

To register a question for Public Question Time please email your question to democracy@rossendalebc.gov.uk before 9am Monday 13th November.

Meeting of: The Council

Wednesday 15th November 2023 at 6.30pm or at the conclusion of Question Time and Public Engagement whichever is the later.

Venue: Council Chamber, The Business Centre, Futures Park, Bacup. OL13 0BB



The meeting will also be live streamed at the following link:

<https://www.youtube.com/channel/UCrLsMDOP7AYxik5pNP0gTIA/streams>

Supported by: Carolyn Sharples, Committee and Member Services Manager Tel: 01706 252422
Email: democracy@rossendalebc.gov.uk

ITEM		Lead Member/Contact Officer
A.	BUSINESS MATTERS	
A1.	Apologies for Absence	
A2.	To approve and sign as a correct record the minutes of the meeting on 13th September 2023.	
A3.	Urgent Items of Business To note any items which the Chair has agreed to add to the Agenda on the grounds of urgency.	
A4.	Declarations of Interest <i>Members are advised to contact the Monitoring Officer in advance of the meeting to seek advice on interest issues if necessary.</i> Members are requested to indicate at this stage, any items on the agenda in which they intend to declare an interest. Members are reminded that, in accordance with the Local Government Act 2000 and the Council's Code of Conduct, they must declare the nature of any personal interest and, if the interest is prejudicial, withdraw from the meeting during consideration of the item.	Clare Birtwistle, Head of Legal/ Monitoring Officer (01706) 252438 clarebirtwistle@rossendalebc.gov.uk
B.	Communications from the Mayor, the Leader or Head of Paid Service To receive any communications from the Mayor, the Leader, or the Head of the Paid Service that they may wish to lay before the Council.	The Mayor, Councillor Walmsley, The Leader, Councillor A.Barnes and Rob Huntington, Chief Executive 01706 252447 robhuntingdon@rossendalebc.gov.uk
C.	ORDINARY BUSINESS	
C1.	Local Council Tax Support Scheme To consider the Local Council Tax Support Scheme	Councillor Oakes/ Rob Huntington, Chief Executive 01706 252447 robhuntington@rossendalebc.gov.uk

The agenda and reports are also available for inspection on the Council's website <https://www.rossendale.gov.uk/>. Other formats are available on request. Tel 01706 217777 or contact Rosendale Borough Council, Futures Park, Bacup, OL13 0BB

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C2.	Ward Boundary Review – Allocation of Polling Districts To consider the Ward Boundary Review – Allocation of Polling Districts	Councillor Lythgoe/ Clare Birtwistle, Head of Legal/ Monitoring Officer 01706 252438 clarebirtwistle@rossendalebc.gov.uk
C3.	Public Meeting Schedule To consider the public meeting schedule for 2024/25	Councillor Lythgoe/ Clare Birtwistle, Head of Legal/ Monitoring Officer 01706 252438 clarebirtwistle@rossendalebc.gov.uk
C4.	Urgent decisions To note any urgent key decisions that have been taken by the Cabinet since the last meeting of the Council: Special Urgency Decision taken 10 th October 2023 regarding the Community Asset Transfer application from Whitworth Town Council. https://www.rossendale.gov.uk/downloads/file/18140/special-urgency-community-asset-transfer-to-whitworth-town-council	Clare Birtwistle, Head of Legal/ Monitoring Officer (01706) 252438 clarebirtwistle@rossendalebc.gov.uk
D.	RECOMMENDATIONS FROM THE CABINET AND OTHER COMMITTEES	
D1.	Recommendation of the Governance Working Group Constitution Review	Councillor Lythgoe/ Clare Birtwistle, Head of Legal/ Monitoring Officer 01706 252438 clarebirtwistle@rossendalebc.gov.uk
E.	EXCLUSION OF PUBLIC AND PRESS To consider passing the appropriate resolution under Section 100 (A)(4) of the Local Government Act 1972 that the press and public be excluded from the meeting during consideration of the following item since it involves the likely disclosure of exempt information under Part 1 Paragraph 3 of Schedule 12A to the Local Government Act 1972	
E1.	Energy Development Schemes To consider the Energy Development Schemes report.	Councillor A. Barnes/ David Smurthwaite, Director of Economic Development 01706 252429 davidsmurthwaite@rossendalebc.gov.uk



Rob Huntington
Chief Executive

Date Published: 7th November 2023

COUNCILLOR ANDREW WALMSLEY, MAYOR

MINUTES OF: THE COUNCIL OF THE BOROUGH OF ROSSENDALE

DATE OF MEETING: 13th September 2023

**PRESENT: The Mayor Councillor Walmsley (in the Chair)
Councillors B. Ashworth, D. Ashworth, A. Barnes, S. Barnes,
Cheetham, Coogan, Driver, Foxcroft, Gill, Hodgkiss, Hughes,
Johnson, Looker, McInnes, McMahon, MacNae, Marriott,
Morris, Neal, Norton, Oakes, Powell, Procter, Rigby, Rooke, M.
Smith, S. Smith, Thompson and Whitehead.**

**IN ATTENDANCE: Rob Huntington, Chief Executive / Head of Paid Service
Clare Birtwistle, Head of Legal Services / Monitoring Officer
Karen Spencer, Chief Finance Officer/ S151 Officer
Darren Kershaw, Mayor's Attendant
Nicole Holt, Transport Co-ordinator
Michael Forrest, Operations Supervisor**

**ALSO IN ATTENDANCE: 1 press
12 public**

A short silence was held as a mark of respect for former councillor Andrew Neville.

The Mayor presented certificates of appreciation on behalf of the Council to Jack and Margaret Martin for their commitment to Bacup Amateur Operatic and Dramatic Society and to the Royal Court Theatre Bacup.

1. Apologies for Absence

Apologies for absence were received for Councillors Adshead, Eaton, Kenyon, Snowden and Woods.

2. Minutes

Resolved:

That the minutes of the meeting held on 28th June 2023 be signed by the Mayor as a correct record.

3. Urgent Items of Business

There were no urgent items of business.

4. Declarations of Interest

There were no declarations of interest.

5. Communications from the Mayor, the Leader or Head of Paid Service

There were no communications.

ORDINARY BUSINESS

6. Marl Pits Pool Filtration System

The Council considered the Marl Pits Pool Filtration System report.

In response to questions from members it was confirmed that:

- The decarbonisation fund was being used to fund a more effective form of filtration.
- It was difficult to know what the maintenance costs would be, but it would save money and be more green once the work was complete.

Resolved:

1. Full Council approve the renewal of a new pool filtration system at Marl Pits Pool and authorise officers to tender the project.
2. Full Council delegate the appointment of the contractor to the Head of People and Policy in consultation with the Lead Member for Resources.

Reason for Decision

To approve the works and tender process for the renewal of the pool filters at Marl Pits Pool to avoid pool closure and to benefit from energy saving.

Alternative Options Considered

None.

7. Climate Change Strategy Update

The Council considered the Climate Change Strategy Update.

In response to questions from members it was confirmed that:

- The report recognised the real benefits that the schemes delivered.

Officers were thanked for their work and it was pleasing that Rossendale was leading the way.

Resolved:

That Council note the progress in year three of the Climate Change Strategy and Action Plan.

Reason for Decision

Continued development of the outlined projects will allow us to move forward to ensure we reach our net zero ambitions by 2030.

Alternative Options Considered

None.

8. Haslingden 2040 Update

The Council considered the Haslingden 2040 Update.

In response to questions from members it was confirmed that:

- Works had already started.
- The grant funding was awarded before Covid and the cost of everything had gone up which necessitated the request for additional funding.
- It was about how heritage could be brought into the economic development of an area.
- It would be beneficial to see opportunities to ring fence money from potential capital receipts to help the local area.
- There was a need to promote and encourage diverse business in the area.
- There has been loss of income owing to the windfarm application being called in and overturned.

Officers were thanked for their work, particularly with the ever changing grant schemes which officers had adapted to and dealt with positively. Thanks was also given to the Town Centre Regeneration Officer who had been very well received.

Resolved:

1. To note the progress made to date on the Haslingden 2040 vision.
2. To delegate authority to the Director of Economic Development, Head of Legal and Lead Member for Economic Development to:
 - Accept additional external grant funding to support the Haslingden TH programme supported by the National Lottery Heritage Fund and enter into any necessary grant agreements.
 - Deliver the Haslingden Market scheme including securing the necessary permissions such as planning permission.
 - Procure a main contractor to deliver Haslingden Market improvements under JCT design and build.
 - To close Haslingden market for a period of 6-8 weeks while improvement works take place.
3. To delegate authority to the Haslingden 2040 Strategic Board to:
 - Approve the development of the plans for Haslingden Market.
 - Execute recommendations in the High St Task force Report.

Reason for Decision

Approving the recommendations of this report will contribute to Haslingden becoming a thriving and functional town centre, supporting the local economy and the Haslingden 2040 aspirations.

Alternative Options Considered

None.

9. Hareholme Viaduct

The Council considered the Hareholme Viaduct report.

Resolved:

1. Full Council to approve the improvement works to Hareholme Viaduct.
2. Full Council approve the appointment of Lee Ashworth Excavations, the lowest bidder, to carry out the tendered works.
3. Full Council to approve the addition of a further £300k budget to the existing capital scheme to be funded by borrowing or capital receipts.

Reason for Decision

Full Council to approve the works, the budget and award the contract to the lowest bidder Lee Ashworth Excavations to ensure the future safe use of the viaduct.

Alternative Options Considered

None.

10. Insurance Contract

The Council considered the Insurance Contract.

Resolved:

1. The tender of the Council's insurance arrangements with support from the Council's insurance brokers, Aon PLC, in order to have the new insurance policies in place from 1st April 2024.
2. Full Council delegates the appointment of the insurance provider(s) to the Chief Finance Officer in consultation with the Lead Member for Resources.

Reason for Decision

The Council's existing insurance contract ends in March 2024. The Council must ensure it has an insurance provider in place from April 2024.

Alternative Options Considered

None.

11. Urgent Decisions

Council noted the Special Urgency Decision taken 31st July 2023 relating to the Local Authority Housing Fund grant as detailed on the public notice.

NOTICES OF MOTION**12. Notice of motion**

Councillor McInnes moved the following motion, which was seconded by Councillor MacNae:

This Council notes that it is now 13 years since Professor Sir Michael Marmot's landmark strategic review of health inequalities in the UK "Fair Society, Healthy Lives" which called for urgent action to address health inequalities in the UK.

This Council also notes Sir Michael Marmot's recent comments in the British Medical Journal that the imposition of austerity since 2010 has had a terrible and disproportionate effect on the poorest members of society.

Sir Michael makes a series of urgent recommendations to address this growing inequality including action on child poverty, working conditions and climate.

This Council resolves to write to the Office of the Prime Minister to urge his Government to listen to one of our leading experts on health inequalities and to begin to implement his recommendations as a matter of extreme urgency and to the benefit of poorer families across the country and here in Rossendale.

A recorded vote was requested by Councillor Neal, Hughes and Ashworth.

Voting took place as follows:

Name	Vote
Cllr Barbara Ashworth	For
Cllr Danielle Ashworth	For
Cllr Alyson Barnes	For
Cllr Samara Barnes	For
Cllr Cheetham	Abstain
Cllr Coogan	For
Cllr Driver	For
Cllr Foxcroft	Against
Cllr Gill	For

Cllr Hodgkiss	Against
Cllr Hughes	For
Cllr Johnson	For
Cllr Looker	For
Cllr Lythgoe	For
Cllr McInnes	For
Cllr McMahan	For
Cllr MacNae	For
Cllr Marriott	For
Cllr Morris	Against
Cllr Neal	For
Cllr Norton	For
Cllr Oakes	For
Cllr Powell	For
Cllr Procter	For
Cllr Rigby	Against
Cllr Rooke	For
Cllr Michelle Smith	For
Cllr Scott Smith	Against
Cllr Thompson	Against
Cllr Walmsley	For
Cllr Whitehead	For
For:	24
Against:	6
Abstentions:	1

Resolved:

This Council resolves to write to the Office of the Prime Minister to urge his Government to listen to one of our leading experts on health inequalities and to begin to implement his recommendations as a matter of extreme urgency and to the benefit of poorer families across the country and here in Rossendale.

Reason for Decision

To support the motion.

Alternative Options Considered

None.

13. Notice of motion

Councillor S. Smith moved the following motion, which was seconded by Councillor Rigby:

Council resolves to designate remembrance events as civic events and includes them formally within the civic calendar.

An amendment was moved by Councillor Marriott and seconded by Councillor Hughes as follows:

Events and acts of remembrance across Rossendale are organised by fantastic community minded volunteers and organisations, often working closely with Rossendale Council.

This Council will continue its support for such events throughout the borough for Remembrance Sunday and continue to recognise other occasions such as Armed Forces Day.

This Council will continue its work in this area, including funding annual traffic management costs for the main parades, Community Partnership Grants for smaller events, the restoration and maintenance of our War Memorials, and maintaining our commitments to our Armed Forces Covenant.

This Council would like to formalise a vote of thanks to the amazing teams of volunteers from across our community that work so hard to ensure that Rossendale never forgets those who gave so much in conflict to protect the freedoms we enjoy.

In response to the amendment, members noted the following:

- Community Partnership Grants were reduced last year.
- The original notice sought to include the events under the Council's public liability insurance.

Members voted on the amendment which was carried and became the substantive motion.

Resolved:

1. This Council will continue its support for such events throughout the borough for Remembrance Sunday and continue to recognise other occasions such as Armed Forces Day.
2. This Council will continue its work in this area, including funding annual traffic management costs for the main parades, Community Partnership Grants for smaller events, the restoration and maintenance of our War Memorials, and maintaining our commitments to our Armed Forces Covenant.
3. This Council would like to formalise a vote of thanks to the amazing teams of volunteers from across our community that work so hard to ensure that Rossendale never forgets those who gave so much in conflict to protect the freedoms we enjoy.

Reason for Decision

To support the amended motion.

Alternative Options Considered

Original motion.

(The meeting commenced at 7.15pm and concluded at 8.51pm)

Signed.....
(Chair)

Date

Subject:	Council Tax Support Scheme 2024/25	Status:	For Publication
Report to:	Council	Date:	15 th November 2023
Report of:	Head of Customer Services & I.C.T.	Lead Member:	Housing and Customer Services
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required: No	Attached:	No
Biodiversity Impact Assessment:	Required: No	Attached:	No
Contact Officer:	Ian Walker	Telephone:	01706 252592
Email:	ianwalker@rossendalebc.gov.uk		

1. RECOMMENDATION(S)

1.1 That Full Council approve the Rosendale Local Council Tax Support Scheme for 2024/25 as set out in this report.

2. EXECUTIVE SUMMARY

- The Local Council Tax Support Scheme is subject to annual approval, by full Council.
- The Local Government Finance Bill states that an Authority must make any revision to its scheme, or any replacement scheme, no later than 11th March in the financial year preceding that for which the revision or replacement scheme is to have effect.
- If Rosendale did not pass a local scheme by the 11th March, then a default scheme would come into force, this would result in up to 100% relief for all working age customers, rather than the current 80%, the additional relief would have to be funded by Rosendale.
- It is proposed that the existing scheme of Council Tax Support be retained unchanged, except for upgrades to national benefit entitlements.
- Adoption of the scheme by full Council before 11th March will meet the Councils statutory duty.

3. BACKGROUND

3.1 The national Council Tax Benefit scheme ended in March 2013 and was replaced by local schemes of Council Tax Support from the 1st April 2013. Individual authorities were granted the freedom to design and implement their own local schemes, with the exception that any local scheme could not leave any pension age claimants worse off than under the previous national benefit regulations.

The effect of these changes was a reduction in funding by approximately 20% for working age claimants and after consultation Rosendale adopted a local scheme, based on the previous Council Tax Benefit regulations, but with a 20% reduction in entitlement for working age customers.

The decision to continue with a Council Tax Support scheme based on the Housing Benefit / Council Tax Benefit regulations ensures that in practice the scheme remains effectively a means tested benefit.

- 3.2 The rollout of DWP’s Universal Credit in Rossendale began on the 21st November 2018. Customer on tax credits are due to migrate during 2024/25 with customer on employment and support allowance to migrate in 2028/29. Around 39% of the current Council Tax Support Claimants are pensioner households who will not move to Universal Credit. Government has given an indication that pensioner household will be moved from legacy benefits, but no clear steer on how and when this will happen. Certainly no moves will begin before 2028. The other 61% who are not pensioner households will almost all eventually transfer over to Universal Credit. A small number of working age claimants who live in temporary or supported accommodation will also remain within the scope of Housing Benefit.
- 3.3 As Housing benefit is reduced, the case for a Council Tax support scheme based on Housing Benefit becomes less clear.

A number of authorities have begun to move away from Housing Benefit linked systems, although these remain in the minority nationally (around 20% of authorities). Any new scheme would need to be effective in both supporting vulnerable customers and protecting the council’s financial position. A significant amount of resource would be required to be able to model and create a new Rossendale scheme. It is not clear that there is any conclusive case for such a change at the present time, particularly if the end result was to maintain similar levels of support for customers as exist under the current system.

4. DETAILS

- 4.1 The number of Council Tax Support claims changes daily, a snapshot taken of the October caseload is detailed below. There were 32,642 domestic properties in Rossendale. Of these 554 were exempt from Council Tax, 133 2nd homes and 940 classed as vacant. This leaves 31,015 occupied and with a liability to pay Council Tax .16.5% of these properties have residents with an entitlement to Council Tax Support.

Council Tax Support Caseload	2nd Adult Rebate Claims	2nd Adult Rebate (UC) Claims	Council Tax Support	Council Support (Universal Credit)	Total Claims (Pensioner, Working Age, Working Age Other)	Total Claims (Pensioner, All Working Age)
Pensioner Claims	10	0	1915		1925	1925
Working Age (employed) claims	1	0	102	246	349	3054
Working Age (other) claims	12	0	1102	1591	2705	
Total Claims By Type (2AR, CTS, CTS UC)	23	0	3119	1837	4979	4979

Council Tax Support caseload has been consistently falling for a number of years. Caseload rose in the period March to June 2023, but the fall has now resumed and the current level is lower than it was in January 2023. In the last 5 years caseload has fallen by 906.

The cost of claims for 2023/24 is detailed in the table below. As at the 1st October 2023, total Council Tax Support for 2022/23 was £5,021,943.83. The Council Tax Support scheme results in a loss of income from Council Tax collection. This year’s the Rossendale share is 13.56% which equates to £681,194.05 There is no specific grant which covers Council Tax

Support, which had been the case under the former Council Tax Benefit arrangements. The costs are therefore borne locally.

This snapshot shows that local costs have risen by a little under £5k (681.2k as against £679.8k last year). It should be stressed that these are snapshot figures that can change with new claims or claims closed each day.

	Total Claims (Pensioner, Working Age, Working Age Other)	Total Claims (Pensioner, All Working Age)	Total Claims (All CTS)	Rossendale Council Share (13.56%)
Pensioner Claims	£2,242,155.15	£2,242,155.15	£5,021,943.83	£681,194.05
Working Age (employed) claims	£165,944.95	£2,779,788.68		
Working Age (other) claims	£2,613,843.73			

There are no local changes to the Rossendale scheme proposed for the current year. Nationally inflationary uprating to benefit entitlement levels and thresholds will be applied to the local scheme.

5. RISK

The Local Government Finance Bill states that an Authority must make any revision to its scheme, or any replacement scheme, no later than 11th March in the financial year preceding that for which the revision or replacement scheme is to have effect.

If Rossendale did not pass a local scheme by the 11th March, then a default scheme would come into force, this would result in up to 100% relief for all working age customers, rather than the current 80%. The additional relief would have to be funded by Rossendale.

6. FINANCE

The current forecast assumes the continuation of the existing LCTS scheme, which is based on the 20% reduction in support levels. As such, maintaining the existing scheme will have no impact on the Council's financial forecast.

7. LEGAL

Under the Local Government Finance Act 2012, it is the duty of the Council to have localised Council Tax Support, in the form of a council tax reduction, each year.

8. POLICY AND EQUALITIES IMPLICATIONS

Consultation has been undertaken with Management Team and the Lead Member. There has been no significant policy or equality changes to the scheme.

9. REASON FOR DECISION

Councils are required to set a Council Tax Support scheme annually, before the 11th March on the charge year, in this case 2024/25.

No conclusive case for significant amendment to the scheme has been identified at this time.

Background Papers	
Document	Place of Inspection
Council Tax Support Scheme 2023/24	https://www.rossendale.gov.uk/downloads/file/17966/council_tax_reduction_scheme_202324

Subject:	Ward Boundary Review – Allocation of Polling Districts	Status:	For Publication
Report to:	Full Council	Date:	15 th November 2023
Report of:	Chief Executive	Lead Member:	Environment and Corporate Services
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required: No	Attached: No	No
Biodiversity Impact Assessment:	Required: No	Attached: No	No
Contact Officer:	Linda Harling	Telephone:	01706 252445
Email:	lindaharling@rossendalebc.gov.uk		

1. RECOMMENDATION(S)

- 1.1 Full Council is requested to approve the recommended new polling districts following the ward boundary review.
- 1.2 Full Council is requested to approve delegation to the Chief Executive as Returning Officer to allocate polling stations for the new polling districts and in the event that any polling station becomes unavailable or found to be unsuitable in the run up to an election, to appoint a new polling station and to make this change on a permanent basis following the election as necessary.

2. EXECUTIVE SUMMARY

- 2.1 Following completion of the ward boundary review, which reduced the number of wards from 14 to 10, it is necessary to draw up new polling district boundaries.
- 2.2 The new polling district boundaries need to take account of county divisions to ensure they all align.

3. BACKGROUND

- 3.1 In August 2023, the independent Local Government Boundary Commission for England published its final recommendations report for new electoral arrangements for Rosendale Borough Council.
- 3.2 Electoral reviews are carried out to see whether the boundaries of wards within a local authority need to be altered to ensure effective local government and electoral equality. Electoral equality is achieved when all councillors represent roughly the same number of electors.
- 3.3 Rosendale Borough Council had not previously been reviewed since 2000 and the Commission decided that due to the electoral imbalance of the current wards it needed to conduct a review.
- 3.4 The Commission has decided that Rosendale should have 30 councillors representing 10 three-councillor wards across the borough. These new wards will be used for the all-out elections in May 2024.
- 3.5 Based on the final recommendations a review of polling district boundaries has been undertaken ensuring they do not cross any of the county divisions. This means that some polling districts have much smaller electorates than others.
- 3.6 The new Electoral Register must be published by 1 December 2023 with the new boundaries included.

4. DETAILS

- 4.1 The proposed polling district codes are (county division and parliamentary constituency in brackets):

- 4.2 Bacup Ward: BA1 (Rossendale East, Rossendale & Darwen), BA2 (Rossendale East, Rossendale & Darwen), BA3 (Rossendale East, Rossendale & Darwen), BA4 (Whitworth & Bacup, Rossendale & Darwen)
- 4.3 Britannia & Lee Mill Ward: BL1 (Rossendale East, Rossendale & Darwen), BL2 (Whitworth & Bacup, Rossendale & Darwen), BL3 (Rossendale East, Rossendale & Darwen), BL4 (Rossendale East, Rossendale & Darwen), BL5 (Whitworth & Bacup, Rossendale & Darwen)
- 4.4 Goodshaw & Cribden Ward: GC1 (Mid-Rossendale, Rossendale & Darwen), GC2 (Mid-Rossendale, Rossendale & Darwen), GC3 (Mid-Rossendale, Rossendale & Darwen)
- 4.5 Greenfield & Eden Ward: GE1 (Rossendale West, Hyndburn), GE2 (Rossendale South, Hyndburn), GE3 (Rossendale South, Hyndburn), GE4 (Rossendale South, Rossendale & Darwen), GE5 (Rossendale South, Rossendale & Darwen), GE6 (Rossendale South, Rossendale & Darwen)
- 4.6 Hareholme & Waterfoot Ward: HW1 (Mid-Rossendale, Rossendale & Darwen), HW2 (Mid-Rossendale, Rossendale & Darwen), HW3 (Mid-Rossendale, Rossendale & Darwen), HW4 (Mid-Rossendale, Rossendale & Darwen)
- 4.7 Haslingden Ward: HA1 (Rossendale West, Hyndburn), HA2 (Rossendale West, Hyndburn), HA3 (Rossendale West, Hyndburn), HA4 (Rossendale South, Hyndburn)
- 4.8 Helmshore Ward: HS1 (Rossendale West, Hyndburn), HS2 (Rossendale West, Rossendale & Darwen), HS3 (Rossendale West, Rossendale & Darwen), HS4 (Rossendale West, Rossendale & Darwen)
- 4.9 Longholme Ward: LH1 (Mid-Rossendale, Rossendale & Darwen), LH2 (Rossendale South, Rossendale & Darwen), LH3 (Rossendale South, Rossendale & Darwen), LH4 (Rossendale South, Rossendale & Darwen), LH5 (Mid-Rossendale, Rossendale & Darwen)
- 4.10 Whitworth Ward: WW1 (Whitworth & Bacup, Rossendale & Darwen), WW2 (Whitworth & Bacup, Rossendale & Darwen), WW3 (Whitworth & Bacup, Rossendale & Darwen), WW4 (Whitworth & Bacup, Rossendale & Darwen)
- 4.11 Whitewell & Stacksteads: WS1 (Rossendale East, Rossendale & Darwen), WS2 (Rossendale East, Rossendale & Darwen), WS3 (Rossendale East, Rossendale & Darwen), WS4 (Rossendale East, Rossendale & Darwen), WS5 (Rossendale East, Rossendale & Darwen), WS6 (Rossendale East, Rossendale & Darwen)
- 4.12 To delegate to the Returning Officer authority to approve the polling stations and in the event that any polling station becomes unavailable or found to be unsuitable in the run up to an election, to appoint a new polling station and to make this change on a permanent basis following the election as necessary.

5. RISK

All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- 5.1 The Council is required to designate polling districts and polling places to effectively conduct the elections. By agreeing the recommendations in this report, the Council will be meeting its statutory duties.

6. FINANCE

- 6.1 There are no financial applications arising from this report as it stands. Any additional polling districts, places or stations will incur further costs for the Council as these will need to be serviced at each election.

7. LEGAL

- 7.1 A Polling District is a geographical area created by the sub-division of an electoral area i.e. a UK Parliamentary constituency, a European Parliamentary electoral region, a Ward or an electoral division.
- 7.2 A Polling Place is a geographical area in which a polling station is located.

There is no legal definition of what a Polling Place is; it could be defined as tightly as a particular building or as widely as the entire polling district.

- 7.3 A Polling Station is the actual area where the process of voting takes place and must be located within the Polling Place designated for the particular Polling District.
- 7.4 The Council's functions relating to a review of polling districts and places are designated by law as non-executive functions and so must be agreed by Full Council.

8. POLICY AND EQUALITIES IMPLICATIONS

- 8.1 As far as is reasonable and practicable the polling places are accessible to the disabled. Where new polling places are being used, the accessibility has been assessed as being suitable by electoral officers.
- 8.2. Polling places will be kept under constant review and equality considerations will form part of the process.
- 8.3 For those less able to vote in person at a polling station the option of voting by post or proxy will be an option.
- 8.4 A lengthy consultation exercise has been undertaken by the Local Government Boundary Commission for England which many stakeholders have taken part in.

9. REASON FOR DECISION

Following the boundary review by the independent Local Government Boundary Commission for England, it is now necessary to review the polling district boundaries ensuring they do not cross any of the county divisions. This is in readiness for the publication of the Electoral register and the May 2024 elections.

Background Papers	
Document	Place of Inspection
Relevant maps	Review of Ward Boundaries by the Local Government Boundary Commission for England Ward Boundary Review Rossendale Borough Council

Subject:	Public Meeting Schedule	Status:	For Publication
Report to:	Council	Date:	15 November 2023
Report of:	Committee and Member Services Manager	Portfolio Holder:	Environment and Corporate Services
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment:	Required:	No	Attached: No
Contact Officer:	Carolyn Sharples	Telephone:	01706 252422
Email:	carolynsharples@rossendalebc.gov.uk		

1. RECOMMENDATION

That Council agree the Public Meeting Schedule containing dates of public meetings for 2024/2025 as detailed at Appendix A.

2. EXECUTIVE SUMMARY

- To ask members to consider and agree the public committee meeting dates for 2024/2025.
- To enable councillors and those standing for election to be aware of key dates.
- To inform and publicise public meetings for 2024/25.

3. BACKGROUND

The Council is required to agree an annual meeting schedule.

4. DETAILS

4.1 The proposed schedule of public meetings for 2024/2025 is attached at Appendix A for consideration and approval.

4.2 Early approval of the meeting schedule assists with:

- enabling councillors to plan their workloads for the coming year
- informing potential election candidates of expected committees and training dates
- informing partner organisations of councillor availability to attend other meetings
- enabling deadlines and lead-in times to be communicated to the relevant officers

4.3 Consultation has taken place with relevant managers, Corporate Management Team, the lead member, Cabinet members and group leaders.

5. RISK

All the issues raised and the recommendation in this report involve risk considerations as set out below:

- A meeting schedule is required in order to provide good customer service, promote local democracy and encourage public participation and involvement in the decision making process.
- Decisions made at any unscheduled or unpublicised meetings would be breaking the statutory legal requirements, thus making the Council open to legal challenge.

6. FINANCE

There are no specific financial implications arising from this report.

7. LEGAL

There are no specific legal implications identified as arising from this report, other than the need to meet Access to Information requirements for public meetings that take place during the municipal year.

8. POLICY AND EQUALITIES IMPLICATIONS

There are no identified equality impacts or policy implications for the Council arising from this report.

9. REASON FOR DECISION

To agree a committee schedule in order to ensure that the Council can effectively conduct its business.

No background papers

Appendix A

Draft version 1.1 24/10/2023 Rossendale Borough Council – Public Meetings Timetable 2024/25

All the meetings below are held at 6.30pm in the Council Chamber unless otherwise stated on the agenda.												
Meeting	May 2024	June 2024	July 2024	Aug 2024	Sept 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025	Feb 2025	Mar 2025	Apr 2025
Full Council	17 AM		17		25			4			5 B 19	
Cabinet		5	11		18	16	20			12 B	12	
Development Control	21	25	23		3	8	12	3	14	4	18	
Overview and Scrutiny		24			9		11		13	10 B	17	
Licensing											4	
Audit and Accounts			24		30		27				11	

AM = Annual Council Meeting **B** = Budget Meeting **E** = Extraordinary meeting **S** = Special

Community Partnership Meetings are held in a local area venue and usually start at 6.30pm. Please note that these are <u>not</u> Council meetings and dates may be subject to mid-year changes.												
Meeting	May 2024	June 2024	July 2024	Aug 2024	Sept 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025	Feb 2025	Mar 2025	Apr 2025
Bacup		27				24				20		
Haslingden		6				1				6		
Rawtenstall			4			3			30			
Whitworth		11			24				21			

SPECIAL URGENCY DECISION

Leader of Council:

Name: Councillor Alyson Barnes
Date agreed: 29th September 2023

Chair of Overview and Scrutiny:

Name: Councillor Samara Barnes
Date agreed: 10th October 2023

Decision Taker:

Rob Huntington, Chief Executive

Details of Decision and Reasoning:

The approval of the Community Asset Transfer Application by Whitworth Town Council in respect of the Whitworth Leisure Centre, John Street, Whitworth.

Delegation to the Council's Statutory Officers to agree all heads of terms and all other operational decisions necessary to implement and complete the freehold transfer of the Leisure Centre.

The Asset Review Panel has considered the application in line with the policy and recommended, in consultation with key members, that the application be approved.

It is imperative that the decision be made prior to the next Cabinet meeting to afford the Whitworth Town Council the opportunity to complete all necessary legal agreements as soon as possible to allow the Business Plan to be put into effect. Any delay would be detrimental to the smooth opening of the Leisure Centre and loss of income and funding opportunities.

Decision to be taken by:

Rob Huntington, Chief Executive

Documents to be considered by the decision taker:

Confidential Council report of 22nd May 2023.
Community Asset Transfer Application and associated Business Plan.
Recommendations and minutes of the Asset Review Panel.

Implications:

In accordance with the Council's CAT policy Whitworth Town Council has submitted a reasoned business case demonstrating the social and community value they can deliver as a result of the transfer and have completed due diligence into their preferred method of delivery in the event that they take on responsibility for the property.

A Local Authority cannot dispose of its land for less than the best consideration reasonably obtainable in the market, except with the express consent of the Secretary of State (section 123(1), Local Government Act 1972) or unless certain criteria are satisfied in accordance with the General Disposal Consent (England) 2003. This enables a disposal at an under value if the disposal will secure the promotion or improvement of the

economic, social or environmental wellbeing of the area. In addition the disposal must not be for more than £2,000,000 below the unrestricted value of the land.

Officers have demonstrated through property valuations and consideration of the application that the intended disposal falls within the General Consent requirements and is therefore in a position to proceed with the Community Asset Transfer.

The freehold transfer will be at a nominal value, subject to restrictions on use and an overage to protect the Council's interest in the event of future change of use or disposal.

The Council will transfer all liabilities in relation to the asset to the Whitworth Town Council on the strict understanding that there will be no financial assistance from Rossendale Borough Council.

The Council has taken the decision to close the Leisure Centre and the alternative would be for the Council to dispose of the asset on the open market. Approval of this application ensures that the community use of the Leisure Centre will continue.

Status:

Open - For Publication

Date:

10th October 2023

NOTES

A Key Decision is defined as one that either:

- a) is, in value worth more than £100,000, or
 - b) has a **significant impact** because (for example) it either:
 - (i) affects individuals or organisations outside the Borough; or
 - (ii) will have a long term (more than 5 years) or permanent effect on the council or the borough.
1. Status - Is the issue an open and public matter or is it a private and excluded matter as described in Schedule 12 A of the Local Government Act 1972. If it is an open matter it is for publication. If it is a private matter it is not for publication and you state the reason why and the appropriate paragraph number of Schedule 12A.
 2. Implications – List any financial staffing and legal implications and remember to consult with legal, human resources and finance. Also consider implications such as LA21 Environment, Human Rights Act 1998. Equal opportunities, Community Safety, IT, Land and Property and Partnership Working.
 3. When the decision has been made and the form signed by the decision taker and the portfolio holder the form should be sent to the Committee Services Manager.

Subject:	Constitution Review		Status:	For Publication	
Report to:	Council		Date:	15 th November 2023	
Report of:	Monitoring Officer		Portfolio Holder:	Environment and Corporate Services	
Key Decision:	No – reserved for full Council	Forward Plan <input type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>	
Equality Impact Assessment:	Required:	No	Attached:	No	
Biodiversity Impact Assessment:	Required:	No	Attached:	No	
Contact Officer:	Clare Birtwistle		Telephone:	01706 252438	
Email:	clarebirtwistle@rossendalebc.gov.uk				

1. RECOMMENDATION(S)

That Council approves the following amendments to the Constitution:

- 1.1 The amendments to the Finance Procedure Rules as outlined in Appendix 1.
- 1.2 The amended Contract Procedure Rules as outlined in Appendix 2
- 1.3 The amendment to the Officer Delegation Scheme at Part 3 of the Constitution in relation to the definition of “significant” when considering revenue or capital expenditure and approval to award as outlined in Appendix 3.
- 1.4 The minor amendment throughout the Constitution where reference is made to the Head of Finance, this shall now refer to the Chief Finance Officer.
- 1.5 The minor amendment throughout the Constitution where reference is made to Portfolio Holder, this shall now refer to Lead Member.

2. EXECUTIVE SUMMARY

- The Council is required by law to implement a Constitution and it is in the interests of the Council to regularly review and update the document.
- The Financial Procedure Rules provide the framework for managing the Council’s financial affairs and were refreshed in June 2022. In order to support efficient working and greater clarity it is proposed to introduce a structured means of delegation in order to deal with receipt of grant funding in addition to the current requirements relating to grants.
- The Council’s Contract Procedure Rules have been reviewed by an external procurement specialist and it is proposed to replace them in their entirety with those proposed at Appendix 2.
- It is proposed that as a result of the amended Contract Procedure Rules and considering the level of inflation that has occurred since the previous review the definition of what constitutes a significant decision in terms of value is proposed to increase from £15k to £25k. General Delegations will require amendment for consistency and clarity.
- Amendments to the title of the Council’s section 151 Officer needs to be reflected throughout the Constitution from Head of Finance to Chief Finance Officer.

- Amendments to the reference of Portfolio Holder to be changed to Lead Member throughout the Constitution to reflect the current title.

3. BACKGROUND

- 3.1 On 17th March 2021, Council approved a refreshed Constitution with the Finance Procedure Rules being completed and agreed by Full Council on 22nd June 2022.
- 3.2 The Constitution is a living document and is reviewed regularly to ensure that it is up to date, accurate, demonstrates best practice and does not stymie the decision making of officers and members necessary to deliver the Council's priorities and responsibilities.
- 3.3 The Council commissioned STAR Procurement to deliver certain works over a 12 months period to include working with officers in the completion of the Contract Register, provide general advice and guidance on higher level procurements and to review the Contract Procedure Rules for effectiveness and accuracy with modern procurement practices.

4. DETAILS

Finance Procedure Rules (FPRs)

- 4.1 The FPRs have been thoroughly updated and modernised to reflect best practice and have been simplified to aide a better understanding by officers and readers of the Constitution.
- 4.2 During the day to day management of the Council's business it is clear that there is a requirement to update the FPRs to provide for a clear route to authorising the acceptance of grants awarded to the Council. Presently the FPRs provide for External Funding at clause 19 which requires amongst other things input and approval of the s151 of all external grants prior to application and sign off of claims subsequently.
- 4.3 The Constitution, including the FPRs, is generally silent as to prior notification of grant applications by Directors and the levels of authorisation required for acceptance of a grant. It is therefore proposed that clause 19.2 be amended to include Lead Members and S151 Officer being informed of proposed grant applications and the insertion of a new clause 19.8 dealing with grant acceptance:

19.2 Prior to submission of grant funding applications and entering into agreements, Directors must inform the relevant Lead Member and the S151 Officer of the grant application and any matched funding requirements and any accountable body responsibilities. This is to ensure that funding is available, all future revenue and capital implications are determined and that appropriate financial arrangements are in place. The S151 Officer shall be provided with a copy of the final application for review prior to submission.

19.8 Acceptance of external grants:

- Acceptance of grants up to and including £50k may be authorised by the Section 151 Officer in consultation with relevant Lead Members.
- Acceptance of grants over £50k and up to and including £100k may be authorised by the Council's statutory officers in consultation with Lead Member and recorded on a Scheme of Delegation Form.
- Acceptance of grants over £100k and up to and including £250k may be authorised by Cabinet.
- Acceptance of grants over £250k must be authorised by full Council

- 4.4 The authorisation thresholds have been formulated to allow the smooth and efficient acceptance of day to day lower level grants by the s151 Officer in consultation with relevant Lead Members with greater member involvement for the more significant grant awards. Cabinet and Council presently sign off grant awards either via resolution or Scheme of Delegation however some lower level grant does not meet the current £15k threshold and are therefore not always captured which may present a risk to the Council. The amendments proposed would capture all external grant funding awarded to the Council and therefore mitigate against risk and ensure compliance with the FPRs.
- 4.5 Further, as part of the recent Delegated Decision audit, it was noted that acceptance of grants had not been delegated to officers which was unusual, particularly for the lower level grant awards. Whilst this did not impact on the audit itself, and a rating of substantial assurance was received, it clearly highlighted the need to make clear in the Constitution the provision for grant acceptance.
- 4.6 It is further proposed to mirror the thresholds in Part 3 of the Constitution at the Terms of Reference for Council and Cabinet at clauses 4 and 5 respectively and the delegation to the Chief Finance Officer as outlined at Appendix 3.
- 4.7 Matters pertaining the Disposal of Council owned land have greater synergy with the Finance Procedure Rules. There are no amends to the same so it is proposed that a direct lift from the Contract Procedure Rules in to the FPRs should be facilitated.

Contract Procedure Rules (CPRs)

- 4.8 The current CPRs were agreed over 2 years ago and rolled out to officers via group and 1-2-1 training. Over this time, it has been evident that the same are not providing for an efficient delivery of service and the requirement to obtain written quotes for all level of procurement is having a detrimental impact on Council resources.
- 4.9 As detailed above, the Council Commissioned STAR Procurement to undertake a review of the CPRs to consider the thresholds, look at the application of exemptions and introduce greater accountability to those officers procuring goods and services. This ensures continued compliance with procurement regulations and protection of the Medium Term Financial Strategy in terms of best value.
- 4.10 Whilst members will note that there has been a wholesale change to the CPRs, the main changes relate to the internal thresholds to be applied. STAR proposed the following thresholds when considering the route to market.

Threshold	Value	Route to Market
Low Value	Below £5,000	Single Quotation (receipt of 1 quote)
	£5,000 - £24,999	Request for Quotation (receipt of 3 quotes)
Medium Value	£25,000 – £50,000	Request for Quotation (receipt of 3 quotes) or if applicable full tender
	£50,001 - £100,000	Full Tender

High Value Procurement	Over £100,000 Determined by Regulations (Inclusive of VAT)	Full Tender In line with Regulations
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4.11 Acceptance of quotes tenders is proposed as follows:

- I. For all Low Value Contracts up to £25,000 the decision to award a contract shall be made by the head of service.
- II. For all Medium Value contracts £25,000 - £100,000 the decision to award a contract shall be made by the head of service and approved by the Corporate Management Team and relevant Lead Member via a Scheme of Delegation.
- III. For all High Value Contracts over £100,000 the decision to award a contract shall be made by the officer the decision has been delegated to by Cabinet or Council and approved by the Corporate Management Team and relevant Lead Member, via a Scheme of Delegation.

4.12 The changes to the thresholds will have an impact and affect Part 3 of the Constitution relating to the delegation to officers. Presently, a significant expenditure is considered to be one which exceeds £15k and requires the completion of a Scheme of Delegation. As can be seen from the table above it is proposed that this limit is increased to £25k. This reflects the level of inflation that has occurred over the last 2 years, and indeed this amount has not been increased since circa 2006. The £25k also reflects the value of contracts that the Council is required to advertised through the Government portal, Contracts Finder. It will therefore be necessary to change reference to this value in clause 5 of the Officer Delegation Scheme in Part 3 of the Constitution as outlined in Appendix 3.

4.13 As detailed above, Disposal of Land has now been removed from the CPRs and included in the FPRs on the basis that it is better aligned with the financial affairs of the Council rather than that of procurement activity.

Minor amendments

4.14 Since the adoption of the current Constitution amendments have been made to the titles of the s151 Officer and Portfolio Holders to Chief Finance Officer and Lead Members respectively. Such minor amendments are already delegated to the Monitoring Officer to make in consultation with the Lead Member but it is timely to reflect these changes in this round of amendments.

5. RISK

All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- Failure to maintain and follow an up-to-date Constitution risks legal proceedings being taken against the Council, and risks members of the community being dissatisfied with the action of the Council.
- Monitoring risks and reviewing systems of controls.
- Failure of officers to keep up to date with changes to the Constitution.

6. FINANCE

It is important that the Council's FPRs and CPRs reflect best practice and are updated to recent local and national changes. There no specific financial implications over and above the amendments to the rules.

7. LEGAL

The Council's Monitoring Officer is responsible for monitoring and reviewing the operation of the Council's Constitution to ensure that its aims and principles are given full effect and that the same is kept up to date in terms of legislation and the way the Council does business.

8. POLICY AND EQUALITIES IMPLICATIONS

There are no specific policy or equalities implications arising from this report.

9. REASON FOR DECISION

The Council is required by law to implement a Constitution and it is in the interests of the Council to regularly review and update the document.

Background Papers	
Document	Place of Inspection
Finance Procedure Rules and Contract Procedure Rules (Current)	https://www.rossendale.gov.uk/downloads/file/13387/constitution - _part 4
Appendix 1 - Finance Procedure Rules -Extracts (Proposed)	Attached
Appendix 2 – Contract Procedure Rules (Proposed)	Attached
Part 3 of the Constitution (Current)	Constitution - part 3 Rossendale Borough Council
Appendix 3 – Extract Proposed amends	Attached

Appendix 1

Finance Procedure Rules

Extract

Part 4 page 106

19 EXTERNAL FUNDING

19.1 Directors will strategically explore all opportunities for external funding, taking account of the Council's policy framework and any additional risks implied.

19.2 Prior to submission of grant funding applications and entering into agreements, Directors must inform the relevant Lead Member and the S151 Officer of the grant application and any matched funding requirements and any accountable body responsibilities. This is to ensure that funding is available, all future revenue and capital implications are determined and that appropriate financial arrangements are in place. The S151 Officer shall be provided with a copy of the final application for review prior to submission.

19.3 The S151 Officer will ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts.

19.4 Directors are required to ensure that, for any project where external grant funding has been accepted, the project(s) progresses in accordance with the bid, and that there is compliance with the Council's Contract and Financial Procedure Rules and the appropriate grant conditions.

19.5 Directors must also inform the S151 Officer of any subsequent changes to agreements in order that the revenue and capital budget implications may be addressed.

19.6 Directors are responsible for ensuring claims for funds are made by the due date in accordance with instructions issued by the S151 Officer.

19.7 All claims for external grants made on the Council's behalf whether Capital or Revenue shall be approved by the S151 Officer. For each grant claim appropriate supporting documents shall be kept by the relevant service officer

19.8 Acceptance of external grants:

- a) Acceptance of grants up to and including £50k may be authorised by the Section 151 Officer in consultation with relevant Lead Members.
- b) Acceptance of grants over £50k and up to and including £100k may be authorised by the Council's statutory officers in consultation with Lead Member and recorded on a Scheme of Delegation Form.
- c) Acceptance of grants over £100k and up to and including £250k may be authorised by Cabinet.
- d) Acceptance of grants over £250k must be authorised by full Council

<u>Approval levels</u>	<u>Director/Budget Holder</u>	<u>Scheme of Delegation</u>	<u>Cabinet Member for Resources</u>	<u>Cabinet</u>	<u>Council</u>
<u>Virements (full details 11.3)</u>	<u>Up to £10k</u>		<u>£10,001 - £49,999</u>	<u>£50,000 - £99,999</u>	<u>Over £100k</u>
<u>Unbudgeted Expenditure (full details 10)</u>	<u>£0</u>	<u>£0</u>	<u>£0</u>	<u>Up to £50k</u>	<u>£50k and over</u>
<u>Budgeted Revenue Expenditure (full details 12)</u>	<u>Up to budget limit, although only up to £15k £25k on any single item</u>	<u>Any single item over £15k £25k</u>	<u>N/A</u>	<u>N/A</u>	<u>Any expenditure which:- -Varies from the Council's approved policy framework -brings unfunded future financial commitments -triggers a key decision (unless delegated)</u>
<u>Capital Expenditure (full details 13)</u>	<u>Up to budget limit, although only up to £15k £25k on any single item</u>	<u>New schemes already in capital programme if total scheme cost up to £100k. Any single item of expenditure over £15k £25k</u>		<u>New schemes already in the capital programme if total scheme cost over £100k. New schemes not in capital programme if fully funded up to total scheme cost of £100k.</u>	<u>New schemes not in capital programme total scheme cost over £100k</u>
<u>Payback schemes (capital/revenue) – must pay back within 5 years</u>		<u>Up to £50k</u>		<u>£50,001 - £100k</u>	<u>Over £100k</u>

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unless energy efficiency schemes (full details 14)					
Acceptance of external funding/grants (full details 18)	Up to and including £50k – S151 officer in consultation with Lead Member	£50,001 - £100k		£100,000.01 - £250k	Over £250k

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NB – all reference to the £15k “significant value” threshold shall be amended to £25k throughout the FPRs.

New insertion from Contract Procedure Rules

35 Disposal of Land by the Council

35.1 Land transactions and related negotiations shall only take place at the explicit consent of the Chief Finance Officer and Monitoring Officer, having consulted the head of service and ward councillors. Such transactions and related negotiations may include disposals, acquisitions, exchanges of land, leases and other means of transaction.

35.2 Where the Chief Finance Officer and the Monitoring Officer decides that land shall be disposed of by way of a formal open market competitive tender then:

- i) The procedure for the receipt, custody and opening of tenders and for dealing with late tenders shall be in accordance with the Contract Procedure Rules, except that:
 - a) a defined range of uses which may be acceptable to the Council shall be provided in the tender documentation;
 - b) any late tenders received shall be opened in the same way and a decision made by the Chief Finance Officer whether or not the tender should be considered;
 - c) any letters sent out to successful tenderers shall contain a statement that in the event of any late tenders or further offers being received prior to the exchange of contract then these will be considered by the Chief Finance Officer.
- ii) All persons by whom or on whose behalf a tender is submitted shall declare on the form of tender whether they are councillors or officers of the Council or whether they are related to such a councillor or officer. Failure to make such a declaration or the making of a false declaration shall invalidate the tender and render voidable at the option of the Council any contract entered into as a result of the tender
- iii) A tender may be accepted in accordance with these Finance Procedure Rules provided that in the event of there being a proposal to accept a tender from a councillor or officer of the Council or a relative of such a person this shall be referred to the Cabinet for consideration.

35.3 Where the Directors and heads of services decides that land shall be disposed of at auction, then the Directors and heads of services shall have the necessary authority to appoint and instruct independent auctioneers. Reserve prices shall be agreed between the Monitoring Officer and the auctioneers instructed in conjunction with the Chief Finance Officer. For each piece of land disposed of, a Scheme of Delegation shall be completed to confirm the land disposed of, auctioneers used, reserve prices and achieved receipts in order to record the decision in line with this Constitution.

35.4 Where there is a proposal to dispose of land to a councillor or officer of the Council other than by a competitive tender and the disposal is in the opinion of the Chief Executive not a routine disposal, the proposal shall be referred to the Cabinet for consideration and a full report shall be made by the Directors and heads of services on the proposal.

35.5 For the purpose of this Finance Procedure Rule persons shall be deemed to be related if they would be so deemed for the purposes of the Officer Employment Procedure Rules Rule 1.

35.6 For the purpose of this Finance Procedure Rule 'officers' includes any person who receives remuneration directly from the Council.

35.7 In the case of minor disposals of land (i.e. less than £10,000) the Council's Head of Housing and Regeneration shall have the authority to decide whether or not to treat with an individual on a transaction and shall be empowered to advise any interested parties that a particular property shall not be considered for disposal for any period up to one year unless exceptional circumstances cause a dramatic increase in value.

35.8 The Directors and heads of services shall have regard at the outset to matters of Value Added Tax on the acquisition and disposal of land; guidance can be sought from the Chief Finance Officer.

Appendix 2

Rossendale Borough Council Contract Procedure Rules

1. Introduction and Basic Principles

- 1.1 Rossendale Borough Council ("the Council") has a devolved procurement service. Finance controls the key documentation such as the Procurement Strategy and provides advice and guidance on process with responsibility for operational procurement sitting with Procuring Officers across each of the Council service areas.
- 1.2 These Rules are standing orders pursuant to s.135 of the Local Government Act 1972. These Rules must be read in conjunction with the Council's wider Constitution, and any guidance documents issued by Finance.
- 1.3 Compliance with the documents referenced at 1.2 is mandatory for all Members and Officers of the Council, who will ensure that all procurement activity is legally compliant, transparent, fair, and competitive. Members and Officers of the Council must act in a manner which is accountable, consistent, efficient, and responsive. If any Officer does not follow these Rules, this may result in disciplinary action being brought against such an employee by a senior officer responsible for ensuring compliance.
- 1.4 All procurement activity shall adhere to the principles of non-discrimination, transparency, equal treatment, and proportionality, and shall comply with UK law, the Council's Constitution including these Rules, Financial Procedure Rules, Codes of Conduct, and any guidance provided by Finance.
- 1.5 Through the application of these Rules, Members and Officers of the Council will ensure that the Council obtains best value and addresses, in its procurement activity, the local requirements and aspirations for the Borough, which are agreed by Members from time to time and referred to as 'priorities'.
- 1.6 These rules apply to all expenditure for the awarding of Contracts, Framework Agreements, DPS', or PDPS' for Supplies, Services, Works, or Concessions where the Council is the contracting authority or commissioner, regardless of the origin of funding for that expenditure. This includes any agent, consultant, or contractual partner acting on behalf of the Council for any procurement expenditure.
- 1.7 Finance shall be responsible for the periodic review of these Rules and may present recommendations for amendment of these Rules for consideration by the Council and subject to the Council's ratification processes.

2. Interpretation & Definitions

- 2.1 Interpretation of these Rules and determination of any procedures to be followed as described in these Rules are the responsibility of the Procuring Officer who, in cases of doubt, must seek advice from Monitoring Officer, Section 151 Officer and/or Internal Audit.
- 2.2 Any sums of money stated in these rules are exclusive of Value Added Tax, unless otherwise stated.
- 2.3 In these Rules, the words or phrases below have the following meanings:

Agreement	Means a legally binding agreement between the Council and the Contractor for the provision of all Supplies, Services, the execution of Works, or Concessions and which incorporates the terms and conditions under which the Supplies, Services, execution of Works and Concessions
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	will be provided. This includes Contracts, Framework Agreements, Dynamic Purchasing Systems, and Flexible/Pseudo-Dynamic Purchasing Systems
Agreement Extension Form	Means the form supplied by Finance for the purpose of recording the extension of an Agreement
Best Value	Has the same meaning as that defined in the Local Government Act 1999 as amended from time to time
Bidders	Means an economic operator that submits a quote or tender
Call-off	Means an order made/call off Contract entered into under a Framework Agreement or DPS
Concessions	Means the granting of a right (Exclusive or otherwise) to an economic operator to exploit works or services provided for their own gain with or without payment
Contract	Means a legally binding agreement between the Council and the Contractor for the procurement by the Council of all Supplies, Services, the execution of Works and which incorporates the terms and conditions under which the Supplies, Services, execution of Works and Concessions will be provided
Contracts Finder	Means the web-based portal provided for the purposes of the Regulations or on behalf of the Cabinet Office
Dynamic Purchasing System (DPS)	Means an electronic system procured using the restricted procedure for the purchase of commonly used Supplies, Services, or Works which are generally available on the market and objectively defined to which all bidders who meet the requirements of the selection criteria must be admitted during the entire period of the validity of the system
Economic Operator	Means any natural or legal person or public entity or group of such person sand/or entities, including any temporary association of undertaking, which offers the execution of Works and/or work, the supply of Supplies or the provision of Services on the market
Exemption/Waiver	Means the release of the obligation to comply with these Rules
Exemption Form	Means the form supplied by Finance for the purpose of recording the Exemption
Financial Procedure Rules	Means the written code of procedures forming part of the Council's constitution which provide

	a framework for proper financial management and which set out the rules on accounting, audit, administrative procedures and budgeting systems
Flexible Purchasing System (FPS)	See Pseudo-Dynamic Purchasing System
FOI	Freedom of Information Act 2000
Framework Agreement	Means an agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing Call-Off Contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged
GDPR	General Data Protection Regulations
Internal Audit	The internal audit function of the Council.
IR35	Means Off-payroll working rules.
Key Decision	Has the same meaning as set out in the Council's constitution.
Modification	Means any variation to a Contract, DPS or Framework Agreement, excluding a pre-agreed extension.
Modification Form	Means the form supplied by Finance for the purpose of recording the authorisation of a Modification.
Monitoring Officer	Means the Officer appointed under section 5 of the Local Government and Housing Act 1989, or their substitute as set out under the Constitution.
Officer	Means any employee of the Council which shall include any person engaged by the Council to act as an agent or consultant on its behalf.
Officer Delegation Scheme	Means the scheme identified within the Council's constitution which delegates powers and duties of the Council to officers under Section 101 of the Local Government Act 1972 and other powers enabling such delegation necessary for the discharge of the Council's functions as set out in Part 3 of the Constitution.
Pseudo-Dynamic Purchasing System (PDPS)	Means an altered version of an electronic system that works similarly to a DPS, usually created for Services that fall under the Light Touch regime set out in Regulations.
Procurement Checklist	Means a document which provides details of the procurement activity, authority to commence, and summary of the outcomes.

Procurement Strategy	Means the document which the Council may issue from time to time to set out its procurement objectives.
Procuring Officer	Any Officer who has delegated Authority to undertake procurement actions, e.g. the cost centre budget manager.
Quote	Means a formal offer submitted by a Bidder to supply Supplies, Services, execute Works or operate a Concession Contract at a defined price.
Regulations	Means the Public Contracts Regulations 2015 or Concession Contracts Regulations 2016 as appropriate, and as may be amended from time to time.
Rules	Means these Contract Procedure Rules.
Section 151 Officer	Means the Chief Finance Officer appointed by the Council pursuant to s151 of the Local Government Act 1972, or their substitute as set out under Officer Delegation Scheme.
Services	Means the time, effort and expertise required, by the Council, from time to time, and supplied by a Contractor.
Social Value	Means to have regard to economic, social and environmental well-being in connection with public services contracts; and for connected purposes.
Specification	Means the outputs, outcomes, and the scope and nature of the Supplies, Services, and execution of Works or Concession Contract required by the Council from a procurement activity.
Supplies	Means an inherently useful tangible item required by the Council, from time to time.
Threshold	Means the relevant threshold as stipulated by the Regulations – when calculating whether a contract is over the Threshold the contract value must include VAT.
Tender	Means a formal offer submitted by a Bidder to the Council at a stated price in response to a Specification to supply Supplies, Services, execute Works or operate a Concession Contract.
TUPE	Means the Transfer of Undertakings (Protection of Employment) Regulations 2016 as amended from time to time.
Value for Money	Means the optimum combination of whole-life costs, price quality and benefits to meet the Council's requirement. Such a term equates to

	the duty of Best Value as defined by the Local Government Act 1999 as amended from time to time.
Works	Means the provision of physical activity which is directed towards the production of accomplishment of something by the Contractor, from time to time.

3. Contracts to which these Rules do not apply

3.1 These Rules do not apply to:

- 3.1.1 Employment contracts;
- 3.1.2 Contracts relating solely to the disposal or acquisition of securities;
- 3.1.3 Contracts for the acquisition of an interest in land or property;
- 3.1.4 Contracts for the appointment of Counsel or experts for the purpose of potential legal proceedings;
- 3.1.5 Qualifying contracts between public sector entities;

4. Authority to Carry Out Procurement Activity

- 4.1 All procurement activity carried out on behalf of the Council must be carried out by a Procuring Officer with appropriate delegated authority as set out in the Council's Officer Delegation Scheme. The Procuring Officer must ensure that all necessary and correct authorisations to procure has been properly obtained, including member decisions where relevant, prior to the initiation of any procurement activity.
- 4.2 The Procuring Officer may be required to provide evidence of any decision made and any authorisation granted in respect of any procurement activity.

5. Engagement with Finance

- 5.1 The Procuring Officer must complete a Procurement Checklist for all procurement activity equal to, or in excess of £50,000 prior to commencing the relevant procurement activity. By completing the Procurement Checklist, the Procuring Officer is confirming that they have the delegated authority to carry out that procurement activity.
- 5.2 The Procuring Officer must ensure that any agreement entered into by the Council with a value in excess of £5,000 that is caught by these Rules, is entered on to the Council's Contracts Register in accordance with Rule 17.
- 5.3 For all agreements between £5000 and £25,000, prior to the commencement of the agreement, the Procuring Officer must submit to Finance the completed Award Report.
- 5.4 For agreements over £50,000 the Procuring Officer must supply to Finance a copy of the signed contract between the Council and the Supplier. In the absence of a formal signed contract, where this has been agreed with the Monitoring Officer, a copy of the Purchase Order must be provided.

6. Pre-Procurement Considerations

6.1 The Procuring Officer must give consideration to the following:

- 6.1.1 The need for the expenditure, its priority, and whether the purchase is a Key Decision;

- 6.1.2 The objectives of the requirement, and any risks associated with it and how to manage them;
- 6.1.3 Which procurement method is most likely to achieve the purchasing objectives including use of existing Contracts, Framework Agreements, DPS' etc., or other arrangements;
- 6.1.4 The supply market and whether there are any potential local providers;
- 6.1.5 Social Value;
- 6.1.6 TUPE and consultation with HR and / or Legal Services;
- 6.1.7 IR35 and other tax issues;

Specification

- 6.2 The Procuring Officer must ensure that an appropriate Specification commensurate to the scope of the Supplies, Services, execution of Works, or Concession required is written prior to the commencement of any procurement activity. The Procuring Officer shall ensure that it is drafted in accordance with the standards relevant to the proposed nature of the Supplies, Services, Works, or Concessions required.
- 6.3 The Procuring Officer must ascertain any relevant British or international standards which may apply to the requirement and must include those standards or other equivalents in the Specification where they are necessary to describe the required quality.

Market Research and Consultation

- 6.4 Consultation with the supply market, in general terms about the nature, level and standard of the supply, contract packaging, and other relevant matters, prior to issuing competition documents is acceptable provided this does not prejudice or create a conflict of interest regarding any potential Bidders. The Procuring Officer shall follow advice provided by Finance from time to time on how best to undertake this activity and mitigate these risks.

Estimating Value

- 6.5 The total value of the proposed procurement activity shall be estimated in accordance with the formula:
 - 6.5.1 Supplies, Services, and Work: Annual estimated value to be awarded under the arrangement multiplied by the proposed agreement period, inclusive of any options to extend and any optional extras / future phases.
 - 6.5.2 Concessions: Annual revenue to concessionaire (including any potential gifts, payments, or income to Concessionaire from Council, customers, fines, grants, other third parties etc. and including Assets they are provided with) multiplied by the proposed agreement period, inclusive of any options to extend.
- 6.6 The procurement activity shall not be split or sub-divided in such a manner as to avoid being caught by these Rules or any part of these Rules, nor shall the total value be calculated in a manner which deliberately avoids exceeding any value threshold identified in these Rules.
- 6.7 Circumstances may arise where a number of low value contracts are given to one Contractor within a 12 month period. When the value of those contracts is aggregated the effect may be to move the total purchase from one value band to another. This may

mean a different procurement method has to be followed to comply with those rules. It may be necessary to seek an exception/waiver of these rules in such circumstances.

- 6.8 From 1 January 2022 when calculating the estimated value of the contract to determine whether the Public Contract regulations apply, the contract value estimation should be inclusive of VAT (where applicable). The following link sets out the Public Contract values - [Microsoft Word - Procurement Policy Note 10:21 - New Thresholds Values and Inclusion of VAT in Contract Estimates.docx \(publishing.service.gov.uk\)](#)

Social Value

- 6.9 The Procuring Officer shall have regard to the Public Services (Social Value) Act 2012 in all appropriate procurement activity. In such appropriate procurement activity the Procuring Officer shall determine how the procurement activity under consideration can improve the social, economic and environmental wellbeing of the Borough and the local area in conjunction with the delivery of the subject matter of the procurement activity itself.
- 6.10 The Procuring Officer shall follow advice as provided by Finance from time to time on how best to consider, manage, monitor, and measure Social Value.

Award Criteria

- 6.11 The Procuring Officer must define an award criteria that is appropriate to the procurement activity and designed to secure an outcome ensuring Value for Money for the Council. The award of contract shall be based on the Most Advantageous Tender (MAT) assessed from the Council's view of the requirement in accordance with one of the following:
- 6.11.1 Best price-quality ratio;
 - 6.11.2 Price / cost / income;
- 6.12 Price / cost criteria may consist of: price, cost, and/or lifecycle costing;
- 6.13 Quality criteria may consist of: qualitative, environmental and/or social aspects, technical merit, aesthetic and functional characteristics, accessibility, design, innovative characteristics, and trading conditions, how staff will be utilised to deliver requirements, after sales service, technical assistance, delivery conditions, delivery processes, and delivery period / period of completion.
- 6.14 The Procuring Officer must include a Social Value weighting of at least 10% in all procurement activity of £50,000 or over. Exceptions to this shall only be made following consultation with and as authorised by Monitoring Officer and Section 151 Officer.

7 Pre-Arranged Routes to Market

- 7.1 Where, following the considerations conducted in accordance with Rule 6, it is determined that the route to market shall be by direct award or mini-competition under a suitable established Framework Agreement, DPS, or FPS/PDPS, the Procuring Officer must ensure that the rules of the Framework Agreement, DPS, or FPS/PDPS are followed. This will supersede the requirements of Rule 8 and 9.
- 7.2 A Framework Agreement, DPS, or FPS/PDPS must be approved by Finance prior to being used and will be considered suitable where:
- 7.2.1 It has been established by the Council in accordance with these Rules; or

7.2.2 It has been established by another contracting authority in accordance with UK legislation and the Council has been identified as an eligible contracting authority.

7.3 If an appropriate Framework Agreement is available, it must be considered regardless of value.

8 Thresholds

Threshold	Value	Route to Market
Low Value	Below £5,000	Single Quotation (receipt of 1 quote)
	£5,000 - £24,999	Request for Quotation (receipt of 3 quotes)
Medium Value	£25,000 – £50,000	Request for Quotation (receipt of 3 quotes) or if applicable full tender
	£50,001 - £100,000	Full Tender
High Value Procurement	Over £100,000	Full Tender
	Determined by Regulations (Inclusive of VAT)	In line with Regulations

9 Low Value Procurement (Below £25,000)

9.1 Low Value procurement is defined as any procurement activity where the total value estimated in accordance with Rule 6.5 is below £25,000.

9.2 Where the total value is estimated to be below £5,000, the Procuring Officer shall obtain at least a single quotation and shall record the process followed and make evidence available to Internal Audit if/when requested. Acceptance of a quotation may be made by the issue of a Purchase Order by the Council. The Procuring Officer shall ensure that when the contract is entered into its value should offer good value for money and be of a standard/quality expected by the Council.

9.3 Where the total value is estimated to be between £5,000 and £24,999.99, the Procuring Officer shall seek undertake a Request for Quotation in accordance with Rule 12. At least three written quotations shall be invited before a formal purchase order is issued by the Council, specifying the supplies, services or works to be provided.

10 Medium Value Procurement (£25,000-£100,000)

- 10.1 Medium Value procurement is defined as any procurement activity where the total value estimated in accordance with Rule 6.5 is between £25,000 and £100,000.
- 10.2 For Contracts between £25,000 - £50,000 the Procuring Officer shall take consideration of the matters under Rule 6 and determine whether a Request for Quotation or Invitation to Tender is most appropriate for their needs. They shall then undertake either a formal Request for Quotation or a formal Invitation to Tender process in accordance with Rule 12 or 13 as appropriate.
- 10.3 For Contracts between £50,001 - £100,000 the Procuring Officer shall take consideration of the matters under Rule 6 and undertake a formal Invitation to Tender process in accordance with Rule 13.
- 10.4 The Procuring Officer shall, in accordance with Rule 5.1 complete a Procurement Checklist prior to issuing the request for quotation or invitation tender.

11 High Value Procurement

- 11.1 High Value procurement is defined as any contract over £100,000.
- 11.2 For procurements of over £100,000 prior approval to seek tenders shall be obtained from the Corporate Management Team and Cabinet via a report. The report shall include details of the purchasing process, the proposed contract award procedure including the pre-qualification and/or evaluation criteria to be applied and the necessary delegations to accept the successful bid.
- 11.3 The Procuring Officer shall undertake the procurement activity in accordance with the most appropriate procedure permitted by the Regulations whilst also ensuring compliance with the principles of Rule 13.

12 Request for Quotation (RfQ)

- 12.1 A full audit trail, including all documentation and correspondence, is required for all RfQs
- 12.2 Advertising is not necessary for an RfQ. However, where advertising is considered appropriate, the RfQ shall be advertised to the open market on the Council's website and/or suitable e-procurement portal. Where, an advert is considered appropriate, and the value of the procurement is £25,000 or more, the procurement must also be advertised on Contracts Finder and the Council's website as a minimum. There is no minimum number of quotes to be received where an RfQ has been openly advertised.
- 12.3 All RfQs that are not being openly advertised, must have a minimum of 3 organisations invited to bid, ideally more, and 3 quotations must be received. Where 3 quotations have not been received, then advice must be sought from the Monitoring Officer and s151 Officer.
- 12.4 An RfQ must include as a minimum:
 - 12.4.1 An appropriate description of the Supplies, Services, execution of Works, or Concession, setting out the Council's requirements and length of contract;
 - 12.4.2 The terms and conditions that will apply, in accordance with Rule 18;
 - 12.4.3 A description of the award procedure and the applicable evaluation criteria;
 - 12.4.4 Details of the time and date by which the quotation is to be submitted; and
 - 12.4.5 Confirmation that the quotation is prepared at the Bidder's expense and that the Council is not bound to accept any quotation submitted;
- 12.5 All RfQs must be issued simultaneously to Bidders. Any supplementary information should be provided on the same basis.

12.6 All quotations obtained must be in writing and shall be stored electronically.

Pre- and Post-Quotation Clarifications

12.7 All pre- and post-quotation clarifications must be conducted in writing, or in a meeting recorded by the Procuring Officer or their substitute). All clarifications and the written record of any meetings must be stored. Where a meeting is required, there should be a minimum of two Officers of the Council in attendance, one of whom shall be the Procuring Officer.

12.8 Post-quotation clarifications may be undertaken with a Bidder only where it is essential to clarify any fundamental aspect of the quotation submission before the completion of the evaluation process.

13 Invitation to Tender (ITT)

13.1 A full audit trail, including all documentation and correspondence, is required for all ITTs

13.2 All ITTs shall be advertised on the Council's website and/or suitable e-procurement portal and on Contracts Finder as a minimum.

13.3 An ITT must include as a minimum:

13.3.1 An appropriate description of the Supplies, Services, execution of Works, or Concession, setting out the Council's requirements and length of contract;

13.3.2 The terms and conditions that will apply, in accordance with Rule 16;

13.3.3 A description of the award procedure and the applicable evaluation criteria;

13.3.4 A form upon which the Bidder can provide details of its tender ("Form of Tender");

13.3.5 A form upon which the Bidder can confirm that any particulars of its tender have not been disclosed to a third party other than for the necessary purpose of preparation of its tender, including a declaration of canvassing and non-collusion;

13.3.6 A description of the method by which any errors discovered in a submitted tender will be dealt with by the Council; and

13.3.7 Confirmation that the tender is prepared at the Bidder's expense, that the Council is not bound to accept any tender submitted and that the Council is able to award in whole, in part, or not at all; and

13.3.8 Details of the time and date by which the quotation is to be submitted;

13.4 All ITTs must be issued simultaneously to Bidders. Any supplementary information should be provided on the same basis.

13.5 All communications with Bidders in respect of an ITT, its subsequent evaluation, and award must be in writing and shall be stored electronically.

Pre- and Post-Tender Clarifications

13.6 All pre- and post-tender clarifications must be conducted in writing, or in a meeting recorded by the Procuring Officer. All clarifications and the written record of any

meetings must be stored electronically. Where a meeting is required, there should be a minimum of two Officers of the Council in attendance, one of whom shall be the Procuring Officer.

- 13.7 Post-tender clarifications may be undertaken with a Bidder only where it is essential to clarify any fundamental aspect of the tender submission before the completion of the tender evaluation process.

Verifying and Opening Tenders

- 13.8 All Medium Value and High Value procurements undertaken under Rule 13 shall be opened and/or verified by Legal Services or their nominated representative together with the Procuring Officer or their nominated representative. All procurements undertaken under Rules 9 and 12 may be opened by the Procuring Officer.
- 13.9 No paper tenders will be accepted. Only in exceptional circumstances and where there is agreement from the Monitoring Officer and the Section 151 Officer prior to the tender being issued will paper tenders be allowed. If, in exceptional circumstances, paper tenders are permitted the submission shall be in a plain, securely sealed envelope, or in any special envelope provided by the Council for the purpose. Such envelopes shall in no way indicate the identity of the sender.

14 Submission and Receipt of Quotations and Tenders

- 14.1 Bidders must be given a reasonable period, consistent with the complexity of the requirement, in which to prepare and submit a proper quotation or tender.
- 14.2 All electronic tenders shall be considered only if they are delivered to tenders@rossendalebc.gov.uk prior to the closing deadline.
- 14.3 All tenders received shall remain unopened and secure until the appointed time for opening.
- 14.4 Opening of tenders must be contemporaneously recorded in terms of date opened, details of individual tenderer and submitted price and those present during the opening.
- 14.5 If a quotation or tender is considered to be abnormally low, the Procuring Officer must take advice from Finance on how to proceed. Any decision taken must be recorded and stored electronically.
- 14.6 Any quotation or tender submitted after the date and time specified for submission in the RfQ or ITT shall only be accepted for consideration by the Council following agreement by the Monitoring Officer and the Section 151 Officer.
- 14.7 If fewer than the required minimum number of quotations are received in accordance with Rule 12.3, the Procuring Officer must take advice from Finance. Any decision taken must be recorded and stored electronically.

15 Amendment of Quotations and Tenders

- 15.1 The Council may accept amendments to quotations and tenders, providing such amendments are made before the date and time specified for submission in the RfQ or ITT. Bidders submitting amendments in accordance with this Rule should resubmit a new quotation or tender and clearly identify which quotation or tender is correct and shall be considered by the Council.

- 15.2 An amendment to a quotation or tender after the date and time specified for submission in the RfQ or ITT shall be limited to correction of arithmetical error. Approval for any such amendment shall be obtained from the Monitoring Officer and Section 151 Officer, recorded and stored electronically.

16 Evaluation of Quotations and Tenders

- 16.1 All compliant quotations and tenders, including quotations obtained by mini-competition under Framework Agreements, DPS', or FPS'/PDPS', must be checked by the Procuring Officer to ensure that they are arithmetically correct. Arithmetical errors shall be notified to the relevant Bidders. Arithmetical errors shall be dealt with as follows:
- 16.1.1 Lump sum price. The Bidder shall confirm or withdraw the quotation or tender; or
 - 16.1.2 Quantities and rates. The Bidder shall resubmit the quotation or tender, correcting the arithmetical errors; the revised total will be used for the purpose of evaluation and, where applicable, acceptance.
- 16.2 All evaluations including an explanation of the scoring shall be recorded and stored electronically.
- 16.3 For Low Value and Medium Value Procurements, following evaluation, the Procuring Officer may obtain a best and final offer from all Bidders, a range of Bidders, or only the Bidder whose submitted quotation or tender is the most economically advantageous, whichever is deemed most appropriate. This process must follow the agreed process.

17 Contracting Formalities

Award

- 17.1 Subject to the Council's ability to proceed to award, that award shall be made on the basis of the winning quotation or tender in accordance with the evaluation criteria used.
- 17.2 Where the quotation or tender is not within the approved budget, but where additional budgetary provision is available, the Procuring Officer may proceed to award subject to receipt of approval from the Section 151 Officer and in accordance with the Council's Financial Procedure Rules.
- 17.3 Approval to award must be given in accordance with the Council's Officer Delegation Scheme:-
- I. For all Low Value Contracts up to £25,000 the decision to award a contract shall be made by the head of service.
 - II. For all Medium Value contracts £25,000 - £100,000 the decision to award a contract shall be made by the head of service and approved by the Corporate Management Team and relevant Lead Member via a Scheme of Delegation.
 - III. For all High Value Contracts over £100,000 the decision to award a contract shall be made by the officer the decision has been delegated to by Cabinet or Council and approved by the Corporate Management Team and relevant Lead Member, via a Scheme of Delegation.
- 17.4 Only Full Council can accept a tender that would require an increase in the Council's total revenue or capital budget.
- 17.5 The Procurement Checklist must be updated with the award decision.

- 17.6 Award of a High Value procurement agreement shall comply with the process defined for the selected procedure in the Regulations, including adherence to any standstill procedure and the publication of award procedure.
- 17.7 The award of any openly advertised RfQ or ITT in excess of £25,000 shall be published on Contracts Finder by the Procuring Officer in a reasonable timescale.
- 17.8 Once the decision to award a quotation or tender is made, each Bidder must be notified in writing of the outcome. All Bidders must be notified simultaneously and as soon as possible of the intention to award the Contract to the successful Bidder(s).
- 17.9 All Bidders should be informed of the relative advantages of the winning quotation(s) or tender(s) in comparison to their own whilst retaining confidentiality.
- 17.10 The Procuring Officer is responsible for providing the required notifications to Bidders

Enquiries Concerning the Award Process

- 17.11 The identity of Bidders and confidentiality of process shall be preserved at all times insofar as this is compatible with the Council's obligations under the FOIA and GDPR.
- 17.12 If the Council receives a request for information to the relevant Officer of the Council who deals with such requests, the Procuring Officer will be responsible for responding to the request.
- 17.13 Any challenges, complaints or requests for feedback, clarification, or further information must be referred to the Monitoring Officer who will advise on how to respond.

Agreement Provisions

- 17.14 All Contracts below £50,000 may be awarded by a Council issued Purchase Order. All Agreements equal to and exceeding £50,000 must be in writing and set out the parties' rights, obligations and risk allocations. All Agreements shall be on the Council's standard terms and conditions and/or industry standard contract appropriate to the procurement activity undertaken, unless otherwise agreed with the Monitoring Officer.

Agreement Formalities

- 17.15 Once a decision to award has been made in accordance with Rule 16.3, the Agreement must be either:
- 17.15.1 A Purchase Order (where appropriate and the value is below £50,000)
 - 17.15.2 Signed by Officer(s) of the Council authorised to award the Agreement in accordance with the Council's Officer Delegation Scheme, or
 - 17.15.3 Sealed in accordance with Rules 16.21
- 17.16 Every contract having an estimated total value of £50,000 and above, and any other case where the Monitoring Officer so decides shall be in writing.
- 17.17 Every such contract entered into by the Council shall be in a form approved by the Monitoring Officer and shall be signed by a duly authorised officer(s) of the Council or made under the common seal of the Council in accordance with the Council's Constitution. The Monitoring Officer will specify when electronic signatures are appropriate.
- 17.18 Two copies of the Agreement, including all schedules and appendices must each be signed by all parties. The Procuring Officer should provide appropriate instructions to Legal Services to enable them to transmit either two printed and bound copies or an electronic copy of the entire Agreement to the successful Bidder for signature. If the transmission is electronic, the Bidder shall be asked to print and bind two copies prior to signature.

- 17.19 Legal Services must ensure that the person signing on behalf of the Bidder has requisite legal authority to bind the Bidder.
- 17.20 Before arranging for the returned copies of the Agreement to be signed or sealed on behalf of the Council, officers must check that the returned signed Agreement copies have not been amended or altered by the Bidder without prior written agreement by the Council.
- 17.21 All Agreements must be signed prior to commencement. In exceptional circumstances, the Monitoring Officer may approve commencement of an Agreement prior to finalisation of these agreement formalities.
- 17.22 Once executed, the Council shall retain one original of the complete Agreement documents and Legal Services shall ensure that one copy of the complete Agreement documents is provided to the Bidder. An electronic copy of the Agreement must be stored in the agreed central location.
- 17.23 A Purchase Order must be raised by the Procuring Officer for all Agreements incurring expenditure. That Purchase Order must reference the terms and conditions of agreement signed.

Agreement under Seal

- 17.24 A contract must be sealed in one of the following circumstances:
- 17.24.1 The total value is in excess of £100,000
 - 17.24.2 The Council wishes to extend the liability period under the Agreement and enforce its terms for up to 12 years; or
 - 17.24.3 The price to be paid or received under the Agreement is a nominal price and does not reflect the value of the Supplies or Services.
- 17.25 The seal must be affixed in accordance with the provisions of the Council's Constitution.

Transfer / Novation of Agreement

- 17.26 An Agreement shall only be transferred / novated if such transfer is approved by the Monitoring Officer and Section 151 Officer, or their nominees in accordance with the Council's Officer Delegation Scheme.

18 Contracts Register

- 18.1 All Contracts in excess of £5,000 awarded by the Council must be published on the Council's Contracts Register in accordance with the Local Government Transparency Code 2015.
- 18.2 The Council's Contracts Register shall be maintained by Finance.
- 18.3 It is the responsibility of the Procuring Officer to ensure that they have informed Finance of the Agreements they are responsible for and updated the Council's Contracts Register accordingly.

19 Extending Agreements

- 19.1 Where an Agreement entered into by the Council in accordance with these Rules includes a provision for extension beyond its initial term, such extension shall only be made following consultation with and as authorised by the Monitoring Officer and Section 151 Officer prior to the end of the initial term.

- 19.2 Any extension shall only be in accordance with the provisions set out for such extension in the original Agreement.
- 19.3 No activity connected with the proposed extension should be commenced, nor should any commitment be made to the supplier, prior to authorisation.
- 19.4 Where an Agreement entered into by the Council does not include a provision for extension, or all extension provisions have been used, then this will be considered a Modification.

Extension Procedure

- 19.5 The Procuring Officer must complete and submit an Agreement Extension Form providing full details of the extension request and any supporting/supplementary documentation.
- 19.6 An extension request will not be approved until the extension form has been signed by the Monitoring Officer and Section 151 Officer, or their nominees in accordance with the Council's Officer Delegation Scheme.
- 19.7 The completed and signed Extension Form, approving the extension and stating the reasons for that approval, shall be stored electronically.

20 Modification of Agreements

- 20.1 An existing Agreement shall only be modified during its term following consultation and approval by the Monitoring Officer and Section 151 Officer.
- 20.2 Any modifications should be necessary and reasonable in the circumstances, and the Procuring Officer should be satisfied that it offers value for money and they have explored the delivery of additional Social Value from the supplier where appropriate.
- 20.3 Modification to any Agreement to which the Regulations apply, must also comply with appropriate requirements as set out in the Regulations, and relevant Modification Notices published in Find a Tender Service as necessary.
- 20.4 A Modification to an Agreement cannot be authorised where it would contravene the Regulations.
- 20.5 No activity connected with the proposed modification should be commenced, nor should any commitment be made to the supplier, prior to authorisation.
- 20.6 The Modification Process is set out from Rule 21.6

21 Exemptions from the Contract Procedure Rules

- 21.1 An Exemption from these Rules will only be permitted in the following circumstances:
 - 21.1.1 The arrangement is a permitted exemption from the requirement for competition contained in legislation; or
 - 21.1.2 To comply with legal requirements; or
 - 21.1.3 The arrangement is required to fulfil Returning Officer duties; or
 - 21.1.4 The Agreement is for Supplies, Services or the execution of Works which are required in circumstances of extreme urgency or unforeseeable emergency involving risks to persons, property or serious disruption to Council services; or
 - 21.1.5 Repairs or parts; if the only option is to repair or buy new parts for existing equipment or buildings, and there is only one supplier; or

- 21.1.6 Where a service review includes the intention to co-terminate relevant Agreements to support future collaboration; or
- 21.1.7 Proprietary or patented Supplies or Services are proposed to be purchased which are only obtainable from one person, and it can be demonstrated that no reasonably satisfactory alternative to those proprietary or patented Supplies is available; or
- 21.1.8 The Procuring Officer can demonstrate that no genuine competition can be obtained in respect of the purchase of particular Supplies, Services or execution of Works; or
- 21.1.9 The Procuring Officer can demonstrate that the Services or execution of Works are of such a specialist nature that they can only be carried out by one person (e.g. statutory undertakers); or
- 21.1.10 Supplies are proposed to be purchased by or on behalf of the Council at a public auction; or
- 21.1.11 Supplies or Services are proposed to be purchased which are of a specialist or unique nature (such as antiquities for museums or a particular performance artist); or
- 21.2 Where the Agreement is of a value where the Regulations apply, in addition to the above circumstances at 21.1, the appropriate requirements of the Regulations must also be met. There is no legal route to seek an Exemption for a Concession.
- 21.3 An Exemption from these Rules cannot be authorised where it would contravene the Regulations.
- 21.4 No commitment shall be made by the Council to the proposed Supplier prior to authorisation of a requested Exemption.
- 21.5 The Exemption Process is set out from Rule 21.6

Exemption and Modification Procedure

- 21.6 The Procuring Officer must complete and submit to the Monitoring Officer and Section 151 Officer for consideration and review, an Exemption Form / Modification Form providing full details of the request and any supporting/supplementary documentation.
- 21.7 A request will not be approved until the form has been signed by the Monitoring Officer and Section 151 Officer, or their nominees in accordance with the Council's Officer Delegation Scheme.
- 21.8 In circumstances of extreme urgency, the Monitoring Officer and Section 151 Officer may authorise an Exemption / Modification in writing without the need to complete a form before the award is made. The Exemption/Modification form must be submitted be completed as per 20.6 as soon as is reasonably practicable, and including reasoning for the extreme urgency.
- 21.9 The completed and signed form, approving the request and stating the reasons for that approval, shall be stored electronically.
- 21.10 The Procuring Officer shall ensure that the agreement awarded / modified following agreement to a request complies with Rules 17.

22 Declarations of Interest, Anti-Bribery and Corruption

- 22.1 Members and Officers of the Council must declare any interest which could influence their judgement in relation to procurement activity in accordance with the Council's Codes of Conduct.
- 22.2 No gifts or hospitality should be accepted from any Bidders involved in procurement activity except in accordance with the Council's Codes of Conduct.

23 Contract Management

- 23.1 All Agreements must have a Council Contract Manager ("Contract Manager") for the entirety of the Contract. If a named Contract Manager is not identified, the Procuring Officer will fulfil the role of Contract Manager.
- 23.2 The Contract Manager will be responsible for reviewing, monitoring and evaluating the Agreement to ensure that its provisions are being followed and performed in accordance with the Council's requirements with respect to:
 - 23.2.1 Performance (against agreed KPIs, where relevant, including Social Value commitments);
 - 23.2.2 Compliance with specification and contract;
 - 23.2.3 Cost;
 - 23.2.4 Any Best Value duties;
 - 23.2.5 Continuous Improvement;
 - 23.2.6 User satisfaction; and
 - 23.2.7 Risk management

24 Document Retention

- 24.1 All records in relation to the award of Agreements with a value of £5,000 or over, their associated procurement process, and their supporting documentation shall be stored centrally in an electronic filing system to be available for inspection by the Council's internal and external auditors, or an Officer of the Council, immediately upon request.
- 24.2 Such records will be retained in accordance with relevant regulations applicable to electronic record retention and in accordance with a procurement document retention schedule.

Appendix 3

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TERMS OF REFERENCE

4. COUNCIL

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4.24 To approve and accept grant funding over the value of £250k

4.25 All other matters which, by law, must be reserved to Council.

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5. CABINET

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The Cabinet has, for example the power to deal with:

- a) Assets valued at over £100,000.01 by the Council's independent valuer;
- b) All acquisitions and disposals of land, buildings or other property where the Council's independent valuer values the land, buildings or other property at more than £250,000 but less than £1 million and it is proposed to accept the highest bid and the highest bid matches or exceeds the valuation of the Council's independent valuer;
- c) All cases whatever the value where the buyer is either a councillor or an officer;
- d) All disposals where the Council's independent valuer values the property at over £100,000.01 and it is proposed to accept either a bid other than the highest or where the highest bid neither matches nor exceeds that of the Council's independent valuer.
- e) Reports on all village green applications.

f) The approval and acceptance of grant funding between £100,000.01 and £250,000

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5.0 Decision Making – Recording the Decision

5.1 Officers should first consider if a decision should more appropriately be taken via a member committee as a transparent method of recording a decision. The Chief Executive or relevant Director, head of service and service managers will need to exercise judgement in determining whether any delegated day to day decisions are

significant enough to require formally recording. These decisions will be known as significant day to day decisions. Decisions are significant if they propose to incur revenue or capital expenditure in excess of £245,000.

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5.8 There is no requirement to maintain a record of decision involving expenditure less than £245,000 for the purpose of councillor or public access save for the acquisition of an interest in land as set out in 5.1 above. However, officers are responsible for ensuring that sufficient evidence is kept about the decision and the reasons for it. Evidence may be required for a Judicial Review, Employment Tribunal, Ombudsman or other proceedings or investigation, and for ensuring that all those who need to know are informed promptly of the decision.

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2.0 Finance Matters

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2.3 Acceptance of Grant Funding

The Chief Executive, Monitoring Officer and Chief Finance Officer in consultation with the relevant Lead Member may accept grant funding between £50,000.01 and £100k.

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7. Head of Finance

7.1 The Head of Finance is authorised to discharge all the functions of the Chief Financial Officer (including Sections 114, 115 and 151 of the Local Government Act 1972).

7.2 The Head of Finance is responsible for the control of the Council's functions in relation to:

- a) financial services
- b) development and agreement of the Medium Term Financial Strategy
- c) development and agreement of the Capital Strategy
- d) in consultation with the appropriate Director and head of service, authority to determine

requests for grants, financial assistance including hardship and discretionary charitable relief,

discretionary rate relief and support up to £5000

- e) the treasury management function
- f) accountancy
- g) insurance arrangements and risk management
- h) the writing off of debts up to £5000
- i) pensions
- j) creditor payments
- k) collection of sundry debtors
- l) banking arrangements
- m) setting the Council Tax base
- n) contract management of the audit function
- o) procurement

p) the approval and acceptance of grant funding up to £50k in consultation with Lead Member

All reference to Head of Finance shall be amended to Chief Finance Officer.

All reference to Portfolio Holder shall be amended to Lead Member.