and working effectively together • Leadership development is used to support future succession planning 	<ul style="list-style-type: none"> • Leaders, cabinet members and chairs have identified and undertaken development appropriate to their responsible area • A programme to develop the next generation of leaders is in place as part of the council's approach to succession planning 	<ul style="list-style-type: none"> • Process in place to identify leadership requirements • Leadership Development Plans • 360 Degree Leadership Audits • Political leadership development programmes eg LGA Leadership Academy • Events that support councillor/officer team building • Joint events with executive and senior management • Succession planning strategies • Community leadership development programmes • The political leadership can describe actions taken to develop political leadership capacity • The political and managerial leadership can give examples of how they work together as a team

Criterion 2. The council has a strategic approach to councillor development

	Elements	Requirements for Charter	Requirements for Charter Plus	Examples of evidence
2.5	There is a corporate councillor learning and development plan in place	<ul style="list-style-type: none"> • Councillor learning and development plan links to council's corporate objectives and the development of councillors • The councillor learning and development plan includes individuals, committees and political leadership needs 	<ul style="list-style-type: none"> • The councillor development plan clearly prioritises learning and development that supports the corporate objectives 	<ul style="list-style-type: none"> • Corporate councillor learning and development plan • The cross party councillor development task group are able to explain how learning and development activities are prioritised

Criterion 3. Learning and development is effective in building capacity

	Elements	Requirements for Charter	Requirements for Charter Plus	Examples of evidence
3.1	Investment in learning and development is regularly evaluated in terms of the cost benefit and impact	<ul style="list-style-type: none"> • Evaluation strategy is in place to analyse the cost and benefits of councillor development • Political and managerial leadership display a good understanding of both the costs and benefits of development activities • Councillors can describe why they did certain activities, what they learnt and what difference it has made to them carrying out their various roles as councillors 	<ul style="list-style-type: none"> • Evaluation strategy is in place to analyse the impact of councillor development activities • Some form of impact assessment at the corporate and community level exists and is used to evaluate the impact of development (eg feedback from partners is actively sought) • Case studies of how learning and development has impacted on individual and corporate performance 	<ul style="list-style-type: none"> • Evaluation strategy is in place and is effective • Analysis of costs and benefits to the council from councillor learning and development • Case studies of how learning and development has impacted on individual and corporate performance • Notes of meetings, focus groups, questionnaires or interviews involving councillors evaluating the impact of their development on overall performance • Political and managerial leadership display a good understanding of both the costs and benefits of development activities • Political and managerial leadership can provide examples and evidence of the impact and benefits of councillor development

Criterion 3. Learning and development is effective in building capacity

	Elements	Requirements for Charter	Requirements for Charter Plus	Examples of evidence
3.2	Learning is shared with other councillors and where appropriate, with officers and stakeholders to encourage capacity building in the council and a learning organisation culture	<ul style="list-style-type: none"> Knowledge and learning is shared with councillors' peers, officers and others 	<ul style="list-style-type: none"> There is an effective process in place for disseminating, sharing and exchanging knowledge and learning 	<ul style="list-style-type: none"> Examples of reports, briefing sessions, and information exchange systems used to capture and disseminate learning programmes of joint learning exchanges Councillor formal/informal mentoring arrangements Hosting case study visits Developing councillor champions for topic areas Councillors can give examples of how they have supported and learned from the development of others

82

Criterion 3. Learning and development is effective in building capacity

	Elements	Requirements for Charter	Requirements for Charter Plus	Examples of evidence
3.3	The council demonstrates a commitment to an effective councillor learning and development programme by implementing improvements to learning and development activities as they are identified	<ul style="list-style-type: none"> Continuous improvement in the approach to developing councillors is identified and implemented 	<ul style="list-style-type: none"> There are links to an evaluation strategy Evaluation outcomes inform change and drive continuous improvement A quality assurance process is in place 	<ul style="list-style-type: none"> Written reviews of learning and development activities with recommendations for change Notes of meetings, reports, personal statements providing examples of improvements to learning activities Changes to development programmes and a rationale for the changes made Councillors can describe what has been done to improve the development activities Quality assurance process is in place and is effective



 **Local Government Association**

Local Government House
Smith Square
London SW1P 3HZ

Telephone 020 7664 3000
Fax 020 7664 3030
Email info@local.gov.uk
www.local.gov.uk

© Local Government Association, December 2016

For a copy in Braille, larger print or audio,
please contact us on 020 7664 3000.
We consider requests on an individual basis.

REF 11.31

Appendix 3: 2018/19 Training Plan

Learning Event	Training Type	Date Scheduled	Relevant Committee	Internal/External	Trainer
New Member Induction Sessions	Training	10 May 18 & 30 May 18	All	Internal	Democratic Services
Code of Conduct Training	Training	6 June 18 & 16 July 18	All	External	Hoey Ainscough
Review of Draft Statement of Accounts	Briefing	11 June 18	AGS	Internal	Corporate Finance
Town Centre Opportunity Areas	Briefing	18 June 18	All	Internal	Strategic Planning
Licensing Training	Training	20 June 18	Licensing	Internal	Legal Services
Maidstone East Update	Briefing	24 July 18	P&R	Internal	Economic Development
Depot Open Day	Site Visit	20 July 18	CHE	Internal	Depot
Chairing Skills	Briefing	TBC	Chairmen/Vice Chairmen/Any interested members	TBC	TBC
Safeguarding Training	Training	TBC	All	Internal	Community Safety
Homelessness Reduction Act	Briefing	TBC	CHE	Internal	Housing
The Council's Relationship with Housing Associations	Briefing	TBC	CHE	Internal	Housing
Site visits for the HCL Committee	Site Visit	TBC	HCL	Internal	Dawn Hudd/Jennifer Shepherd
GDPR Briefings	Briefings	TBC	All	Internal	Policy and Information
Cyber Awareness	Training	TBC	All	Internal	IT
Technical Planning Training	Training	TBC	SPST/Planning	Internal	Planning
Tour and Site Visits of Major Sites	Site Visit	TBC		Internal	Planning