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Chief Executive

**THE CIVIC MAYOR, CHAIR OF
COUNCIL BUSINESS AND ALL
MEMBERS OF THE COUNCIL**

Steven Pleasant, Chief Executive
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Our Ref	rl/Council
Ask for	Robert Landon
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Dear Councillor,

You are hereby summoned to attend an **ANNUAL MEETING** of the Tameside Metropolitan Borough Council to be held on **Tuesday, 21st May, 2019 at 5.00 pm** in the **Jubilee Hall, Dukinfield Town Hall, Dukinfield** when the undermentioned business is to be transacted.

Yours faithfully,



**Steven Pleasant
Chief Executive**

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Robert Landon, Head of Democratic Services, to whom any apologies for absence should be notified.

Item No.	AGENDA	Page No
1.	ELECTION OF CIVIC MAYOR To consider the appointment of the Civic Mayor for the Municipal Year 2019/2020. There is a statutory requirement to consider this matter first but it is intended to defer this matter until 6.00pm for the ceremonial part of the meeting.	
2.	APPOINTMENT OF CHAIR OF COUNCIL BUSINESS To appoint the Chair of Council Business for the Municipal Year 2019/2020.	
3.	CIVIC MAYOR'S ANNOUNCEMENTS The Civic Mayor to make any appropriate announcements.	
4.	DECLARATION OF INTEREST To receive any declarations of interest from Members of the Council.	
5.	ELECTION OF COUNCILLORS To receive a report of the Returning Officer detailing the persons elected to the office of Councillor for the Wards of the Borough.	1 - 2
6.	COUNCIL MINUTES The Minutes of the proceedings of the Ordinary meeting of the Council held on 26 February 2019 to be approved as a correct record and signed by the Chair of Council Business (or other person presiding) (Minutes attached).	3 - 8
7.	APPOINTMENT OF EXECUTIVE LEADER To appoint the Executive Leader of the Council for the Municipal Year 2019/20.	
8.	EXECUTIVE LEADER'S ADDRESS To receive an address from the Executive Leader in respect of the Council's work programme for the forthcoming Municipal Year.	
9.	AMENDMENTS TO CONSTITUTION To consider the attached report of the Executive Leader/Director of Governance and Pensions.	9 - 70
10.	APPOINTMENTS OF EXECUTIVE CABINET, PANELS, THE STANDARDS COMMITTEE, OUTSIDE BODIES AND OPPOSITION SPOKESPERSONS To consider and approve the appointment of the persons nominated to serve on the above for the Municipal Year 2019/20.	71 - 80
11.	STANDING LIST OF CONFERENCES 2019/2020 To approve the Standing List of Conferences for the Municipal Year 2019/2020	81 - 84

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Robert Landon, Head of Democratic Services, to whom any apologies for absence should be notified.

for which travel allowances will be paid.

12. EXECUTIVE CABINET MEETING

85 - 100

To receive the minutes of the meeting of the Executive Cabinet held on 27 March 2019 and 24 April 2019.

13. ELECTION OF CIVIC MAYOR

To appoint a Member of the Council as Civic Mayor of Tameside Metropolitan Borough Council for the 2019/2020 Municipal Year (see Item 1 above).

14. ELECTION OF DEPUTY MAYOR

To consider the appointment of the Deputy Mayor for the 2019/2020 Municipal Year.

15. TO ACCORD A VOTE OF THANKS TO THE RETIRING CIVIC MAYOR AND MAYORESS

16. PRESENTATION OF MEDALLION TO THE RETIRING CIVIC MAYOR

17. RESPONSE OF RETIRING CIVIC MAYOR

18. URGENT ITEMS

To consider any other items which the Chair of Council Business (or other person presiding) is of the opinion shall be dealt with as a matter of urgency.

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Agenda Item 5

Report To:	COUNCIL
Date:	21 May 2019
Reporting Officer:	Steven Pleasant – Chief Executive and Returning Officer
Subject:	ELECTION OF COUNCILLORS
Report Summary:	To receive notification from the Chief Executive, the Returning Officer for the Local Elections held on 2 May 2019, as to which persons were elected in accordance with the Representation of the People Acts to hold the Office of Councillor for the Wards within Tameside Borough Council.
Recommendations:	That the report is noted.
Links to Community Strategy:	The Constitution and democratic framework provides an effective framework for implementing the Community Strategy.
Policy Implications:	There are no policy implications.
Financial Implications: (Authorised by the Borough Treasurer)	There are no additional budgetary implications.
Legal Implications: (Authorised by the Borough Solicitor)	Complies with the Representation of the People Acts.
Risk Management:	Publication of the outcome of the Elections ensures compliance with the Representation of the People Acts and the Freedom of Information Act 2000.
Access to Information	The background papers relating to this report can be inspected by contacting Robert Landon, Head of Democratic Services by:  phone: 0161 342 2146  e-mail: Robert.landon@tameside.gov.uk

ANNUAL MEETING OF THE COUNCIL – 21 MAY 2019

TAMESIDE METROPOLITAN BOROUGH COUNCIL

**REPORT OF THE RETURNING OFFICER ON THE PERSONS ELECTED TO
THE OFFICE OF COUNCILLOR FOR THE WARDS INDICATED BELOW**

The following persons, at the elections held on 2 May 2019, were elected to the Office of Councillor for the Wards respectively indicated, to hold office for a period of four years:-

WARD	NAME AND PARTY OF COUNCILLOR ELECTED
ASHTON HURST	Mike Glover (Labour)
ASHTON ST. MICHAEL'S	Yvonne Carthey (Labour)
ASHTON WATERLOO	Lee Huntbach (Green)
AUDENSHAW	Charlotte Martin (Labour)
DENTON NORTH EAST	Allison Gwynne (Labour)
DENTON SOUTH	Jack Naylor (Labour)
DENTON WEST	Brenda Warrington (Labour)
DROYLSDEN EAST	Laura Boyle (Labour)
DROYLSDEN WEST	Ann Holland (Labour)
DUKINFIELD	John Taylor (Labour)
DUKINFIELD/STALYBRIDGE	David Sweeton (Labour)
HYDE GODLEY	Betty Affleck (Labour)
HYDE NEWTON	Helen Bowden (Labour)
HYDE WERNETH	Shibley Alam (Labour)
LONGDENDALE	Jacqueline Owen (Labour)
MOSSLEY	Taf Sharif (Labour)
ST PETERS	David McNally (Labour)
STALYBRIDGE NORTH	Adrian Pearce (Labour)
STALYBRIDGE SOUTH	Clive Patrick (Conservative)

COUNCIL

26 February 2019

Present: Councillor Kitchen (Chair), Councillors Affleck, Billington, Bowden, Bowerman, Boyle, Bray, Buglass, Cartey, Chadwick, Choksi, Cooney, Cooper, Dickinson, Drennan, Fairfoull, Feeley, J Fitzpatrick, P Fitzpatrick, Fowler, Glover, Gosling, Gwynne, A Holland, B Holland, J Homer, S Homer, Jackson, D Lane, J Lane, Lewis, McNally, Mills, Patrick, Pearce, Peet, Quinn, Reid, Robinson, Ryan, Sharif, Sidebottom, M Smith, T Smith, Sweeton, Taylor, Ward, Warrington, Welsh, Wild and Wills.

Apologies for Absence: Councillor Bailey, Bell, Hollinshead, Newton, Ricci and Whitehead.

Councillor Ward, Civic Mayor, in the Chair

67 CIVIC MAYOR'S ANNOUNCEMENTS

The Civic Mayor reported to Council that Professor Fiona Devine OBE from Hyde who is the head of Alliance Manchester Business School and a professor of sociology at the University of Manchester has been awarded a CBE for services to the social sciences in the Queens New Year's Honour's List.

The Mayor informed Council that she had the pleasure of attending Lilian Greenwood's 100th birthday celebration, which was held at the Sycamores Care Home.

The Mayor had hosted the Mayor's Civic Ball charity fundraiser on Saturday 16 February at Dukinfield Town Hall, the event had been a resounding success thanks to the support of local businesses, fellow Councillors, family and friends. The event increased the Mayoral Charity fund by £6,200 all of which will go to the Mayor charities.

The Mayor extended good wishes to those Elected Members who have decided not to seek re-election in the local Elections in May including Councillors John Bell, Maria Bailey, Mike Fowler and Gill Peet.

Councillor Kitchen in the Chair

68 MINUTES

RESOLVED

That the Minutes of the Meeting of Council held on 26 February 2019 be approved and signed by the Chair of Council Business as a correct record.

69 DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Members of the Council.

70 COMMUNICATIONS OR ANNOUNCEMENTS

The Executive Leader invited representatives from MacMillan Cancer Support and Willow Wood Hospice to receive cheques from the Council to support the work of each organisation.

The Executive Member for Lifelong Learning encouraged Members to engage with the Tameside Love Reading programme. Tameside Loves Reading is a three-year programme that will act as an

umbrella to a range of services, projects, initiatives and strategies being delivered to children, young people and adults across the borough, harnessing a love and enjoyment of reading and improving literacy skills.

Tameside Loves Reading also encompasses Tameside Reading Volunteers and will be working with partners across the borough to raise the profile of reading, ensuring that it is enjoyed by all, as well as being made a priority, supporting literacy development and is embedded in the home.

71 JOINT MEETING OF EXECUTIVE CABINET AND OVERVIEW (AUDIT) PANEL

Consideration was given to the minutes of the Executive Cabinet held on 12 December 2018 and 23 January 2019 and the Joint Meeting of the Executive Cabinet and Overview (Audit) Panel held on 7 February 2018.

RESOLVED

That the minutes of the Executive Cabinet held on 12 December 2018 and 23 January 2019 and the Joint Meeting of the Executive Cabinet and Overview (Audit) Panel held on 7 February 2018, be received.

72 MEETING OF THE STANDARDS COMMITTEE

Consideration was given to the minutes of the meeting of the Standards Committee held on 6 November 2018. It was moved by Councillor M. Smith and seconded by Councillor J. Lane that the minutes be received.

RESOLVED

That the Minutes of the meeting of the Standards Committee held on 6 November 2018 be received.

73 MEETING OF OVERVIEW (AUDIT) PANEL

Consideration was given to the minutes of the meeting of the Overview (Audit) Panel held on 12 November 2018. It was moved by Councillor Ricci and seconded by Councillor Homer that he minutes be received.

RESOLVED

That the Minutes of the meeting of the Overview (Audit) Panel held on 12 November 2018 be received.

74 BUDGET 2019/2020 AND FUTURE YEARS

The Executive Leader presented the budget for 2019/20 and future years, which set out what the Council intended to do for its residents and businesses over the coming year.

The Executive Leader reflected that Council funding has been cut by over half since 2010. Where once the Council had £1 to spend on services in 2010, in 2019 it has 40p. Simultaneously demand for services had remained the same or even increased in other cases. In Tameside, it was estimated that a further £31 million of savings and cuts would be required over the next three years whilst the Council would be required to stick to a balanced budget. The Executive Leader stated the protection of the most vulnerable residents, and the vital services they rely on, would remain the highest priority. To enable this it was more important than ever that the Council are honest with the public and with our partners about the challenges we face and what it means for them. As part of this process the Council had consulted residents on the budget. Between December 2018 and

January 2019, over 500 responses were received. Council Officers organised a number of engagement and drop-in sessions at community services across the Borough. The conversation was also promoted extensively through social media and our existing network of groups and partners.

The Council had committed to working more closely with public sector agencies and voluntary, community, faith and social enterprise groups in Tameside and Glossop by signing a PACT agreement. This formally commits to bringing fellow PACT members into discussions about designing and delivering services, to improve communities to build genuine partnership working, and to combine skills and resources to secure investment and funding. In February 2019 the first Partnership Engagement Network Conference of the year had been held at Hyde Town Hall. One of the three that will take place in 2019, these events bring together representatives of organisations and the public to discuss how each organisation can contribute to building the future of health and social care from the ground up in Tameside and Glossop.

The Executive Leader cited examples of how collaborative working was impacting on service delivery across the Borough. The Shared Lives scheme, which allowed residents with mental health issues or physical and learning disabilities to take part in everyday social and domestic activities with volunteer carers, had received almost universal praise about the difference it has made on the lives of everybody involved in it. It has contributed savings of £10,000-£25,000 per year per person over traditional forms of social care, and was named Local Government Communications Campaign of the Year at prestigious UK Public Affairs Awards.

Furthermore, with the opening of Tameside One, a key milestone in the Vision Tameside project, the Council and partners would operate from a single space. Smaller and far cheaper to run than the building it replaced, Tameside One will be a one-stop shop for customer services and will bring thousands of Council Officers, college students and support staff back into the heart of Ashton.

For the last financial year the total gross expenditure of the Council was approximately £533 million. £336 million of this was covered by income, government grants and various forms of payments from customers and clients. This left £197 million that was funded by business rates and council tax, just over a third of spending in total. Services for adult social care and children's services, at £83 million and £78 million a year respectively, were the two largest areas of spending. Operations and Greenspace, which covers many universal services such as parks and bin collections, was at £76 million a year. This financial spend provided services including the quarter of a million bins collected every week, the 33,000 visits to customer services and 179,000 calls resolved a year, the 1,000 family events held across each of the towns, and the 3,000 elderly or vulnerable residents supported to live with safety and dignity in their own homes.

In order to protect and maintain these services in the faces of cuts and uncertainty the proposed Budget called for an increase in council tax of 3.99%. This included an increase in the precept for adult social care, amounting to £37.58 a year, or 72p a week, for a Band A property in Tameside. It was expected this would provide an additional £3.5 million a year of funding for the services. Council tax also includes levies to help fund services to cover the whole of Greater Manchester, such as the Police, the Fire and Rescue Service and the Combined Authority. It was understood that they will also be increased this year by a combined total of 43p a week for a Band A property.

The Executive Leader concluded that challenges for the Council were many and varied and that despite the unprecedented scale of the cuts faced by local government, it was vital to protect vulnerable residents and take every opportunity to invest in Tameside, its people and businesses.

In accordance with the Constitution, the Chair of Council Business then afforded the Opposition Group the opportunity to present to the Council alternative budgets.

In response, Councillor Dickinson informed Members that the Opposition Group would not be proposing an alternative budget.

General discussion then ensued in relation to the proposed budget as outlined and responses made accordingly. The budget for 2018/19 set out in the previously circulated report, as amended by the tabled report and addendum, was moved by Councillor Warrington, seconded by Councillor Taylor and, in accordance with The Local Authorities (Standing Orders) (England) (Amendment) Regulations, a named vote was taken on the Council Tax Motion as follows:

For the motion:

Councillors Affleck, Billington, Bowden, Bowerman, Boyle, Bray, Buglass, Cartey, Chadwick, Choksi, Cooney, Cooper, Dickinson, Drennan, Fairfoull, Feeley, J Fitzpatrick, P Fitzpatrick, Fowler, Glover, Gosling, Gwynne, A Holland, B Holland, J Homer, S Homer, Jackson, Kitchen, D Lane, J Lane, Lewis, McNally, Mills, Patrick, Pearce, Peet, Quinn, Reid, Robinson, Ryan, Sharif, Sidebottom, M Smith, T Smith, Sweeton, Taylor, Ward, Warrington, Welsh, Wild and Wills.

Against the motion:

None.

RESOLVED

That Council:

- (i) Notes the significant financial challenges and risks set out within the submitted report.**
- (ii) The budgeted net expenditure for the financial year 2019/20 of £196,803k as set out in section 3 and Appendix 1, noting the significant pressures outlined in Appendix 2 of the submitted report be approved.**
- (iii) The proposed savings to be delivered by management outlined in section 3 and Appendix 3, noting the additional detail provided in appendices 7 to 15 of the submitted report be approved.**
- (iv) An uplift to fees and charges as set out in appendix 21 of the submitted report be approved.**
- (v) An increase in the child allowance fees payable to Tameside Foster Carers and Relative Carers for the financial year 2019/20 in line with the weekly minimum rates as determined by the department of Education, together with a corresponding increase to the related allowances payable, be approved.**
- (vi) An increase in the personal allowance rate payable in 2019/20 to eligible and relevant care leavers living independently, to the same level as the Job Seekers Allowance rate payable for 18-24 year olds as determined by the Department for Work and Pensions, be approved. g)**
- (vii) Delegated authority to the Directors (in consultation with the Section 151 officer) to agree any uplifts required to other contractual rates from 1 April 2019, which Directorates will manage within their approved budgets for 2019/20, be approved**
- (viii) The use of £9,300k of reserves to fund further investment in Children's Services improvements as set out in appendix 4 of the submitted report, be approved.**
- (ix) A 3.99% increase to Council Tax for Tameside MBC for 2019/20, consisting of a 2.99% general increase and 1% Adult Social Care precept, be approved.**
- (x) Notes that the budget projections set out in section 6 of the submitted report assume a 2.99% per annum increase in general Council Tax through to 2023/24.**
- (xi) The Director of Finance's assessment of the robustness of the budget estimates and adequacy of reserves as set out in appendix 5. Following this, determine that the estimates are robust for the purpose of setting the budget and that the proposed financial reserves are adequate, be accepted.**
- (xii) The Reserves Strategy and an increase to the General Fund minimum balance to £28.2m (funded from the Medium Term Financial Strategy Reserve) as set out in appendix 6 of the submitted report, be approved.**
- (xiii) Notes that, in accordance with the Reserves Strategy, a review of reserves will be undertaken at year end and the Director of Finance will present a further report to Executive Cabinet following this review.**
- (xiv) Notes the position on the Capital Programme (Section 8 and Appendix 17) previously approved by Executive Cabinet, and the forecast future investment requirements.**

- (xv) The Pay Policy Statement for 2019/20 as set out in section 9 and Appendix 18 of the submitted report, be approved.
- (xvi) The Treasury Management Strategy 2019/20, which includes the proposed borrowing strategy, Annual Investment Strategy and Minimum Revenue Provision Policy (Appendix 19), be approved.
- (xvii) The Capital Strategy 2019/20 (Appendix 20) be approved.
- (xviii) That it be noted that a Key Decision was taken on 30 January 2019 by the Deputy Executive Leader that the relevant Council Tax bases for 2019/20 be as follows:
 - a. 62,306.76 for the whole Council area (including the Mossley Parish area) [item T in the formula in Section 31B(1) of “the Act”].
 - b. 3,388.70 for the Mossley Parish area to which a local precept relates.
- (xix) That the Council approves the Council Tax Requirement for the Council’s own purposes for 2019/20 (excluding the Mossley Parish precept) as being £91,579,000.
- (xx) That the following amounts be calculated by the Council for the year 2019/20:
 - a. £533,086,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of “the Act” taking into account the precept issued for the year by Mossley Parish Council (Appendix 2).
 - b. £441,476,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of “the Act” (Appendix 2).
 - c. £91,610,000 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of “the Act”, as its Council Tax Requirement for the year [item R in the formula in Section 31B(1) of the “the Act”].
 - d. £1,470.31 being the amount at 3(c) above, divided by item T (1(a) above), calculated by the Council, in accordance with Section 31B(1) of “the Act”, as the basic amount of Council Tax for the year (including the Mossley Parish precept).
 - e. £31,000 being the aggregate amount of all special items referred to in Section 34(1) of “the Act”, being the Mossley Parish precept.
 - f. £1,469.81 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of “the Act”, as the basic amount of tax for the year for dwellings in those parts of its area to which no special items relate.
 - g. £1,478.96 being the amounts given by adding to the amount at 3(f) above the amount of the special item or items relating to dwellings in those parts of the Council's area mentioned at 3(e) above divided by the amount at 1(b) above, calculated by the Council, in accordance with Section 34(3) of “the Act”, as the basic amount of Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.
- (xxi) That it be noted that for the year 2019/20 the Office of the Police and Crime Commissioner for Greater Manchester and the Greater Manchester Fire and Rescue Authority have issued precepts to the Council in accordance with Section 40 of “the Act”, for each category of dwelling in the Council's area as indicated in the tables below.
- (xxii) That the Council, in accordance with “the Act”, hereby sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2018/19 for each part of its area and for each of the categories of dwellings.

75 CIVIC MAYOR FOR 2019/2020

It was moved by the Executive Leader seconded by the Deputy Executive Leader that Councillor Leigh Drennan be nominated as Civic Mayor for 2019/2020 Municipal Year and Councillor Eleanor Wills be nominated for election as Deputy Mayor for the 2019/2020 Municipal Year at the Annual Meeting.

RESOLVED

That Councillor Leigh Drennan be nominated as Civic Mayor for 2019/2020 Municipal Year and Councillor Eleanor Wills be nominated for election as Deputy Mayor for the 2019/2020 Municipal Year.

76 ARRANGEMENTS FOR ANNUAL COUNCIL

It was noted that the Annual Meeting of the Council (Civic and Business) would commence at 5.00pm on Tuesday, 21 May 2019 and will be held at Dukinfield Town Hall.

77 MEETING OF DEMOCRATIC PROCESSES WORKING GROUP

Consideration of was given to the minutes of the meeting of the Democratic Processes Working Group held on 18 February 2019. It was moved by Councillor Cooney and seconded by Councillor Fairfoull that the minutes be received.

RESOLVED

That the minutes of the meeting of the Democratic Processes Working Group held on 18 February 2019, be received.

78 MEMBERSHIP OF COUNCIL BODIES

The Chair of Council of Council Business reported there were no amendments of Membership of Council bodies for consideration.

79 NOTICE OF MOTION

The Chair reported there were no submitted notices of motion for consideration by Council.

80 URGENT ITEMS

The Chair reported that there were no urgent items of business for consideration at this meeting.

CHAIR

Agenda Item 9

Report To:	COUNCIL
Date:	21 May 2019
Executive Member/ Reporting Officer:	Councillor Brenda Warrington – Executive Leader Sandra Stewart – Director (Governance and Pensions)
Subject:	AMENDMENTS TO CONSTITUTION
Report Summary:	<p>The report outlines, for Members information, revised Executive Member portfolio arrangements.</p> <p>In addition the report sets out proposed new arrangements for GM Transport governance arrangements and proposes changes to the terms of reference of the Overview (Audit) Panel and the Audit Panel.</p>
Recommendations:	<ul style="list-style-type: none">(i) That the revised Executive Member portfolios be noted;(ii) That the establishment of the new GM Transport Committee as a joint committee of the 10 districts, GMCA and Mayor be approved.(iii) That the Terms of Reference and Operating Agreement for the Committee as set out in Appendix 1 of the report be agreed.(iv) That the functions set out in the Terms of Reference be delegated to the Transport Committee.(v) That the Council appoint one Member to the Transport Committee for 2019 – 2020.(vi) That the revised Terms of Reference for the Audit Panel and Overview (Audit) Panel as set out in Appendix 2 be approved.(vii) That the Council adopt the ‘STAR’ Procurement Standing Orders made pursuant to Section 135 of the Local Government Act 1972 set out in Appendix 3, which will ensure we are aligned with Stockport Council, Trafford Council, and Rochdale Council to facilitate a more economical, efficient and effective discharge of Procurement Functions via a shared procurement service known as “STAR”.(viii) That the Executive Member with responsibility for Finance be appointed as the Council’s representative on the STAR Joint Committee(ix) That it be agreed that the Borough Solicitor may make such consequential amendments to the Constitution as may be required to reflect the changes made above.
Links to Community Strategy:	The Constitution and democratic framework provides an effective framework for implementing the Community Strategy.
Policy Implications:	There are no policy implications.
Financial Implications: (Authorised by the Section 151 Officer)	There are no direct financial implications

**Legal Implications:
(Authorised by the Borough
Solicitor)**

Section 9P of the Local Government Act 2000, as amended, requires a local authority which is operating executive arrangements to prepare and keep up-to-date a Constitution which contains a copy of the authority's standing orders for the time being. The Borough Solicitor is required to monitor and review the operation of the Constitution on an on-going basis, and, where necessary, bring forward amendments to the Council. It should be noted that under the Leader and Cabinet form of executive, responsibility for the delegation of executive functions, including those local choice functions which the Council has designated as executive functions, does not rest with the Council, but is the responsibility of the Leader. The Leader may determine to exercise executive functions personally or to delegate their discharge to the Executive, a Committee of the Executive, an Executive Member, an area committee or an officer of the Council (without prejudice to the Leader's ability to exercise such functions personally). Where the Leader delegates the exercise of functions to the Executive it may in turn delegate to officers. In these circumstances, the recommended delegations of executive functions as set out in section 1 are for the purpose of information only.

The changes to the Transport arrangements are compliant with the GMCA Transport Order

Risk Management:

It is important to continually monitor and review the effectiveness of the Constitution to ensure good governance.

Access to Information:

Background Papers:

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report.
Greater Manchester Combined Authority Transport Order

Greater Manchester Combined Authority Constitution

TfGMC Terms of Reference and Operating Agreement

The background papers relating to this report can be inspected by contacting Robert Landon, Head of Democratic Services by:



phone: 0161 342 2146



e-mail: robert.landon@tameside.gov.uk

1. EXECUTIVE MEMBER PORTFOLIOS

- 1.1 Set out below for Members information are the revised Executive Member portfolios put in place by the Executive Leader setting out generally the thematic areas covered with further detail to be published in the constitution:

Executive Member	Portfolio Outline
Executive Leader	Strategic Oversight; to represent the Council externally; Principal political spokesperson; oversight of the annual budget and all council functions; Chair of Greater Manchester Pension Fund; Member of Greater Manchester Combined Authority.
Deputy Executive Leader (Children and Families)	Deputise for Executive Leader as and when required; Children's Social Care; Safeguarding (incl. Tameside Safeguarding Children Board); Youth Provision; Children with disabilities; Early Help and Troubled Families; Support services (incl. early intervention, behaviour, respite, communication, sensory & autism); Looked after children - Corporate Parenting; Children's Centres; Health as it relates to Children's Services.
Finance and Economic Growth	to lead on capital and revenue budget preparation and monitoring; to lead on performance management; to lead on all corporate services, information technology; and communication. To lead on Strategic economic development; investment and enterprise, growth activities including land disposals.
Housing, Planning and Employment	to lead on job creation employment initiatives; housing regeneration; housing matters; inward investment; Strategic planning and major development matters.
Lifelong Learning, Culture and Heritage	Early years learning and school readiness; education attainment and achievement; school development and support; schools capital programme; special educational needs; skills and training. Culture and heritage including libraries.
Neighbourhoods, Community Safety and Environment	Waste Collection, disposal and recycling; Carbon Reduction; Environmental Health and Public Protection (incl. Licensing and Trading Standards); Engineering operations and Highway development. To lead on the functions of the Council as highways authority; highway maintenance and improvement works; and to lead on all matters that create inclusive neighbourhoods crime and disorder, recreational and sports facilities and all environmental enforcement matters.
Transport and Connectivity	Strategic transport matters include matters such as Tameside Interchange and Longdendale bypass; regional and sub-regional transport matters together with Transportation, fleet management and on and off street parking with particular emphasis on Green Travel.
Health and Social Care	Development and implementation of Integrated Care Organisation together with leading on Adult Social Care.

2. TRANSPORT GOVERNANCE

- 2.1 The GMCA agrees that it is vital that the exercise of transport powers across all modes is undertaken collectively as far as is possible by the Mayor, GMCA and Districts acting in concert, bringing together their respective transport functions and budgets so they can be co-ordinated in a coherent manner.
- 2.2 The proposed Transport Committee, as a joint committee comprising members from all of these bodies, has an important role to play as part of this, particularly in relation to operational oversight and performance monitoring of all transport modes (including highways) and scheme delivery.
- 2.3 A joint committee of the GMCA, Mayor and District Councils enables the appropriate functions to be delegated from all of these bodies, equipping one body with broad and balanced elected member representation from across Greater Manchester to assess all modes of transport as a whole.
- 2.4 Accordingly, what is proposed by the Combined Authority as the basic structure for GM transport governance is as follows:
- **Mayor and GMCA:** to continue to undertake all strategic decision-making in relation to policy, strategy (LTP), funding and scheme decision-making.
 - **New joint Transport Committee:** refocused role as transport user champion – performance monitoring / management of all modes and highway network, holding operators to account, oversight on delivery (eg capital and other schemes) and ensuring the integration of transport policy within the parameters set by the Local Transport Plan (ie Transport Strategy 2040) and existing policy. A well briefed and informed Committee will be in a strong position to make recommendations to the Mayor, GMCA and Districts, as appropriate.
 - **Greater Manchester Scrutiny:** Scrutiny of Mayoral, GMCA and Transport Committee decisions as above, including wider integration with spatial issues, housing, environment, is currently undertaken by the Housing, Planning & Environment Overview and Scrutiny Committee. Transport budget issues are scrutinised by the Corporate Issues & Reform Overview and Scrutiny Committee.
- 2.5 The Transport Committee will continue to undertake decisions in relation to supported bus services, within agreed policy and budgets. This will require the bus functions that Order 3 transfers from the GMCA to the Mayor to be delegated to the new Transport Committee.
- 2.6 The proposed approach to transport governance outlined above will also provide greater clarity for the GM Scrutiny Committees, and in particular the Housing, Planning and Environment Scrutiny Committee, which includes transport in its remit, in undertaking their scrutiny, functions.
- 2.7 This will enable elected members, be they decision-makers or those with a scrutiny role, to be clear about their role and that of the bodies they are appointed to, as well as understanding the roles of related bodies. This is increasingly important when elected members may have multiple and overlapping roles, for example serving on a Licensing Panel and the Transport Committee.
- 2.8 The clearer distinction between where major transport decisions are taken (GMCA and Mayor), and where transport performance and operational delivery and integration is monitored and operators are held to account (Transport Committee), will help ensure that Scrutiny processes and oversight at the city-region level can be exercised in an efficient manner that avoids duplication.

- 2.9 There has been significant change to GM governance since 2011, when the existing Transport for Greater Manchester Committee was established. In that time period, the mayoral combined authority has been established, major reforms of scrutiny arrangements and the former waste, fire and police authorities undertaken, and more recently the confirmation of GM Order 3 (which was agreed by all of the Districts) has specific implications for transport governance.
- 2.10 GM Order 3 represents a further step on the journey to equip GM with more robust governance arrangements better able to utilise existing and new powers and functions devolved to GM, and achieve the economic, social and environmental objectives in the GM Strategy.
- 2.11 The Order makes a series of changes, including conferring all operational bus powers on the Mayor, enables the Mayor to enter into joint arrangements with the GMCA and Districts in relation to transport functions and makes provision for a new joint Transport Committee.
- 2.12 All GM local authorities consented to the new Order in January 2019. In terms of membership arrangements, the Order states :
- 1.—(1) Where a joint transport committee is established in accordance with article 6 the members of the joint transport committee must be appointed in accordance with paragraphs (2) to (5).
- (2) The members appointed by the GMCA must be members or substitute members of that authority or members of the constituent councils.
- (3) The members appointed by the constituent councils must be members of those councils.
- (4) The members appointed by the Mayor must be members of the GMCA or of the constituent councils.
- (5) In appointing members to the joint transport committee—
- (a) the Mayor, the GMCA and the constituent councils must ensure that—
- (i) the number of members of the committee does not exceed twenty three;
- (ii) members are appointed to act as members of the joint transport committee in the absence of the members appointed under paragraph (1) (“substitute committee members”); and
- (b) the GMCA and the constituent councils must ensure that the members of the committee appointed from among the members of the GMCA and the constituent councils, and any substitute committee members acting in place of those members, taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils.
- 2.13 In terms of constituting the new Joint Transport Committee, ensuring political, and geographical balance, the following is recommended:-
- Districts appoint to 11 places on the Joint Committee,
 - The CA to appoint to one place on the Joint Committee,
 - The Mayor to be a member of the Joint Committee and
 - The remaining 10 members are appointed by Mayor to ensure political balance across GM is represented.
 - That the committee shall select and recommend to the Mayor its own Chair.
- 2.14 The Operating Agreement, attached at **Appendix 1**, has been amended to reflect the Order and sets out how those appointments will be made. Clause 3.10 of the Agreement states that the appointments made by the Mayor to the 10 remaining places will reflect the wishes of the relevant political group as to the members to be appointed to the Committee allocated to that political group.

Revised Terms of Reference for the Transport Committee

- 2.15 The proposed Terms of Reference for the Committee are included in the Operating Agreement (**Appendix 1**). They set out the key areas of work for the Committee and the delegations from the Mayor, GMCA and the districts. The Terms of Reference more

accurately reflect the proposed role of the Committee and do not make any changes to the delegations from the Districts.

- 2.16 The three key areas of work for the new joint transport committee, which will comprise representatives from each District, the GMCA and the Mayor, will be to ensure:
- **Accountability:** active and regular monitoring of the performance of the transport network, including the highway network (including the operation of the GM Road Activities Permit Scheme, road safety activities, eTransport Committee) as well as all public transport modes. This role will include holding service operators, TfGM, highway authorities and infrastructure providers to public account, and
 - **Implementation:** oversee the delivery of agreed Local Transport Plan commitments. This includes the active oversight of the transport capital programme, and as noted above, decisions over subsidised bus services network to be made within the context of policy and budgets set by the Mayor and the GMCA as appropriate, and
 - **Policy Development:** undertake policy development on specific issues, as may be directed by the Mayor and / or the GMCA.
- 2.17 With regard to decisions about subsidised bus services, it is proposed that the new Transport Committee undertakes this function, given the local nature of such decision-making, within the policy context and funding as determined by the Mayor.
- 2.18 Specific policy development work that the Committee was asked to explore by the GMCA, the Mayor or the Districts could be undertaken by task and finish groups, comprising an appropriate selection of Transport Committee members. This group would undertake the policy development process outside of formal Committee meetings, supported by TfGM as appropriate, and provide recommendations for consideration by the whole Committee before subsequent presentation to the GMCA or the Mayor.

Operating Agreement

- 2.19 The first Operating Agreement was entered into between GMCA and the districts in 2011. It set out how the Committee would be appointed to, the Terms of Reference of the Committee, and other provisions relating to Transport Protocols, funding and scrutiny arrangements.
- 2.20 The proposed amendments update the membership and appointment process; include the Mayor as a signatory as he now has specific transport powers; deletes the references to a joint scrutiny committee as the CA now has Scrutiny functions; retains the same funding provisions and the Rules of Procedure.

Transport Committee training for members and work programme

- 2.21 If the proposals for the new committee are approved it is recommended that officers are asked to organise and provide training for new members prior to its first meeting. This can include member involvement in developing and agreeing the Committee's overall work programme.
- 2.22 The following section elaborates, through examples, how a revised Transport Committee might work in practice, to better support the transport agenda being pursued by the Mayor, GMCA and GM local authorities to help cement an effective and long term consensus.

Example One: The Transport Committee is informed of large scale bus de-registrations from the commercial network.

- 2.23 The standard report on changes to the bus network is received by the Transport Committee, and members' comments and the operator's response noted. Transport Committee informs the Mayor's Transport Board, such that the Mayor can seek explanations or action at a more senior level. The issue may also be raised at GMCA, to the extent that any service withdrawals requiring replacement will impact significantly on the Subsidised Bus budget. The Transport Committee may also wish to inform the Housing, Planning & Environment

Scrutiny Committee, either formally or otherwise, to provide them with reassurance that the issue is being addressed.

Example Two: Tracking performance and patronage of public transport network.

- 2.24 Regular, comparable and clear performance monitoring reports to Transport Committee. Operators attend, and are held to account for service delivery by members. Consistently inadequate performance that is beyond the remit or capacity of TfGMC to secure improvements to be referred to Mayor's Transport Board and TfN (if relating to rail).

Example Three: Policy Reviews

- 2.25 Transport policy and strategy decisions are primarily for the Mayor, subject to the GMCA's agreement. For a formal revision of the LTP, a draft would be submitted by the mayor and would require approval by seven GMCA members in order to go forward to public consultation, then at least eight would be required to approve the post-consultation final version.
- 2.26 With regard to less significant transport strategy or policy measures, there may be a role for Transport Committee to consider and recommend any changes, if requested by the Mayor/GMCA, and then present its recommendations to GMCA. Examples might include revisions to School Bus policy, Metrolink bylaws, use of bus lanes.

3. OVERVIEW (AUDIT) PANEL/AUDIT PANEL

- 3.1 The report proposes changes to the terms of reference for the Audit Panel and Overview (Audit) Panel, to reflect recent guidance from CIPFA on the role of the Audit Committee. The proposed changes will align the terms of reference of the Audit Panel with current guidance and revised legal timescales for approval of the Annual Statement of Accounts and Annual Governance Statement.
- 3.2 Section 151 of the Local Government Act 1972 requires that '*every local authority shall make arrangements for the proper administration of their financial affairs*'. The Council is a public authority that is subject to the audit of its annual accounts by an external auditor. The Local Audit and Accountability Act 2014, Part 5 specifies the 'Conduct of local audit'. Part 9 of the Accounts and Audit Regulations 2015 requires that the statement of accounts must be considered by a committee or full council and approved by a resolution of that body.
- 3.3 The International Standard on Auditing (UK and Ireland) 260 deals with the external auditor's responsibility to communicate with those charged with governance (TCWG) in an audit of financial statements. External Audit is required to communicate all audit related matters with TCWG.
- 3.4 Those Charged with Governance are the person(s) or organisations(s) (for example, a corporate trustee) with responsibility for overseeing the strategic direction of the entity and obligations related to the accountability of the entity. This includes overseeing the financial reporting process.
- 3.5 In most Local Government bodies the Audit Committee is identified as TCWG based on their terms of reference usually covering internal control and assurance systems, risk management, corporate governance, fraud and corruption and the financial reporting process.
- 3.6 The Audit Panel is the Committee of Tameside Council that undertakes the role of the Audit Committee and is therefore identified as TCWG for the purpose of External Audit communications.

3.7 The Chartered Institute of Public Finance and Accountancy (CIPFA) has recently issued an updated position statement on the role of the Audit Committee in Local Government. This sets out the core functions of the Audit Committee, which should include:

- To be satisfied that the authority’s assurance statements, including the annual governance statement, properly reflect the risk environment and any actions required to improve it, and demonstrate how governance supports the achievement of the authority’s objectives;
- In relation to the authority’s internal audit functions:
 - oversee its independence, objectivity, performance and professionalism
 - support the effectiveness of the internal audit process
 - promote the effective use of internal audit within the assurance framework;
- Consider the effectiveness of the authority’s risk management arrangements and the control environment, reviewing the risk profile of the organisation and assurances that action is being taken on risk-related issues, including partnerships and collaborations with other organisations;
- Monitor the effectiveness of the control environment, including arrangements for ensuring value for money, supporting standards and ethics and for managing the authority’s exposure to the risks of fraud and corruption;
- Consider the reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control;
- Support effective relationships between external audit and internal audit, inspection agencies and other relevant bodies, and encourage the active promotion of the value of the audit process; and
- Review the financial statements, external auditor’s opinion and reports to members, and monitor management action in response to the issues raised by external audit.

External Audit Communication

3.8 External Audit is required to communicate all audit related matters with TCWG. The International Standard on Auditing (UK and Ireland) 260 identifies those matters which External Audit must communicate with TCWG and which report these matters would normally be included within.

Matter to be communicated:	Included in:
Respective responsibilities of auditor and management/those charged with governance	Audit Plan
Overview of the planned scope and timing of the audit. Form, timing and expected general content of communications.	Audit Plan
Views about the qualitative aspects of the entity's accounting and financial reporting practices, significant matters and issues arising during the audit and written representations that have been sought.	Audit Findings Report
Confirmation of independence and objectivity	Audit Findings Report
Details of non-audit work performed	Audit Findings Report
Material weaknesses in internal control identified during the audit	Audit Findings Report
Identification or suspicion of fraud involving management and/or others which results in material misstatement of the financial statements	Audit Findings Report

Non-compliance with laws and regulations	Audit Findings Report
Expected modifications to auditor's report, or emphasis of matter	Audit Findings Report
Unadjusted misstatements and material disclosure omissions	Audit Findings Report
Significant matters arising in connection with related parties	Audit Findings Report
Significant matters in relation to going concern	Audit Findings Report

- 3.9 All these matters should be communicated to the Audit Panel as TCWG for the Council. The Audit Plan is prepared before the end of the financial year to which it relates and is usually presented to TCWG before the end of March. The Audit Findings Report is prepared following the completion of the external audit of the financial statements and must be presented to TCWG before external audit will issue an opinion on the financial statements. This must be before 31 July of each year to meet statutory deadlines for the conclusion of the audit.

Proposed Changes

- 3.10 To better align with the recent CIPFA guidance on the role of the Audit Committee, and to enable External Audit to report all their required matters to TCWG to revised timescales, it is proposed that some changes are made to the terms of reference for the Audit Panel and the Overview (Audit) Panel. **Appendix 2** identifies the proposed changes to the terms of reference.
- 3.11 The changes would see the delegations concerning the statement of accounts moved from Overview (Audit) Panel to the Audit Panel. In light of the proposed changes it is also proposed that the Overview (Audit) Panel be re-named the Overview Panel to better reflect its role and role of the Audit Panel.

4. CHANGES TO PROCUREMENT STANDING ORDERS - STAR

- 4.1 Stockport Council, Trafford Council, Rochdale Council and Tameside Council have agreed, through an Inter Authority Agreement ("IAA") to facilitate the joint delivery of Procurement Functions with a view to the attainment of a more economical, efficient and effective discharge of its Procurement Functions via a shared procurement service to be identified as "STAR". Each of the STAR members have agreed to establish and participate in a joint committee (the "Joint Committee") and have agreed to delegate their Executive and Non-Executive functions relating to the operation of STAR to the Joint Committee. Other authorities may, from time to time, join the IAA.
- 4.2 A local authority may make standing orders with respect to the making of contracts by them or on their behalf under Section 135 of the Local Government Act 1972. Compliance with the Rules and observance of European and domestic law from which they emanate (in particular the principles relating to non-discrimination, equal treatment and transparency) is mandatory for all Officers and Members. The Rules ensure that procurement activity is undertaken in a legally compliant, transparent, fair and competitive manner.
- 4.3 Decisions relating to procurement are among the most important decisions that can be made by the Council its Members and Officers because the money involved is public money and the Council is concerned to ensure that high quality Supplies, Services and the execution of Works are procured. Efficient use of resources in order to achieve Best Value is therefore an imperative.

- 4.4 These Rules shall apply to all procurement activity where the Council is to procure any Supplies, Services or the execution of Works, or enters into a Concessions Contract as either a contracting authority or commissioner of such, regardless of the origin of funding (such as external grants, partnership funding, pooled or joint budgets for example).
- 4.5 For the avoidance of doubt, these Rules shall apply to Framework Agreements, DPS and to any arrangement made by, or on behalf of the Council (including Schools) for the carrying out of Works or for the supply of Supplies or Services.
- 4.6 Where relevant, the Council shall have regard to the Public Services (Social Value) Act 2012 ("the Act"). This requires commissioners and procurers at the pre- procurement stage to consider how what is to be procured may improve social, environmental and economic well-being of the Council's relevant area, how it might secure any such improvement and to consider the need to consult. The Council and Officers should refer to the Procurement Handbook for further guidance.
- 4.7 The STAR Joint Committee previously approved by Council on the 24 July 2019 following Cabinet on the 20 June 2019 shall monitor compliance with the Rules and undertake an annual review of the Rules. The Joint Committee may present recommendations for amendments to the Rules to the Council from time to time and any such amendments shall be subject to the Council's own ratification procedures. Any failure to comply with any of the provisions of these Rules must be reported immediately to the SRO for Legal. Failure by any Officer or Member to comply with the provisions of these Rules may lead to disciplinary action being taken against them.

5.0 RECOMMENDATIONS

- 5.1 As set out on the front of the report.

This Agreement is made on[] 2019
between:

- (1) **Greater Manchester Combined Authority (“the GMCA”)**
- and
- (2) **The Mayor for the area of the Greater Manchester Combined Authority (“the Mayor”)**
- and
- (3) The Borough Council of Bolton, Bury Metropolitan Borough Council, The Council of the City of Manchester, Oldham Borough Council, Rochdale Metropolitan Borough Council, Salford City Council, The Metropolitan Borough Council of Stockport, Tameside Metropolitan Borough Council, Trafford Metropolitan Borough Council, Wigan Borough Council (“the Constituent Councils”)

WHEREAS:

- (A) On 1st April 2011 the GMCA was established as a Combined Authority for the combined area and the Greater Manchester Integrated Transport Area was dissolved and the ITA abolished.
- (B) The functions of the GMCA are those functions conferred or imposed on it, or delegated to it, by the Greater Manchester (Combined Authority) Order 2011 (S.I. , (“the **GMCA Order**”) or by any other enactment, including all the transport functions of the former Greater Manchester Integrated Transport Authority (the “**GMITA**”) which transferred to the GMCA on the abolition of the GMITA.
- (C) The Constituent Councils were established as local authorities by the Local Government Act 1972 with all the functions of a metropolitan district council, and in particular the Constituent Councils are the local highway authority and local traffic authority for their area.
- (D) The functions of the GMCA conferred on it by the GMCA Order include those transport functions of the Constituent Councils delegated to the GMCA by article 8 of the 2011 Order.
- (E) Pursuant to the Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions Order 2016 (SI 2016/448) provision was made for the election of a Mayor for the GMCA Area (and the GMCA became a “mayoral combined authority”). Pursuant to section 107D (Functions of mayors: general) of the Local Democracy, Economic Development and Construction Act 2009 (the “**LDEDCA**”) the Secretary of State may by order make provision for any function of mayoral combined authority to be a function exercisable only by the Mayor (“**Mayoral Functions**”).
- (F) On 4 April 2019 The Greater Manchester Combined Authority (Functions and Amendment) Order 2019 (SI 2019/793) (the “**GMCA Transport Order**”) came into force. Pursuant to article 4 of the GMCA Transport Order, the transport functions of the GMCA specified in Schedule 1 of the GMCA Transport Order are general functions exercisable only by the Mayor (“**Mayoral Transport Functions**”).
- (G) Pursuant to Part 3, articles 6 to 9 (inclusive) of the GMCA Transport Order provision was made for the Mayor to enter into arrangements jointly with the GMCA and with the Constituent Councils in accordance with section 101(5) of the Local Government Act 1972 for the discharge of the Mayoral Transport Functions which are listed at Schedule 2 GMCA Transport Order (the “**Joint Transport Committee**”, hereinafter referred to as “**GM Transport Committee**”).

- (H) Part 3, articles 6 to 9 (inclusive) of the GMCA Transport Order sets out the statutory requirements in relation to membership of the GM Transport Committee and voting arrangements for any questions to be decided by the GM Transport Committee.
- (I) The Parties wish to co-operate with each other in the exercise of their functions and in particular their transport functions and have entered into this Agreement in order to facilitate this co-operation and the operation of the GM Transport Committee.

THIS AGREEMENT witnesses as follows:

1. Definitions

In this Agreement –

- 1.1 **Constituent Councils** mean the metropolitan district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford, and Wigan.
- 1.2 **GMCA Order** means the Greater Manchester Combined Authority Order 2011.
- 1.3 **the GM Transport Committee** means the Greater Manchester Transport Committee being a joint committee established by the Parties pursuant to the GMCA Transport Order.
- 1.4 **the GMCA Transport Order** means The Greater Manchester Combined Authority (Functions and Amendment) Order 2019.
- 1.5 **the LDEDCA 2009** means the Local Democracy, Economic Development and Construction Act 2009.
- 1.6 **the LGA 1972** means the Local Government Act 1972.
- 1.7 **the LGA 2000** means the Local Government Act 2000.
- 1.8 **the LGHA 1989** means the Local Government and Housing Act 1989.
- 1.9 **the Mayor** means the person elected as the Mayor of the GMCA pursuant to the Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions Order 2016 (SI 2016/448)
- 1.10 **the 2012 Regulations** means the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- 1.11 **the Parties** mean the GMCA, the Mayor and the Constituent Councils.
- 1.12 **the Relevant Date** in relation to a payment for a financial year means 30th June in the financial year which commenced two years previously.
- 1.13 **the Secretary** means such person as shall be appointed by the GMCA to discharge the role of Secretary on behalf of the GM Transport Committee..
- 1.14 **the TfGMC** means the Transport for Greater Manchester Committee being a joint committee established by the Parties.
- 1.15 **the TfGM** means Transport for Greater Manchester being the executive body of GMCA for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the LDEDCA 2009.

2. Interpretation

- 2.1 Clause, Schedule and paragraph headings shall not affect the interpretation of this Agreement;
- 2.2 The Schedules form part of this Agreement and shall have effect as if set out in full in the body of this Agreement. Any reference to this Agreement includes the Schedules.
- 2.3 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 2.4 A reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 2.5 A reference to a statute or statutory provision shall include all subordinate legislation made from time to time.

- 2.6 A reference to “this Agreement” or to any other agreement or document referred to in this Agreement is a reference to this Agreement or such other document or agreement as varied from time to time.
- 2.7 References to clauses and Schedules are to the Clauses and Schedules of this Agreement and references to paragraphs are to paragraphs of the relevant Schedule.
- 2.8 No person other than a party to this Agreement shall have any rights to enforce any term of this Agreement.
- 2.9 This Agreement and any dispute or claim arising out of or in connection with it or its subject matter or formation shall be governed by and construed in accordance with the law of England and Wales.
- 2.10 If any court or competent authority finds that any provision of this Agreement (or part of any provision) is invalid, illegal or unenforceable, that provision or part-provision shall, to the extent required, be deemed to be deleted, and the validity and enforceability of the other provisions of this Agreement shall not be affected.
- 3. Establishment of GM Transport Committee**
- 3.1 Pursuant to Section 101(5) of the LGA 1972, Section 20 of the LGA 2000, Regulations 3,4, 11 and 12 of the 2000 Regulations and articles 6, 7, 8 and 9 of the GMCA Transport Order,, the Parties agree to enter into arrangements to discharge certain of their functions relating to transport jointly and for this purpose to establish a joint committee to be called the Greater Manchester Transport Committee (the “**GM Transport Committee**”). The Mayoral Transport Functions which the Mayor may decide to arrange to be discharged by the GM Transport Committee are those listed in Schedule 2 of the GM Transport Order.
- 3.2 Pursuant to article 5(a)(i) of the GM Transport Order, the number of members of the GM Transport Committee shall not exceed 23.
- 3.3 Each Constituent Council (apart from Manchester City Council) shall appoint one of their elected members to be members of GM Transport Committee. Manchester City Council shall appoint two of their elected members to be members of the GM Transport Committee.
- 3.4 Each of the Constituent Councils are expected to appoint their district’s executive member with responsibility for transport to be a member of the GM Transport Committee.
- 3.5 Pursuant to article 5(a)(ii) of the GM Transport Order, each Constituent Council (apart from Manchester City Council) shall appoint one of their elected members to act as substitute member of the GM Transport Committee in the absence of the member appointed in accordance with clause 3.3 above. Manchester City Council is expected to appoint two of their elected members to act as substitute members of the GM Transport Committee in the absence of the members appointed in accordance with clause 3.3 above.
- 3.6 The GMCA will appoint one member of the GMCA to be a member of the GM Transport Committee.
- 3.7 Pursuant to article 5(a)(ii) of the GM Transport Order, the GMCA will appoint one member of the GMCA to act as substitute member of the GM Transport Committee in the absence of the member appointed in accordance with clause 3.6 above.
- 3.8 The Mayor will be a member of the GM Transport Committee.
- 3.9 Pursuant to article 5(a)(ii) of the GM Transport Order, the Mayor will appoint one member of the GMCA to act as substitute member of the GM Transport Committee in the Mayor’s absence.
- 3.10 The Mayor will appoint ten additional members of the GM Transport Committee, comprising one elected member of each of the Constituent Councils. The appointments to the GM Transport Committee made by the Mayor under this clause 3.10 will be made so as to ensure that the members of the GM Transport Committee, taken as a whole, reflect as far as reasonably practicable the balance of political parties for the time being prevailing among the Constituent Councils when taken together as required by article 5(b) of the GM Transport Order. The appointments to the GM Transport Committee made by the Mayor under this clause

- 3.10 will reflect the wishes of the relevant political group as to the members to be appointed to any seat on the GM Transport Committee allocated to that political group.
- 3.11 Pursuant to article 5(a)(ii) of the GM Transport Order, the GMCA will appoint elected members of the Constituent Councils to act as substitute members of the GM Transport Committee in the absence of the members appointed in accordance with clause 3.10 above.
- 3.12. Pursuant to article 7(6) of the GM Transport Order, questions relating to the apportionment of membership under clause 3.10 require a unanimous vote in favour by all members, or substitute committee members acting in place of those members, of the GMCA to be carried.

4. Terms of Reference of the GM Transport Committee TRANSPORT COMMITTEE

Terms of Reference

1. Overview

The Transport Committee, as a joint committee of the ten Greater Manchester district councils ('the Constituent Councils'), the GMCA and the Mayor, brings together the principal local transport decision-making bodies.

The primary role of the Transport Committee is not to replicate strategic decision-making functions, but to ensure that through its work, those bodies are able to make informed and co-ordinated decisions by being fully informed about the operation and performance of the transport system, its individual modes and the infrastructure it relies on, including the Key Route Network.

It also has an important role in helping shape the development of transport strategy and policies, and in advising the GMCA and the Mayor on specific transport issues, as directed by them. In relation to bus services, the Transport Committee will undertake the function of making decisions in relation to the supported bus network, which has been delegated by the Mayor.

In summary the three key areas of work for the Transport Committee will be to ensure:

- **Accountability:** active and regular monitoring of the performance of the transport network, including the Key Route Network, the operation of the GM Road Activities Permit Scheme, road safety activities, etc as well as all public transport modes. This role will include holding service operators, TfGM, highway authorities and transport infrastructure providers to public account, and to recommend appropriate action as appropriate;
- **Implementation:** oversee the delivery of agreed Local Transport Plan commitments. This includes the active oversight of the transport capital programme, and decisions over supported bus services network to be made within the context of policy and budgets set by the Mayor and the GMCA as appropriate; and
- **Policy Development:** undertake policy development on specific issues, as may be directed by the Mayor and / or the GMCA.

2. Transport functions of the Greater Manchester Combined Authority ('GMCA') referred to the Transport Committee

- 2.1 The following transport functions of the GMCA are not delegated but are referred by the GMCA or, as the case may be, the Mayor to the Transport Committee in order for the Transport Committee to make recommendations (where appropriate) to the GMCA or, as the case may be, the Mayor in respect of:

- (a) Considering proposals by TfGM to promote or oppose any Bill in Parliament pursuant to Section 10(1)(xxix) of the Transport Act 1968; and
- (b) Policy reviews and development on specific issues, undertaken by the Transport Committee on the direction of the Mayor and/or the GMCA.

3. **Transport functions of the GMCA delegated to the Transport Committee**

3.1 The following transport functions of the GMCA are delegated by the GMCA or, as the case may be, the Mayor to the Transport Committee, subject to the Transport Committee exercising these functions in accordance with any transport policies of the GMCA and the Mayor, the Local Transport Plan and the agreed transport budget and borrowing limits (and without prejudice to the GMCA's or, as the case may be, the Mayor's right to discharge such functions directly):

- (a) Monitoring and overseeing the activities and performance of TfGM (and where appropriate recommending that the GMCA exercise the power pursuant to Section 15(6) of the Transport Act 1968 to give to TfGM such directions as appear to the Transport Committee to be appropriate to secure the observance of the rights of the GMCA);
- (b) Ensuring that the TfGM secures the provision of appropriate public passenger transport services pursuant to Section 9A(3) of the Transport Act 1968;
- (c) Considering what local bus information should be made available, and the way in which it should be made available pursuant to Sections 139 to 143 of the Transport Act 2000;
- (d) Ensuring that the TfGM implements those actions delegated to it for promoting the economic, social and environmental well-being of Greater Manchester and its residents pursuant to Section 99 of the Local Transport Act 2008;
- (e) Monitoring performance against the Local Transport Plan and other transport policies of the Mayor and the GMCA;
- (f) Formulating, developing and monitoring procedures for public consultation on the GMCA's and the Mayor's transport policies;
- (g) Active promotion of Greater Manchester's transport and travel interests as set by the GMCA and the Mayor;
- (h) Determining the operation, performance, contract management and development of tendered bus services, bus stations/stops, and passenger transport services;
- (i) Determining the operation, performance and development of the GMCA's accessible transport provision pursuant to Sections 106(1) and 106(2) of the Transport Act 1985; and
- (j) Monitoring the operation and performance of Metrolink, bus and local rail services and initiating appropriate action, including making recommendations to the GMCA and/or the Mayor.

3.2. The following transport functions of the GMCA, which are delegated by the Constituent Councils to the GMCA, are sub-delegated by the GMCA to the Transport Committee, subject to the Transport Committee exercising these functions in accordance with any transport policies of the GMCA or the Mayor, the Local Transport Plan and the GMCA's agreed transport budget and borrowing limits:

- (a) In respect of those functions:
 - (i) under section 23 of the Road Traffic Regulation Act 1984 (pedestrian crossings) so far as it relates to Pelican and Puffin crossings as defined by regulation 3(1) of the Zebra, Pelican and Puffin Crossings Regulations 1997; and

(ii) under section 65 (placing of traffic signs) of the Road Traffic Regulation Act 1984 so far as it relates to traffic signs that are traffic light signals where “traffic light signals” means a traffic sign of the size, colour and type prescribed by any of the following regulations of the Traffic Signs Regulations 2002:

- Regulation 33 – Light signals for the control of vehicular traffic – standard form
- Regulation 34 – Green arrow light signals for the control of vehicular traffic
- Regulation 37 – Light signals for control of vehicular traffic entering or proceeding on motorways and all purpose dual carriageway
- Regulation 39 – Light signals to control traffic at level crossings etc.
- Regulation 41 – Light signals for the control of tramcars
- Regulation 44 – Light signals for lane control of Vehicular traffic
- Regulation 45 – Warning light signal for motorways and all-purpose dual carriageway roads
- Regulation 46 – Matrix signs for motorways and all purpose dual carriageway roads
- Regulation 47 – Light signals at signal controlled pedestrian facilities
- Regulation 48 – Light signals at equestrian crossings
- Regulation 49 – Light signals at toucan crossings
- Regulation 52 – Light signals for pedestrian traffic at level crossings

the GMCA delegates to the Transport Committee responsibility for:

(i) Making recommendations to the GMCA in respect of:

- the development of policies relating to the installation, maintenance, and management of Traffic Light Signals that take both strategic and local strategies and frameworks into account; and
- the GMCA’s budget for Traffic Light Signals.

(ii) Making arrangements for the discharge of the functions to be carried out in relation to Traffic Light Signals by TfGM.

(iii) Monitoring and overseeing the activities and performance of TfGM in relation to the Traffic Light Signal function.

(b) In respect of those functions under section 2 of the Road Traffic Reduction Act 1997 (“the Transport Studies Function”) the GMCA delegates to the Transport Committee responsibility for:

(i) Making recommendations to the GMCA in respect of:

- producing and updating policies in respect of the Transport Studies Function which are consistent with the Greater Manchester Strategy, the GM Local Transport Plan objectives and GMCA’s and the Constituent Council’s budgets;
- settling budgets in respect of the Transport Studies Function

(ii) Making arrangements for the discharge of the functions to be carried out in relation to the Transport Studies Function by TfGM.

(iii) Monitoring and overseeing the activities and performance of TfGM in relation to the Transport Studies Function.

- 3.3 In respect of functions under section 39 (2) and (3) of the Road Traffic Act 1988 ('the road safety function'), which may be exercised concurrently with Constituent Councils, the GMCA delegates to the Transport Committee responsibility for:
- (a) Producing and developing policies in relation to the road safety function.
 - (b) Drawing up budgets in relation to the road safety function insofar as it is exercised by the TfGM. Determining the tasks to be carried out in relation to the road safety function by TfGM.
 - (c) Making recommendations to the GMCA and the Mayor in respect of the development of policies for the promotion and encouragement of safe transport to, from and within its area under s108 Transport Act 2000.
 - (d) Monitoring and overseeing the activities and performance of TfGM.

4. Transport functions of the Constituent Councils delegated directly to the Transport Committee

- 4.1 The following transport related functions of the Constituent Councils will be delegated directly to the Transport Committee subject to the Transport Committee exercising these functions in accordance with any policies of the GMCA (as local transport authority), the Local Transport Plan and the terms of the delegation from the Constituent Councils:
- (a) Carrying out actions to facilitate the performance by local traffic authorities of their duty to manage their road traffic on their own roads and facilitating the same on other local authorities' roads pursuant to Sections 16 and 17 (except for sub-sections 17 (2) and (3)) of the Traffic Management Act 2004, including in particular –
 - (i) establishing processes for identifying things (including future occurrences) which are causing or have the potential to cause road congestion or other disruption to the movement of traffic on the road network;
 - (ii) determining specific policies and objectives in relation to strategic roads;
 - (iii) monitoring the effectiveness of traffic authorities in managing their road network.
 - (b) Preparing and carrying out a programme of measures designed to promote road safety, including carrying out road safety studies, studies into accidents, accident prevention campaigns, the dissemination of information and advice relating to the use of roads and arranging for the giving of practical training to road users pursuant to Sections 39(2) and 39(3)(a) and (b) of the Road Traffic Act 1988.

5 GM Transport Committee – Other Provisions

- 5.1 The GM Transport Committee may establish sub-committees.
- 5.2 When establishing a sub-committee, the GM Transport Committee will determine -
- (i) the terms of reference of the sub-committee
 - (ii) the size and membership of the sub-committee
 - (iii) the Chair (and Vice-Chair, if any) of the sub-committee
 - (iv) any delegated powers of the sub-committee
 - (v) the period (where appropriate) for which the sub-committee will remain constituted.
- 5.3 Appointments to sub-committees will be made in accordance with the principles of political balance set out in Section 15(5) of the LGHA 1989.
- 5.4 The GM Transport Committee and any sub-committee of the GM Transport Committee may, in respect of a function delegated to the GM Transport Committee

by the GMCA under the GM Transport Committee Terms of Reference arrange for its discharge by an officer of one of the Constituent Councils or by TfGM.

5.5 The GM Transport Committee and any sub-committee of the GM Transport Committee may, in respect of a Mayoral Transport Function listed in Schedule 2 of the GMCA Transport Order which the Mayor has delegated to the GM Transport Committee under the GM Transport Committee Terms of Reference arrange for its discharge by an officer of one of the Constituent Councils or by TfGM.

5.6 The GM Transport Committee and any sub-committee of the GM Transport Committee may, in respect of a function delegated to them by the Constituent Councils under the GM Transport Committee Terms of Reference, arrange for its discharge by an officer of one of the Constituent Councils and may enter into agreements with TfGM for the provision of services by TfGM.

5.7 The GM Transport Committee will establish a scheme of delegation to sub-committees and officers and will review the scheme annually.

5.8 The GM Transport Committee will conduct its business in accordance with this Agreement, including the Rules of Procedure set out in Schedule 1.

6. Transport Protocols

6.1 The Parties will draw up and agree detailed Protocols in relation to the operation and discharge of those functions –

- delegated from the Constituent Councils to GMCA pursuant to Article 8 of the GMCA Order, and
- delegated by the Constituent Councils to the GM Transport Committee by virtue of the GM Transport Committee Terms of Reference.

6.2 The Parties will keep the Protocols under regular review and may revise them from time to time, such revisions to be agreed by the Chief Executives of the Constituent Councils, the Head of Paid Service of the GMCA and the Chief Executive of TfGM.

6.3 Protocols drawn up, agreed or revised under this Clause will not override anything provided for or required by this Agreement and will not in themselves constitute arrangements for the discharge of functions made in accordance with Section 101 of the LGA 1972 and the 2012 Regulations.

7. Funding of Constituent Council Transport Functions delegated by the GMCA Order

7.1 For the financial year beginning on 1st April 2011, the Constituent Councils will meet the costs of the GMCA reasonably attributable to the exercise of those transport functions of the Constituent Councils delegated to the GMCA by virtue of Article 8 of the GMCA Order.

7.2 The amount payable by each of the Constituent Councils is to be determined by apportioning the costs of the GMCA referred to in Clause 7.1 between the Constituent Councils in such proportions as they may agree or, in default of agreement, in proportion to the total resident population on 30th June 2009 of the area of each council concerned as estimated by the Register General.

7.3 In the financial year beginning on 1st April 2012 and in subsequent financial years the costs of the GMCA referred to in Clause 7.1 shall be recovered from the Constituent Councils as part of the levy issued to those councils pursuant to the Transport Levying Bodies Regulations 1992, as amended, except where and to the extent that all the Constituent Councils agree that costs should be defrayed by the Constituent Councils and not the GMCA pursuant to Article 8(4) of the GMCA Order.

7.4 Without prejudice to the generality of Article 8(4) of the GMCA Order, it is agreed that each Constituent Council will be responsible for defraying the costs of the initial installation of traffic signs that are traffic light signals or pelican or puffin crossings in their area, except insofar as such costs are met by the third parties pursuant to agreements under Section 278 of the Highways Act 1980 or otherwise.

8. Amendments to this Agreement

8.1 This Agreement may be amended following a resolution approved by all the Parties.

8.2 The operation of this Agreement will be subject to an annual review.

9. Dispute Resolution

9.1 Any dispute between the Parties arising out of this Agreement which cannot be settled shall be referred to the Head of Paid Service of the Parties to the dispute who will negotiate to resolve the matter in good faith.

10. Notices

10.1 Any notice, demand or other communication required to be served on the GMCA under this Agreement shall be sufficiently served if delivered personally to or sent by pre-paid first class recorded delivery post to the GMCA's Monitoring Officer at First Floor, Churchgate House, 56 Oxford Street Manchester M1 6EU. If so sent, any such notice, demand or other communication shall, subject to proof to the contrary, be deemed to have been received by the GMCA's Monitoring Officer at the time of personal delivery or on the second working date after the date or posting as the case may be.

10.2 Any notice, demand or other communication required to be served on the Mayor under this Agreement shall be sufficiently served if delivered personally to or sent by pre-paid first class recorded delivery post or email or facsimile transmission to the Office of the GM Mayor at First Floor, Churchgate House, 56 Oxford Street Manchester M1 6EU the Town Hall, Manchester M60 2LA. If so sent, any such notice, demand or other communication shall, subject to proof to the contrary, be deemed to have been received by the Mayor at the time of personal delivery or on the second working date after the date or posting or transmission as the case may be.

10.3 Any notice, demand or other communication required to be served on one or more of the Constituent Councils under this Agreement shall be sufficiently served if delivered personally to or sent by pre-paid first class recorded delivery post to the monitoring officer(s) of the Constituent Council(s) concerned at the principal office of the Constituent Council or such other address as has been notified to the Parties. If so sent, any such notice, demand or other communication shall, subject to proof to the contrary, be deemed to have been received by the Constituent Council(s) concerned at the time of personal delivery or on the second working date after the date of posting as the case may be.

IN WITNESS whereof the Parties have caused this Agreement to be executed the day, month and year first before mentioned.

Signed by **GMCA**
Authorised Signatory
Dated

Signed by the **GMCA Mayor**
Dated

Signed by The Borough Council of Bolton
Authorised Signatory
Dated

Signed by **Bury Metropolitan Borough Council**
Authorised Signatory
Dated

Signed by The Council of the City of Manchester
Authorised Signatory
Dated

Signed by Oldham Borough Council

Authorised Signatory

Dated

Signed by Rochdale Metropolitan Borough Council

Authorised Signatory

Dated

Signed by Salford City Council

Authorised Signatory

Dated

Signed by The Metropolitan Borough Council of Stockport

Authorised Signatory

Dated

Signed by Tameside Metropolitan Borough Council

Authorised Signatory

Dated

Signed by Trafford Metropolitan Borough Council

Authorised Signatory

Dated

Signed by Wigan Borough Council

Authorised Signatory

Dated

DRAFT

SCHEDULE 1

GM Transport Committee Rules of Procedure

1. Interpretation, Suspension and Variation/Revocation of Rules of Procedure

- 1.1 The ruling of the Chair on the interpretation of these Rules in relation to all questions of order and matters arising in debate shall be final.
- 1.2 References in these Rules to the "Chair" means the member of the GM Transport Committee for the time being presiding at the meeting of the GM Transport Committee, and a meeting of the GM Transport Committee. References in these Rules to the "Secretary" means the officer of the GMCA who is appointed to discharge the role of the Secretary to the GM Transport Committee.
- 1.3 These Rules shall apply to the GM Transport Committee and any Sub Committee of the GM Transport Committee, and any reference to the GM Transport Committee shall accordingly include reference to a Sub Committee of the GM Transport Committee.
- 1.4* Except for those provisions which accord with the provisions of the Local Government Acts (and which are indicated with an asterisk *) any Rule may be suspended at a meeting of the GM Transport Committee with the consent of the majority of the whole number of members of the GM Transport Committee but not otherwise.
- 1.5* These Rules (except for those Rules marked with asterisk*) may be varied or revoked by a decision of a two-thirds majority of the GM Transport Committee and any motion to vary or revoke any of these Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the GM Transport Committee which shall determine the matter having considered a report of the secretary to the GM Transport Committee on the proposed variation or revocation.

2. Chair and Vice-Chairs

- 2.1* The Chair of the GM Transport Committee will be appointed annually by the Mayor from among its members and shall, unless they resign, cease to be members of the GM Transport Committee or become disqualified, act until their successor becomes entitled to act as Chair.
- 2.2* The appointment of the Chair, for recommendation to the Mayor shall be the first business transacted at the Annual Meeting of the GM Transport Committee.
- 2.3* On a vacancy arising in the office of Chair for whatever reason, the GM Transport Committee shall recommend an appointment to fill the vacancy at the next ordinary meeting of the GM Transport Committee held after the date on which the vacancy occurs, or, if that meeting is held within 14 days after that date, then not later than the next following meeting. The member appointed shall hold such office for the remainder of the year in which such vacancy occurred.

3. Meetings

- 3.1* The Annual Meeting of the GM Transport Committee shall be held in June or the month after local elections on a date and at a time determined by the GM Transport Committee.

- 3.2* Ordinary meetings of the GM Transport Committee TfGMC for the transaction of general business shall be held on such dates and at such times as the GM Transport Committee shall determine.
- 3.3* An Extraordinary Meeting of the GM Transport Committee may be called at any time by the Chair .

4. Notice of Meetings

- 4.1 At least five clear days before a meeting of the GM Transport Committee or one of its Sub Committees:
- (a) notice of the time and place of the intended meeting shall be published by the Secretary and posted at Churchgate House, Oxford Street, Manchester, M1 6EU; and
 - (b) a summons to attend the meeting, specifying an agenda for the meeting, shall be sent by electronic email to the usual email address of each member of the GM Transport Committee, or any other email address notified to notified to the Secretary by a member of the GM Transport Committee.
- 4.2* Lack of service on a member of the GM Transport Committee of the summons shall not affect the validity of a meeting of the GM Transport Committee.
- 4.3* A member of the GM Transport Committee may require a particular item of business, including any motion, which is relevant to the powers of the GM Transport Committee, to be discussed at an ordinary meeting of the GM Transport Committee subject to at least eight clear days notice of such intention being given to the Secretary in writing, signed by the member concerned and specifying the business to be discussed. The Secretary shall set out in the agenda for each meeting of the GM Transport Committee the items of business requested by members (if any) in the order in which they have been received, unless the member concerned has given prior written notice to the Secretary prior to the issue of the agenda for the meeting, for it to be withdrawn. If the member concerned is not present at the meeting when an item of which they have given notice comes up for discussion, this item shall, unless the GM Transport Committee decides otherwise, be treated as withdrawn. A member shall not have more than one item of business, or motion, standing in their name to be discussed at any meeting of the GM Transport Committee.
- 4.4 No motion by way of notice to rescind any resolution which has been passed within the preceding six months, nor any motion by way of notice to the same effect as any motion which has been negatived within the preceding six months, shall be in order, unless the notice thereof shall have been given in time for inclusion on the agenda for the meeting, in accordance with paragraph 4.3 above, and the notice shall have been signed by four other members in addition to the member who is to propose the motion.
- 4.5* Except in the case of business required by these Rules to be transacted at a meeting of the GM Transport Committee, and other business brought before the meeting as a matter of urgency, and of which the Secretary shall have prior notice and which the Chair considers should be discussed at the meeting, no business shall be transacted at a meeting of the GM Transport Committee other than that specified in the agenda for the meeting.

5. Chair of Meeting

- 5.1* At each meeting of the GM Transport Committee the Chair, if present, shall preside.
- 5.2* If the Chair is absent from a meeting of the TfGMC, the Secretary shall invite the members present to elect a member to preside for the duration of the meeting or until such time as the Chair joins the meeting.
- 5.3 Any power or function of the Chair in relation to the conduct of a meeting shall be exercised by the person presiding at the meeting.

6. Quorum

- 6.1* No business shall be transacted at any meeting of the full GM Transport Committee unless at least 8 of the members are present).
- 6.2* The quorum for any meeting of a Sub Committee of the GM Transport Committee shall be one third of the membership of that body.
- 6.3 If at the time for which a meeting is called, and for 15 minutes thereafter, a quorum is not present, then no meeting shall take place.
- 6.4 If during any meeting of the GM Transport Committee the Chair, after counting the number of members present, declares that there is not a quorum present, the meeting shall stand adjourned to a time fixed by the Chair. If there is no quorum and the Chair does not fix a time for the reconvened meeting, the meeting shall stand adjourned to the next ordinary meeting of the GM Transport Committee.

7. Order of Business

- 7.1 At every meeting of the GM Transport Committee the order of business shall be to select a person to preside if the Chair is absent and thereafter shall be in accordance with the order specified in the agenda for the meeting, except that such order may be varied -
- (a) by the Chair at his/her discretion, or
 - (b) on a request agreed to by the GM Transport Committee
- 7.2 The Chair may bring before the GM Transport Committee at their discretion any matter that they consider appropriate to bring before the GM Transport Committee as a matter of urgency.

8. Submission of Sub Committee Proceedings

- 8.1 Except where a Sub Committee appointed by the GM Transport Committee is acting under delegated authority, the Minutes of the proceedings of each of the GM Transport Committee's Sub Committees shall be submitted to the GM Transport Committee for confirmation. Confirmation by the GM Transport Committee of those Minutes shall constitute approval of the proceedings of those Sub Committees.
- 8.2 The Chair of a Sub Committee, or other member of the Sub Committee acting in their place, shall deal with matters arising during any debate on the proceedings of the Sub Committee.

- 8.3 A Chair of a Sub Committee, or other member of the Sub Committee acting in their place, may, with the consent of the GM Transport Committee, withdraw any item on the Minutes of that Sub Committee, or correct any factual inaccuracy, which might otherwise result in the GM Transport Committee being misinformed on any item in the Sub Committee's Minutes.
- 8.4 When considering the Minutes of the proceedings, no motion or amendment shall be made or proposed, or any discussion allowed upon any matter which, although within the province of the Sub Committee, does not appear in the Minutes of the proceedings.

9. Rules of Debate

Motions

- 9.1 A Motion (or amendment) shall not be discussed unless it has been proposed and seconded. It shall, if required by the Chair, be put in writing and handed to the Chair, who shall determine whether it is in order before it is further discussed or put to the meeting.
- 9.2 A member when seconding a Motion or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate. No member may, except at the discretion of the Chair, address the GM Transport Committee more than once on any Motion. The mover of the original Motion may reply but shall confine such reply to answering previous speakers and shall not introduce any new matter into the debate. After the reply the question shall be put forthwith.
- 9.3 A member when speaking shall address the Chair. If two or more members signify their desire to speak, the Chair shall call on one to speak: the other or others shall then remain silent. While a member is speaking no other member shall intervene unless to raise a point of order or by way of personal explanation.
- 9.4 A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed five minutes except by consent of the Chair.

Amendments to Motions

- 9.5 An amendment shall be relevant to the Motion and shall be either:-
- (a) to refer a subject of debate to a Sub Committee for consideration or reconsideration: or
 - (b)
 - (i) to leave out words from the Motion
 - (ii) to leave out words from, and insert or add others to, the Motion:
 - (iii) to insert words in, or add words to, the Motion:

but such omission, insertion or addition of words shall not have the effect of negating the Motion before the GM Transport Committee.

- 9.6 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of. The mover of an amendment shall read the same before speaking to it.
- 9.7 If an amendment is negated, other amendments may be moved on the original Motion. If an amendment is carried, the Motion as amended shall take the place of the original Motion and shall become the substantive Motion upon which any further

amendment may be moved, except any amendment which would be inconsistent with that already carried. The right of reply under paragraph 9.2 above shall not extend to the mover of an amendment which, having been carried, has become the substantive Motion. No member shall move more than one amendment on any Motion.

9.8 A member may, with the consent of the GM Transport Committee, signified without discussion:-

- (a) alter a Motion of which they have given notice
- (b) with the consent of their seconder alter a Motion which they have moved:

if in either case the alteration is one which could be made as an amendment thereto.

9.9 A Motion or amendment may be withdrawn by the mover with the consent of the GM Transport Committee (which shall be signified without discussion) and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused.

9.10 When a Motion is under debate no other Motion shall be moved except the following:-

- (a) That the Motion be amended
- (b) That the GM Transport Committee proceed to the next business
- (c) That the question be put
- (d) That the debate be adjourned
- (e) That the meeting be adjourned
- (f) That the member named be warned
- (g) (By the Chair under paragraph 11.2 below) That the member named leave the meeting, or
- (h) That the press and, they shall first give the mover of the original Motion a right of reply, and then put to the vote the Motion to proceed to the next business; if this latter Motion is carried, the original Motion or amendment under discussion shall be deemed to be withdrawn

(a) on a Motion that the question be put, unless in their opinion the Motion or amendment before the meeting has not been sufficiently discussed, they shall first put to the vote the Motion that the question be put and, if it is carried, they shall then give the mover of the original Motion their right of reply under paragraph 9.2 above, before putting the Motion or any amendment then under discussion to the vote

(b) on a Motion to adjourn the debate, if, in the Chair's opinion, the Motion or amendment before the meeting has not been sufficiently discussed, and cannot reasonably be sufficiently discussed on that occasion, they shall put to the vote a Motion to adjourn the debate to the next meeting of the GM Transport Committee, or to a time stated, without giving the mover of the original Motion their right of reply on that occasion; if the adjournment Motion is carried, then, on the resumption of the debate, the Chair shall reintroduce the Motion or amendment before the meeting at the time the debate was adjourned, and the member who moved the adjournment of the debate shall be entitled to speak first

(c) on a Motion to adjourn a meeting of the GM Transport Committee until a specified date and time, the Chair shall forthwith put such a Motion to the

vote without giving any right of reply to the mover of any Motion under discussion and, if the Motion is carried, the remaining business of the day shall stand adjourned until the date and time stated in the Motion. On the resumption of the meeting of the GM Transport Committee the procedure in paragraph 9.11(c) above shall apply

- 9.12 No member may move any of the Motions in paragraph 9.11 above on more than one occasion at each meeting and, when such a Motion is not carried, a second Motion of the like nature shall not be made within half an hour unless, in the opinion of the Chair, the circumstances of the question are materially altered.

Points of Order

- 9.13 A member may, with the permission of the Chair, raise a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of the Rules of Procedure or statutory provision and the member shall specify which part of the Rules of Procedure or statutory provision and the way in which they consider it has been broken. A personal explanation shall be confined to some material part of a former speech by the member which they consider to have been misunderstood in the present debate.
- 9.14 The ruling of the Chair on a point of order, or the admissibility of a personal explanation, shall not be open to discussion.
- 9.15 Whenever the Chair intervenes during a debate a member then speaking or offering to speak shall give way.

Motion to exclude the Press and Public

- 9.16 A Motion to exclude the press and public in accordance with Section 100A of the Local Government Act, 1972 may be moved, without notice, at any meeting of the GM Transport Committee during an item of business whenever it is likely that if members of the public were present during that item there would be disclosure to them of confidential or exempt information as defined in Section 100A of the 1972 Act.

10. Voting

- 10.1 Whenever a vote is taken at meetings of the GM Transport Committee it shall be by a show of hands. On the requisition of any member of the GM Transport Committee, supported by four other members who signify their support by rising in their places, and before the vote is taken, the voting on any question shall be recorded so as to show whether each member present gave their vote for or against that question or abstained from voting.
- 10.2* In the case of an equality of votes, the Chair shall have a second, or casting, vote.
- 10.3* A member may demand that his/her vote be recorded in the Minutes of the meeting.

11. Conduct of Members at meetings

- 11.1 If at a meeting any member of the GM Transport Committee, misconducts him or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the GM Transport Committee, the Chair or any other member may move "That the member named be warned" and the Motion if seconded shall be put and determined without discussion.

11.2 If the member named continues such misconduct after a Motion under the foregoing paragraph has been carried, the Chair shall either:-

- (a) move "That the member named leave the meeting" (in which case the Motion shall be put and determined without seconding or discussion)
- (b) adjourn the meeting of the GM Transport Committee for such period as they consider expedient

11.3 In the event of general disturbance, which in the opinion of the Chair, renders the due and orderly dispatch of business impossible the Chair, in addition to any other power vested in him or her may, without question put, adjourn the meeting of the GM Transport Committee for such period as he or she considers expedient.

12. Disturbance by Members of the Public

12.1 If a member of the public interrupts the proceedings at any meeting the Chair shall warn him or her. If they continue the interruption the Chair shall order his or her removal from the room. In the case of general disturbance in any part of the room open to the public the Chair shall order that part to be cleared.

13. Interests of Members

13.1* A member must have regard to the Code of Conduct for Members of the local authority for which they are an elected member and their obligations in relation to the disclosures of, and possible withdrawal from a meeting, for reason of personal and prejudicial interests.

14. Appointment of Sub Committees

14.1 The GM Transport Committee shall at the Annual Meeting appoint such Sub Committees as it has at that, or any earlier meeting, resolved to establish; may, at any time, appoint such other Sub Committees as are necessary to carry out the work of the GM Transport Committee; and may, at any time, dissolve a Sub Committee or alter its membership.

14.2 The terms of reference of Sub Committees shall be approved by the GM Transport Committee and shall be subject to review at each Annual Meeting.

14.3 The GM Transport Committee shall at each Annual Meeting, or whenever there is a vacancy in such office, appoint the Chair of each Sub Committee.

14.4 The GM Transport Committee may at any time remove a member from the office of a Sub Committee and appoint another member to fill the resultant vacancy.

14.5 A member may resign from the office of Chair of a Sub Committee by notice in writing delivered to the Secretary, the resignation to take effect from the time of receipt of such notice.

14.6 Wherever possible, a programme of dates and times of Sub Committee meetings for the ensuing year shall be approved at the Annual Meeting of the GM Transport Committee, or, on the first appointment of a Sub Committee, at any other meeting of the GM Transport Committee. Such a programme shall, however, be capable of variation by the GM Transport Committee, and, in case of urgency, by the Chair of the Sub Committee.

14.7 GM Transport Committee members may attend a meeting of any Sub Committee of which they are not a member, but shall not, without the consent of the Chair,

take part in any proceedings. They shall not, in any event, move any Motion or amendment, or vote at such a meeting. Such members may attend a Sub Committee meeting during consideration of any business indicated on the agenda as likely to be considered when the public have been excluded, provided advance written notice has been given to the Secretary of the member's intention to attend for the discussion of such business, and his or her reasons for so doing.

- 14.8 A member of the GM Transport Committee who has moved a Motion that has been referred to any Sub Committee shall have notice of the meeting of the Sub Committee at which it is proposed to consider the Motion. They shall have the right to attend the meeting and if the member attends, they shall be afforded an opportunity of explaining the Motion.

15. Publication of Reports

- 15.1* Reports or other documents for the consideration of the GM Transport Committee or a Sub Committee shall be marked "Private & Confidential Not for Publication" only if the Secretary, as Proper Officer under Section 100B(2) of the Local Government Act 1972 determines that this should be done on one or more of the grounds specified in the Act.

- 15.2 A Member of the GM Transport Committee or a member of the public may request that an item of business containing exempt information should be taken in public and such a request should be dealt with by the meeting at which the item is to be considered in private as the first item on the agenda. The procedure for dealing with such requests is set out in Rules 16 and 17 below.

- 15.3* Copies of the agenda of meetings of the GM Transport Committee or its Sub Committees, including prints of reports or other documents to be submitted to the GM Transport Committee or Sub Committees (other than reports or other documents marked "Not for Publication") shall be furnished prior to the meeting to representatives of the press, radio and television and shall also be furnished at the meeting to members of the public attending such meetings. Such documents shall also be made available for public inspection, at least five clear days before any meeting, at Churchgate House, Oxford Street, the Town Hall, Manchester, M1 6EU.

- 15.4* Where an item or report has been added to an agenda, any revised agenda or additional report shall be available for public inspection as soon as the item or report has been added to the agenda, provided copies are also, at that time, available to members of the .

16. Access to Information Procedure Rules

- 16.1 Except as otherwise indicated, these rules apply to all meetings of the GM Transport Committee and its Sub Committees.

- 16.2 The Rules in Section 16 do not affect any more specific rights to information contained elsewhere in these Rules of Procedure or the law.

- 16.3 The GM Transport Committee will supply copies of:

- (a) any agenda and reports that are open to public inspection
- (b) any further statements or particulars, if any, as are necessary to indicate the nature of the items in the agenda
- (c) if the Secretary thinks fit, copies of any other documents supplied to members in connection with an item
- (d) to any person on payment of a charge for postage and any other costs.

- 16.4 The GM Transport Committee will make available copies of the following for six years after a meeting:
- (a) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information
 - (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
 - (c) the agenda for the meeting
 - (d) reports relating to items when the meeting was open to the public
- 16.5 The relevant Chief Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report that in his/her opinion:
- (a) disclose any facts or matters on which the report or an important part of the report is based
 - (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information
- 17. Exclusion of access by the public to meetings**
- (a) Confidential information – requirement to exclude public**
- 17.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.
- 17.2 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons stated in Article 6.
- (b) Meaning of confidential information**
- 17.3 Confidential information means information given to the GM Transport Committee by a Government department on terms that forbid its public disclosure or information that cannot be publicly disclosed by reason of a Court Order or any enactment.
- (c) Meaning of exempt information**
- 17.4 Exempt information means information falling within the following categories (subject to any qualifications):
- (i) information relating to any individual
 - (ii) information which is likely to reveal the identity of any individual
 - (iii) information relating to the financial or business affairs of any particular person (including the authority holding that information)
 - (iv) information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the GM Transport Committee or a Minister of the Crown and employees of, or office holders under, the GM Transport Committee
 - (v) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
 - (vi) information which reveals that the GM Transport Committee proposes a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b) to make an order or direction under any enactment
 - (vii) information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

(e) Exclusion of Access by the public to reports

- 17.5 If the Secretary thinks fit, the GM Transport Committee may exclude access by the public to reports which in his/her opinion relate to items during which the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication" together with the category of information likely to be disclosed.

DRAFT

**PROPOSED TERMS OF REFERENCE FOR AUDIT PANEL AND OVERVIEW (AUDIT) PANEL
(amendments in red, bold and italics)**

Audit Panel	Overview (Audit) Panel
<p>Role</p> <p>To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment and to oversee the financial reporting process.</p> <p><i>To undertake the functions of an Audit Committee in accordance with the CIPFA Statement on Audit Committees in Local Authorities.</i></p> <p>The Panel shall comprise a membership of 8 Members and is subject to the rules of political balance.</p> <p>The Panel shall be chaired by the Chair of the Overview (Audit) Panel.</p> <p>Terms of Reference</p> <ol style="list-style-type: none"> 1. To overview the arrangements for internal control (both financial and non-financial). 2. Consider the Annual Audit Letter from our External Auditors. 3. Approve (but not direct) both external and internal audit's strategy, annual plans and monitor performance. <i>4. Consider accounting policies and review of the statement of accounts (but not agreement).</i> 5. Review summary internal audit reports and the main issues arising and seek assurance that management action has been taken where necessary. <i>6. Receive the annual report and Head of Internal Audit opinion on the Council's corporate governance, risk management and internal control arrangements.</i> 7. Consider the reports of other regulators and inspectors. 8. Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements. Seek assurances that action is being taken on risk related issues identified by auditors and inspectors. 9. Be satisfied that the authority's assurance statements, including the 	<p>Role</p> <p>The Overview (Audit) Panel shall act as a mechanism to allow for dialogue between Executive and Scrutiny to provide a constant rolling review (but not scrutiny) of Council activities and will have responsibility to overview the Council's service improvement programme and budget. It will also provide an important role in forward business planning for the Council's agenda.</p> <p>The Panel will also provide for agenda planning for future scrutiny programmes and provide important links for policy review and future policy development.</p> <p>The Panel will receive and consider final reports from Scrutiny Panels and co-ordinate the scrutiny processes including co-ordination of scrutiny reviews involving more than one Scrutiny Panel.</p> <p>To provide a facility for the Main Opposition Group Spokespersons to be invited to attend meetings of the Panel (with speaking rights) in respect of items relating to their brief.</p> <p><i>To have delegated powers to approve the unaudited statement of accounts.</i></p> <p><i>To approve the audited statement of accounts.</i></p>

**~~Statement on Internal Control~~
~~Annual Governance Statement~~**

properly reflect the risk environment and any actions required to improve it.

10. To review existing and proposed arrangements, recommend changes and receive assurance that the systems of corporate governance are operating effectively and in accordance with best practice.

11. Review and approval of the annual Statement of Accounts, including the Annual Governance Statement and related matters. Approval of accounting policies and consideration of whether there are any concerns arising from the financial statements or external audit that need to be brought to the attention of the Council.

12. Receive and consider the external auditor's report and opinion on the financial statements.

13. Monitor action taken in response to any matters raised in the external auditor's report.

14. Monitor action taken in response to any matters raised in the Annual Governance Statement.

CPRs including local rules listed under Schedule One

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1. Introduction

- 1.1 Stockport Council, Trafford Council, Rochdale Council and Tameside Council have agreed, through an Inter Authority Agreement (“IAA”) to facilitate the joint delivery of Procurement Functions with a view to the attainment of a more economical, efficient and effective discharge of its Procurement Functions via a shared procurement service to be identified as “STAR”. Each of the STAR members have agreed to establish and participate in a joint committee (the “Joint Committee”) and have agreed to delegate their Executive and Non-Executive functions relating to the operation of STAR to the Joint Committee. Other authorities may, from time to time, join the IAA.
- 1.2 These Rules are standing orders made pursuant to Section 135 of the Local Government Act 1972. Compliance with the Rules and observance of European and domestic law from which they emanate (in particular the principles relating to non-discrimination, equal treatment and transparency) is mandatory for all Officers and Members. The Rules ensure that procurement activity is undertaken in a legally compliant, transparent, fair and competitive manner.
- 1.3 Decisions relating to procurement are among the most important decisions that can be made by the Council its Members and Officers because the money involved is public money and the Council is concerned to ensure that high quality Supplies, Services and the execution of Works are procured. Efficient use of resources in order to achieve Best Value is therefore an imperative.
- 1.4 These Rules shall apply to all procurement activity where the Council is to procure any Supplies, Services or the execution of Works, or enters into a Concessions Contract as either a contracting authority or commissioner of such, regardless of the origin of funding (such as external grants, partnership funding, pooled or joint budgets for example).
- 1.5 For the avoidance of doubt, these Rules shall apply to Framework Agreements, DPS and to any arrangement made by, or on behalf of the Council (including Schools) for the carrying out of Works or for the supply of Supplies or Services.
- 1.6 Where relevant, the Council shall have regard to the Public Services (Social Value) Act 2012 (“the Act”). This requires commissioners and procurers at the pre-procurement stage to consider how what is to be procured may improve social, environmental and economic well-being of the Council’s relevant area, how it might secure any such improvement and to consider the need to consult. The Council and Officers should refer to the Procurement Handbook for further guidance.
- 1.7 The Joint Committee shall monitor compliance with the Rules and undertake an annual review of the Rules. The Joint Committee may present recommendations for amendments to the Rules to the Council from time to time and any such amendments shall be subject to the Council’s own ratification procedures. Any failure to comply with any of the provisions of these Rules must be reported immediately to the SRO for Legal. Failure by any Officer or Member to comply with the provisions of these Rules may lead to disciplinary action being taken against them.
- 1.8 These Rules must be read in conjunction with the Council’s Constitution and in particular the Financial Procedure Rules/Regulations, , Procurement Handbook, any

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relevant guidance documents endorsed by the Council and the Council's local Rules as identified in section 1.9 below.

- 1.9 A number of local Rules can be found in the attached Schedule 1 and which form part of these Rules.

Further Information

Further advice can be sought from STAR:

General Enquiries - email: procurement@STAR-procurement.gov.uk
tel: 0161 9121616

Legal Enquiries - email: STARlegal@trafford.gov.uk
tel: 0161 9124229

2. Interpretations and Definitions

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

“APO”	means Authorised Procurement Officer and is the relevant STAR Officer who is responsible for the Supplies, Services, execution of Works or Concessions Contract for which the Specification relates.
“ASO”	means Authorised Service Officer and is any Officer, within a directorate of the Council, who has delegated authority to undertake Procurement Functions.
“Best Value”	has the same meaning as that defined in the Local Government Act 1999 as amended from time to time.
“Bidder”	means any Economic Operator that submits a Quote.
“Call-off”	means an order made/call-off Contract entered into under a Framework Agreement or DPS and are subject to the application of <u>Rule 5.1</u> .
“CM”	means the Category Manager or similar role with equivalent experience and seniority within STAR
“Concessions”	means the granting of a right (exclusive or otherwise) to an economic operator to exploit works or services provided for their own gain with or without payment. Further guidance on Concession Contracts can be found in the Procurement Handbook

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“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.
“Contractor”	shall mean the Bidder or Tenderer who the Council enters into a Contract with following the submission of a Quote or Tender and who is appointed by the Council to provide the Supplies, Services, execution of Works or Concessions Contract. They may also be referred to as ‘suppliers’, ‘providers’ or ‘service providers’ within certain Council departments.
“Contracts Finder”	means the web-based portal provided for the purposes of Part 4 of the Regulations by or on behalf of the Cabinet Office.
“DPS”	Means Dynamic Purchasing System which is an electronic system procured using the restricted procedure for the purchase of commonly used 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 persons and/or entities, including any temporary association of undertakings, which offers the execution of Works and/or a work, the supply of Supplies or the provision of Services on the market
“EIR”	means the Environmental Information Regulations 2004
“Electronic Purchasing System”	means purchases made online or via a telephone system
“EU Procurement Directives”	means the Public Contracts Directive 2014/24/EU, the Concessions Directive 2014/23/EU and other relevant Directives in force from time to time

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“Exemption”	means the release of the obligation to comply with these Rules
“Financial Procedure Rules/Regulations”	means the written code of procedures forming part of the Council’s constitution which provide a framework for proper financial management and which set out the rules on accounting, audit, administrative procedures and budgeting systems.
“FOIA”	means the Freedom of Information Act 2000
“Framework Agreement”	means an agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing Call-off Contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
“Invitation to Tender”	means an invitation issued by the Council to Tenderers to submit a Tender or a quote for the provision of Supplies, Services, the execution of Works or a Concessions Contract in accordance with the Specification or request for those Supplies, Services, execution of Works or Concessions Contract.
“Key Decision”	has the same meaning as set out in the Council’s constitution
“Modification”	means any variation to a Contract, DPS or Framework Agreement, including an extension.
“Modification Form”	means the form supplied by STAR for the purpose of recording the authorisation of a Modification.
“Officer”	means any employee of the Council which shall include any person engaged by the Council to act as an agent or consultant on its behalf
“OJEU”	means the Official Journal of the European Union
“PID”	means a Procurement Initiation Document providing details of the procurement activity

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	and the authority to commence it as required in accordance with <u>Rule 5.1</u> .
“Post Tender Report”	means a summary of the outcomes delivered by the procurement activity
“PQQ”	means “pre-procurement questionnaire” and is the document used by the Council to screen potential Tenderers in accordance with the Regulations.
“Procurement Functions”	means the Delegated Functions as defined by the IAA
“Procurement Handbook”	means the document which STAR Procurement may issue after having obtained the consent of the SRO Legal of each authority from time to time to set out the procedure to achieve the Council’s procurement objectives
“Procurement Policy”	means the document which the Council may issue from time to time to set out how it will achieve its procurement objectives
“Purchasing Cards”	means charge cards which work in a similar way to credit cards and can be used by and ASO to purchase Supplies and/or Services.
“Quote”	means a formal offer submitted by a Bidder to supply Supplies, Services, execute Works or operate a Concessions Contract at a defined price
“Regulations”	means the Public Contracts Regulations 2006 SI2006/5, as amended or replaced from time to time, which implement the EU public procurement directives.
“Regulations Threshold”	means the financial threshold identified by the EU Procurement Directives, as amended from time to time, and where applicable, requires the procurement activity to be subject to the Regulations.
“Rules”	means these Contract Procedure Rules
“Scheme of Delegation”	means the scheme identified within the Council’s constitution which delegates powers and duties of the Council to Officers under Section 101 of the Local Government

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	Act 1972 and all other powers enabling such delegation necessary for the discharge of the Council's functions.
"SCM"	means the Senior Category Manager or similar role with equivalent experience and seniority within STAR
"Services"	means the time, effort and expertise required by the Council, from time to time, and supplied by a Contractor.
"Specification"	means the outputs, outcomes and the scope and nature of Supplies, Services, execution of Works or Concessions Contract required by the Council from a procurement activity.
"SRO"	means "Senior Responsible Officer" and is the Officer delegated in the Council's Scheme of Delegation for the relevant service with the responsibility for the award of the Contract.
"SRO for Legal"	means the "Senior Responsible Officer for Legal" and is the most senior Officer delegated in the Council's Scheme of Delegation for Legal Services or in default of such delegation, the Council's Monitoring Officer.
"SRO for Finance"	means the "Senior Responsible Officer for Finance" and is the most senior Officer delegated in the Council's Scheme of Delegation for the Finance Services or in default of such delegation, the Officer appointed by the Council pursuant to s151 of the Local Government Act 1972.
"STAR Legal Officer"	means a member of the legal team jointly funded by all participating Council's in accordance with the IAA, whose role is to provide legal support to STAR.
"STAR"	means the shared procurement service hosted by Trafford Borough Council on behalf of Trafford Borough Council, Rochdale Metropolitan Borough Council, Stockport Metropolitan Borough Council and Tameside Metropolitan Borough Council; and other public authorities as determined from time to time whose function and remit is described in these Rules, the IAA and the

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	Councils' constitutions
"STAR Councils"	means those local authorities who have resolved to delegated their Procurement Functions to the STAR Joint Committee.
Supplies	means an inherently useful tangible item required by the Council, from time to time.
"Tender"	means a formal offer submitted by a Tenderer to the Council at a stated price in response to a Specification to supply Supplies, Services, execute Works or operate a Concessions Contract.
"Tenderer"	means any Economic Operator that submits a Tender.
"The Chest"	means the Council's eProcurement system.
"TUPE"	means the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended from time to time together with any EU Directives including but not limited to the Acquired Rights Directive 2001/23/EC, 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 EU procurement requirement of most economically advantageous offer as well as the duty of Best Value as defined by the Local Government Act 1999 as amended from time to time.
"Works"	means the provision of physical activity which is directed toward the production or accomplishment of something by the Contractor, from time to time.
"Writing"	the requirement that any document should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it is created and transmitted by electronic means, in legible form, and capable of being used for subsequent reference.

3. Basic Principles and Responsibilities

3.1 Basic Principles

- 3.1.1 All procurement activity must comply with all of the following principles of European Union (EU) Law:
- a. free movement of Supplies and Services;
 - b. non-discrimination;
 - c. openness/transparency;
 - d. equal treatment for all; and
 - e. proportionality
- 3.1.2 All procurement activity must be compliant with the latest EU laws, national legislation, the Council Constitution and the local policies in Schedule 1, and have regard to:
- a. **The need to achieve accountability** through effective mechanisms which enable Officers and Members of the Council to maintain the highest standards of integrity and honesty and to enable them to discharge their responsibility on issues of procurement risk and expenditure of public money;
 - b. **The need to provide consistent procurement policy to suppliers and achieve competitive supply;**
 - c. **The need to meet commercial, regulatory and Corporate Priorities of the Council;**
 - d. **The need to achieve efficiencies** by administering procurement processes which are cost effective;
 - e. **The need to ensure Value for Money**
 - f. **The need to ensure fair-dealing** by ensuring that suppliers are treated fairly and without unfair discrimination, including protection of commercial confidentiality where compatible with the Council's obligations under FOIA and EIR;
 - g. **The need to maintain integrity** by excluding corruption or collusion with suppliers or others from procurement processes;
 - h. **The need to ensure informed decision-making** based on accurate information;
 - i. **The need to ensure legality** in the administration of procurement processes and award of contracts;
 - j. **The need to promote responsiveness** by endeavouring to meet the aspirations, expectations and needs of the community served by the procurement processes;
 - k. **The need to provide transparency** by ensuring that there is openness and clarity on the Council's procurement policy and its delivery.
 - l. **The need to create and retain an audit trail in relation to each procurement activity**

3.2 The Responsibilities of Officers and Members

- 3.2.1 Officers and Members involved in procurement activity must comply with these Rules, the Council's Financial Procedure Rules/Regulations, the Council's Employees Code of Conduct/Members Code of Conduct. They must also have due regard to any guidance provided by STAR.
- 3.2.2 Officers must ensure that any agents, consultants and contractual partners acting on their behalf, also comply with these Rules.

4. Contracts to which these Rules do not apply

4.1 Where there is any doubt regarding the application of these Rules, Officers must seek guidance from STAR.

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

- a. employment contracts for Officers engaged on a PAYE basis;
- b. Contracts relating solely to the disposal or acquisition of securities;
- c. Contracts for the acquisition of an interest in land and property;
- d. Contracts for the appointment of Counsel or the appointment of experts for the purpose of legal, or potential legal proceedings by the SRO for Legal Services;
- e. qualifying Contracts between entities within the public sector.

5. Pre-Procurement Process

5.1 Authority to carry out procurement activity

5.1.1 The ASO must ensure that all necessary decisions have been made and that the correct authorisation to procure has been properly obtained prior to the initiation of any procurement activity. Any procurement activity carried out on behalf of the Council must be carried out by an ASO with the appropriate delegated authority as set out in the Scheme of Delegation. The ASO may be required to provide evidence of any decisions made, any reports concerning and all authorisations granted in respect of the relevant procurement activity. The ASO must submit a PID to STAR prior to starting the relevant procurement activity. By submitting the PID the ASO confirms that they have the authority to carry out the procurement activity.

5.2 Appraisal of the procurement activity

5.2.1 The ASO, together with the APO, must conduct an options appraisal of the route to market and consider the following:

- a. Value for Money;
- b. The need for the expenditure and its priority;
- c. The objectives of the purchase;
- d. Whether it is a Key Decision
- e. Any risks associated with the purchase and how to manage them;
- f. The market;
- g. TUPE and pensions;
- h. Which procurement method is most likely to achieve the purchasing objectives;
- i. Existing and compliant Framework Agreements, DPS or other arrangements; and
- j. The economic, social and environmental wellbeing of the borough and the benefit which the procurement process can bring to the community and have regard to the duty to secure continuous improvement in accordance with Best Value.

5.2.2 Where award for a Contract for services may result in employees of the Council or its Contractor transferring to a new employer, the advice of the SRO for Human Resources and the SRO for Legal must be obtained before the commencement of the procurement activity to ensure compliance with TUPE, and other related legislation, and to assess the implications in respect of pension arrangements.

5.2.3 The APO must ensure that an appropriate Specification or request for a Quote commensurate to the scope of the Supplies, Services, execution of Works or Concessions Contract required is written prior to the commencement of any

procurement activity. Advice from STAR must be sought where it is proposed that a Specification or request for a Quote is not used.

- 5.2.4 For procurement under the Regulations Thresholds, the use of PQQs is no longer permitted by the Regulations. However, the Regulations do permit the use of suitability assessment questions where they are relevant to the subject matter of the procurement and are proportionate. Further guidance on suitability assessment questions may be sought from STAR but in any event, advice must be sought from STAR where it is proposed that such questions are to be used.

5.3 **Framework Agreements and DPS**

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

- a. Any Call-off Contract is entered into in accordance with the terms of the relevant Framework Agreement or DPS; and
- b. Where applicable, a mini-competition (the tender process required by the Framework Agreement) is held in accordance with rules of the Framework Agreement or DPS.

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

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

- 5.3.3 Where a Framework Agreement or DPS has been set up following an EU Tender, there must be full compliance with EU rules when awarding Call-off Contracts under it.

5.4 **Pre-Procurement Market Research and Consultation**

- 5.4.1 The ASO and APO responsible for the procurement activity:

- a. may consult potential Bidders or Tenderers in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, prior to a request for a Quote or an Invitation to Tender provided this does not prejudice any potential Bidders or Tenderers; and
- b. must not seek or accept technical advice on the preparation of a request for a Quote or an Invitation to Tender from anyone who may have a commercial interest in the tender, as this may prejudice the equal treatment of all potential Bidders and Tenderers or distort competition.

Advice must be sought from STAR in all instances.

5.5 **Estimating the Total Value of a Contract, Framework Agreement or DPS**

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

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5.5.2 The Council must not split Contracts, DPS or Framework Agreements in order to avoid public procurement rules or calculate the value of the Contract, DPS or Framework Agreement in such a way as to deliberately avoid exceeding the Regulation Thresholds or any threshold identified in these Rules. Therefore, unless otherwise agreed by the SRO Legal all Contracts, DPS or Framework Agreements should be dealt with according to their total value and all Officers must calculate the total value (excluding VAT) of any Contract. The value of a Contract, DPS or Framework Agreement should be calculated as follows and applies to the aggregate value of the Contract, DPS or Framework Agreement:

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

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

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

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

Table 1: Procurement Activities

Supplies, Services and Concessions

Value Band	Value	Procurement Activity	Minimum Requirement for Advertising the Opportunity
A	£0 - £4,999.99	Minimum one Quote in accordance with Rule 6 - Quotes	N/A*
B	£5,000.0 - £24,999.99	Minimum three Quotes in accordance with Rule 6 – Quotes following consultation with STAR	N/A
C	£25,000 and up to Regulation Threshold	Minimum three Quotes in accordance with Rule 6 – Quotes and subject to risk-based sourcing. Route to market to be agreed in conjunction with STAR	The Chest
		In accordance with Rule 7 – Tenders and subject to risk-based sourcing. Route to market to be agreed in conjunction with STAR	The Chest and Contracts Finder
D	Above the Regulation Thresholds	Most appropriate procedure permitted by the Regulations	OJEU Notice and Contracts Finder

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Works and Public Works Concessions

Value Band	Value	Procurement Activity	Minimum Requirement for Advertising the Opportunity
A	£0 - £4,999.99	Minimum one Quote in accordance with Rule 6 - Quotes	N/A*
B	£5,000.0 - £24,999.99	Minimum three Quotes in accordance with Rule 6 – Quotes following consultation with STAR	N/A
C	£25,000 - up to the Regulation Threshold	Minimum three Quotes in accordance with Rule 6 – Quotes and subject to risk-based sourcing. Route to market to be agreed in conjunction with STAR	The Chest
		In accordance with Rule 7 –Tenders and subject to risk-based sourcing. Route to market to be agreed in conjunction with STAR	The Chest and Contracts Finder
D	Above the Regulation Thresholds	Most appropriate procedure permitted by the Regulations	OJEU notice and Contracts Finder

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

5.5.6

Where the Contract value falls within value band B or C for Supplies, Services and Concession Contracts or value band B or C for Works and Public Works Concession Contracts within Rule 5.5.5 Table 1, the ASO and the APO shall jointly determine which procurement activities should be undertaken..

5.5.7 Where the value of the Contract is above the Regulation Thresholds, the ASO and the APO will determine which procurement activity to follow in accordance with the Regulations.

5.5.8 Irrespective of the value in Rule 5.5.5 Contracts and Framework Agreements that are subject to European Union grant funding requirements shall be advertised in accordance with published guidance, ERDF National Procurement Requirements (ERDF-GN-1-004) as amended from time to time.

5.5.9 The ASO and APO shall ensure that, where proposed Contracts or Framework Agreements, irrespective of their value, might be of interest to potential Economic Operators located in other member states of the European Union, a sufficiently accessible advertisement is published.

5.6 Standards and Award Criteria

5.6.1 Before inviting Quotes or Tenders, the ASO, with support from the APO, must ascertain any relevant British, European or international standards which apply to the subject matter of the Contract. The ASO must include those standards or equivalent where they are necessary to describe the required quality. In any instances of uncertainty, STAR can be consulted if it is proposed to use standards other than European standards.

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

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

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

5.6.3 The ASO must seek advice from STAR to ensure any award criteria are compliant with relevant legislation and best practice.

6. Quotes

6.1 Requests for Quotes

6.1.1 All Quotes, including those in mini-competitions under Framework Agreements, must be confirmed in writing before a decision to award can be made and all Quotes must be stored on The Chest.

6.1.2 When requesting a Quote, an appropriate description of the Supplies, Services, execution of Works or Concessions (commensurate with the value of the Contract) setting out the Council’s requirements in sufficient detail must be provided to prospective Bidders to enable the submission of competitive Quotes.

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

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

6.1.4 The proposed form of Contract must comply with Rule 8 and where possible the Council’s standard terms and conditions of Contract must be used. Advice must be

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sought from a STAR Legal Officer and approval given by the SRO for Legal where alternative terms and conditions are used.

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

6.2 Submission and Receipt of Quotes

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

- 6.2.2 In the event that an abnormally low Quote is received, the ASO must take advice from STAR on how to proceed.

- 6.2.3 Any Quote (including all associated documents) submitted after the specified date and time for submission of Quotes shall only be accepted or considered by the Council in exceptional circumstances and only with agreement from the SRO for Legal Services.

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

6.3 Amendments to Quotes

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

- 6.3.2 A Quote may be amended after the closing date for submission if the amendment is made only in order to correct an arithmetical error. Such amendments may only be made with the prior approval of the Director of Procurement (STAR).

6.4 Evaluation of Quotes

- 6.4.1 All compliant Quotes, including those in mini-competitions under Framework Agreements, must be checked by the ASO to ensure they are arithmetically correct. The ASO may seek advice from STAR if there is any doubt. If arithmetical errors are found they should be notified to the Bidder, who should be requested to confirm or withdraw their Quote. Alternatively, if the rates in the Quote prevail over the overall price, an amended Quote may be requested to accord with the rates given by the Tenderer.

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

- 6.4.3 Officers must ensure transparency and fairness during the evaluation process.
- 6.4.4 In accordance with the Council's risk-based sourcing policy, the ASO and/or APO may require a best and final offer from the Tenderer whose submitted Quote is the most economically advantageous, the lowest price or the highest price in accordance with Rule 5.6.2.
- 6.5 Contract Award – through a Quotation Process**
- 6.5.1 The Contract will be awarded in accordance with the award criteria used.
- 6.5.2 Where the Quote is not within the relevant approved budget but additional budgetary provision is available, the relevant ASO, with the approval of the SRO for Finance, may accept the Quote ensuring compliance with the Financial Procedure Rules/Regulations.
- 6.5.3 The approval to award the Contract must be given in accordance with the Council's Scheme of Delegation.
- 6.5.4 All award decisions must be recorded in the PID, signed and dated by the ASO, the APO and the SRO for the relevant service.
- 6.5.5 Once the decision has been made and the approval given to award the Contract, the ASO must send a Contract award letter to the winning Bidder(s).
- 6.5.6 Prior to commencement of the Contract, the Contract must be completed in accordance with Rule 8.2 unless Rule 8.2.5 applies.
- 6.5.7 STAR will, where necessary, advise on the formalities for completion of the contract by parties other than the Council and how to ensure that the Contract is legally binding.
- 7. Tenders**
- 7.1 Invitations to Tender**
- 7.1.1 All Tender opportunities must be placed on The Chest and, where appropriate, Contracts Finder in accordance with Table 1 at Rule 5.5.
- 7.1.2 The Invitation to Tender, shall include the following where appropriate:
- a. A form upon which the Tenderer can provide details of its bid ("Form of Tender");
 - b. A reference to the Council's ability to award in whole, in part or not at all;
 - c. A Specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers;
 - d. the terms and conditions of Contract that will apply;
 - e. A requirement for Tenderers to declare that the Tender content, price or any other figure or particulars concerning the Tender have not been disclosed by the Tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose);
 - f. A requirement for Tenderers to fully complete and sign all Tender documents including the Form of Tender and certificates relating to canvassing and non-collusion;
 - g. Notification that Tenders are submitted to the Council on the basis that they are compiled at the Tenderer's expense;

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- h. A description of the award procedure and the evaluation criteria to be used to assess Tenders including any weightings as considered appropriate and in accordance with Rule 5.6. The evaluation criteria must be clear, concise and unambiguous and must be approved by the APO in consultation with the ASO. The evaluation criteria cannot be amended once published in the Invitation to Tender;
 - i. The method by which any arithmetical errors discovered in the submitted Tenders are to be dealt with and in particular, whether the overall price prevails over the rates in the Tender or vice versa;
 - j. Whether the Council is of the view that TUPE will be applicable in relation to the procurement activities;
 - k. Whether additional arrangements will be required in relation to pension provision;
 - l. Provisions relating to the Council's termination rights in the event that corruption is discovered;
 - m. The relevance and application of any parent company guarantees and/or bonds;
 - n. That the Council is not bound to accept Tenders; and
 - o. Any matters required by local polices in Schedule 1.
- 7.1.3 The proposed form of Contract must comply with Rule 8 and where possible the Council's standard terms and conditions of Contract must be used. Advice must be sought from the STAR Legal Officer and approval given by the SRO for Legal where alternative terms and conditions are used.
- 7.1.4 All Tenderers invited to Tender must be issued with the same information at the same time and contain the same conditions. Any supplementary information must be given on the same basis.
- 7.1.5 All communications relating to Tenders must be recorded on The Chest.
- 7.2 Pre and Post Tender Clarification Procedures**
- 7.2.1 Providing pre-Tender clarification to potential or actual Tenderers, or seeking clarification of a Tender, is permitted subject to Rule 7.2.3.
- 7.2.2 Post-tender clarification may be undertaken with Tenderers only where it is essential in order to be completely clear about any fundamental aspect of the Tender submission before the completion of the Tender evaluation process and subject to Rule 7.2.3.
- 7.2.3 All pre- and post- tender communication must be conducted either in writing or in a meeting recorded by the ASO or APO. All correspondence or meetings must be documented and retained on The Chest. Where a meeting is required, there must always be more than one Officer present.
- 7.2.4 At all times during the clarification process, the Council shall consider and implement the principles of non-discrimination, equal treatment and transparency.
- 7.2.5 Unless otherwise permitted by the Regulations, in no circumstances are post-award negotiations permitted.

7.3 Submission and Receipt of Tenders

- 7.3.1 Tenderers must be given a reasonable period in which to prepare and submit a proper Tender, consistent with the complexity of the Contract requirement and in accordance with the Regulations.
- 7.3.2 Any Tender (including all associated documents) submitted after the specified date and time for submission of Tenders shall only be accepted or considered by the Council in exceptional circumstances and only with agreement from the SRO for Legal Services.
- 7.3.3 All Tenders received, including those in mini-competitions under Framework Agreements, must remain unopened until the specified closing date and time has passed.
- 7.3.4 If less than the minimum number of Tenders is received as stipulated in Table 1 in Rule 5.5, then advice must be sought from the Director of Procurement (STAR) on how to proceed. Any decision must be recorded in writing and stored on The Chest.

7.4 Verifying and Opening Tenders

- 7.4.1 Tenders are to be verified by an APO who is independent of the procurement activity to which the Tender relates.
- 7.4.2 Once verified, Tenders are to be opened in accordance with the following Table 2:

Table 2

Value of Contract	Officers required to be present:	Expected Duration
£0 - £49,999.99	APO	Within 2 working days of the deadline for submission
£50,000 and above	CM or SCM	Within 2 working days of the deadline for submission

7.5 Amendments to Tenders

- 7.5.1 The Council may accept amendments to Tender submissions, including those in mini-competitions under Framework Agreements, providing they are received prior to the closing date for submissions.
- 7.5.2 A Tender may be amended after the closing date for submission if the amendment is made only in order to correct an arithmetical error. Such amendments may only be made with the prior approval of the Director of Procurement (STAR).

7.6 Evaluation of Tenders

- 7.6.1 If a PQQ or an expression of interest prior to PQQ was used, all those Tenderers must be given feedback at the relevant stage.
- 7.6.2 In the event that an abnormally low Tender is received, the ASO must take advice from STAR on how to proceed.
- 7.6.3 All compliant Tenders, including those in mini-competitions under Framework Agreements, must be checked by the ASO and the APO to ensure they are arithmetically correct. If arithmetical errors are found they should be notified to the

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Tenderer, who should be requested to confirm or withdraw their Tender. Alternatively, if the rates in the Tender prevail over the overall price, an amended Tender price may be requested to accord with the rates given by the Tenderer.

7.6.4 Where MEAT is used as the award criteria, all evaluations including an explanation of the reasons for the scores should be recorded on The Chest. The ASO must then confirm to STAR that the Contract can be awarded by updating the PID.

7.6.5 Officers must ensure transparency and fairness during the evaluation process.

7.6.6 In accordance with the Council's risk-based sourcing policy, the APO may require a best and final offer from the Tenderer whose submitted Tender is the most economically advantageous, the lowest price or the highest price in accordance with Rule 5.6.2.

7.7 Contract Award – through a Tender process

7.7.1 The winning Tender shall be awarded the Contract in accordance with the award criteria used.

7.7.2 Where the Tender is not within the relevant approved budget but additional budgetary provision is available, the relevant ASO, with the approval of the SRO for Finance, may accept the Tender ensuring compliance with the Financial Procedure Rules/Regulations.

7.7.3 The approval to award the Contract must be given in accordance with the Council's Scheme of Delegation.

7.7.4 All award decisions must be recorded in the PID, signed and dated by the ASO, the APO and the SRO for the relevant service.

7.7.5 A Contract which has a contract value above the Regulation Thresholds, can only be awarded after a notice of the proposed award has been given to all unsuccessful Tenderers and the 10 day standstill period has elapsed from the date the notice was given. If the 10 days expire on a non-working day, then the notice period will be deemed to have lapsed on the next working day.

7.7.6 Once the decision to award a Contract is made, each Tenderer must be notified by either the ASO or the APO in writing of the outcome. All Tenderers must be notified simultaneously and as soon as possible of the intention to award the Contract to the successful Tenderer(s) and this should be done via The Chest. The letters must include a description of the relative advantages of the successful Tenderer.

7.7.7 Prior to commencement of the Contract, the Contract must be completed in accordance with Rule 8.2 unless Rule 8.2.5 applies.

7.7.8 A STAR Legal Officer will, where necessary, advise on the formalities for completion of the contract by parties other than the Council and how to ensure that the Contract is legally binding.

7.7.9 The APO must publish a contract award notice in the OJEU and on the Council's website no later than 48 days after the date of award of the Contract where a

Contract value exceeds the Regulation Threshold and has been tendered pursuant to the Regulations or is subject to the relevant provision of the Regulations relating to Contract award.

7.7.10 Contract award letters, feedback to Tenderers and the contract Terms and Conditions, including any incidental documentation must be approved by the APO prior to sending where the value of the Contract is over the Regulation Thresholds.

7.8 Enquiries about the Tender process

7.8.1 The confidentiality of Tenders and the identity of Tenderers must be preserved at all times insofar as this is compatible with the Councils' obligations under FOIA and EIR.

7.8.2 If the Council receives a request for information under the FOIA as a result of the de-briefing process, the request must be referred to both the Director of Procurement (STAR) and the relevant Officer of the Council who deals with such requests. The Council will be responsible for responding to the request.

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

8. Contract Provisions and Contract Formalities

8.1 Contract Provisions

8.1.1 All Contracts must be in writing and must set out the parties' obligations, rights and risk allocations. Advice must be sought from STAR as to the appropriate form of Contract to be used and where possible, be on the Council's standard terms and conditions.

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

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

8.1.3 STAR can provide advice on Contract specific terms and conditions.

8.2 Contract Formalities

8.2.1 Once a decision to award has been made in accordance with Rule 6.5.3 or 7.7.3, the Contract must either be signed by the Officer authorised to award the Contract under the Council's Scheme of Delegation, or signed by the SRO for Legal, or sealed in accordance with Rule 8.3.2.

8.2.2 Where the Contract is to be in writing, the ASO or APO must arrange for the Contract including all schedules and appendices to be signed by all parties. This can be done in two ways:

- a) Sending bound hard copies of the Contract to the winning Bidder(s) or Tenderer(s) for signing; or

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- b) Sending electronic copies of the Contract to the winning Bidder(s) or Tenderer(s) for printing, binding and signing.
- 8.2.3 Before arranging for the Contract to be signed or sealed on behalf of the Council, the ASO must check that the returned signed Contract has not been amended or altered by the winning Bidder(s) or Tenderer(s) without prior written agreement by the Council.
- 8.2.4 Rules 8.2.1 to 8.2.3 do not apply to purchases made through an Electronic Purchasing System (EPS).
- 8.2.5 All Contracts which are to be formally completed in writing must be completed before the Supplies are supplied, or the Service, execution of Works or Concessions Contract begins, except in exceptional circumstances, and then only with the prior approval from the SRO for Legal.
- 8.2.6 A purchase order must be raised in the appropriate eProcurement system for all supplies, services and works requirements to be acquired through an EPS and for all Contracts. The purchase order must attach the terms and conditions of Contract between the Council and the Contractor.
- 8.2.7 The ASO must ensure that the person signing on behalf of the Contractor has requisite legal authority to bind the Contractor. Where there is any doubt, the ASO must seek advice from the STAR Legal Officer.
- 8.3 **Contracts under Seal**
- 8.3.1 A Contract must be sealed where:
- a. The Council wishes to extend the liability period under the Contract and enforce its terms for up to 12 years; or
 - b. The price to be paid or received under the Contract is a nominal price and does not reflect the value of the supplies or services; or
 - c. There is any doubt about the authority of the person signing for the other contracting party; or
 - d. The Contract value is £250,000 or above.
- 8.3.2 The seal must be affixed in accordance with the provisions of the Council's Constitution.
- 8.4 **Transfer of Contracts**
- 8.4.1 No Contract should be transferred from one Contractor to another without first consulting STAR. Contracts can only be transferred if approved in accordance with the table below:

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

9. Exemptions and Modifications

9.1 Exemptions

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

9.1.2 An Exemption cannot be given where this would contravene the Regulations.

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

- a. The arrangement is a permitted exemption from the requirement for competition contained in European or domestic legislation;
- b. To comply with legal requirements;
- c. The Contract is for Supplies, Services or the execution of Works which are required in circumstances of extreme urgency or unforeseeable emergency involving risks to persons, property or serious disruption to Council services;
- d. Repairs or parts — if the only option is to repair or buy new parts for existing equipment or buildings, and there is only one supplier;
- e. Where a Service review includes the intention to co-terminate relevant Contracts;
- f. Proprietary or patented supplies or services are proposed to be purchased which, in the opinion of the ASO, are only obtainable from one person, and it can be demonstrated that no reasonably satisfactory alternative to those proprietary or patented goods is available; or
- g. The ASO can demonstrate that no genuine competition can be obtained in respect of the purchase of particular Supplies, Services or execution of Works; or
- h. The ASO is satisfied that the Services or execution of Works are of such a specialist nature that they can only be carried out by one person (e.g. statutory undertakers); or
- i. Supplies are proposed to be purchased by or on behalf of the Council at a public auction; or
- j. Supplies or Services are proposed to be purchased which are of a specialist or unique nature (such as antiquities for museums or a particular performance artist); or
- k. Any other exceptional circumstances.

9.2 Procedure for Exemptions

9.2.1 To apply for an Exemption the ASO must fill in the Exemption Form and submit it to the STAR for consideration and recommendation. This Exemption Form must then be signed (electronically or by hand) in accordance with the table below (unless Rule 9.2.2 applies).

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

9.2.2 If an Exemption requires a Key Decision, then that Key Decision must be made in accordance with the Council's Constitution. Guidance from STAR must be sought if there is any doubt as to whether a decision is a Key Decision.

- 9.2.3 The ASO must ensure that the Exemption Form provides full details of the request and any supplementary documentation to support the request.
- 9.2.4 No commitment should be made to a potential Contractor prior to authorisation.
- 9.2.5 The Director of Procurement (STAR) is responsible for ensuring a complete record of all Exemptions. A record of the decision approving an Exemption and the reasons for it must be stored electronically on The Chest.
- 9.2.6 In circumstances of extreme urgency, the relevant decision maker in 9.2.1 above may authorise an Exemption in writing without the need to complete an Exemption Form. The written authorisation provided in accordance with this Rule 9.2.6 must be submitted to STAR to be stored electronically on The Chest.
- 9.2.7 The ASO, in conjunction with STAR and a STAR Legal Officer, shall ensure that the Contract terms and conditions are appropriate taking into account all relevant factors (such as benefit and risk to the Council) and ensure that the Contract complies with Rule 8

9.3 Modifications to a Contract or Framework Agreement

9.3.1 Contracts and Framework Agreements may be modified during their term without a new procurement procedure in accordance with this Rule 9.3 in any of the following cases:

- (a) where the Modifications, irrespective of their monetary value, have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses, which may include price revision clauses or options, provided that such clauses
 - (i) state the scope and nature of possible modifications or options as well as the conditions under which they may be used, and
 - (ii) do not provide for modifications or options that would alter the overall nature of the Contract or the Framework agreement;
- (b) for additional works, services or supplies by the original contractor that have become necessary and were not included in the initial procurement, where a change of contractor:
 - (i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, or
 - (ii) would cause significant inconvenience or substantial duplication of costs for the Council,provided that any increase in price does not exceed 50% of the value of the original Contract or Framework Agreement;
- (c) where all of the following conditions are fulfilled:
 - (i) the need for Modification has been brought about by circumstances which a diligent Council could not have foreseen;
 - (ii) the modification does not alter the overall nature of the Contract or Framework Agreement;
 - (iii) any increase in price does not exceed 50% of the value of the original Contract or Framework Agreement.

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- (d) where a new Contractor replaces the one to which the Council had initially awarded the Contract or Framework Agreement as a consequence of:
 - (i) an unequivocal review clause or option in conformity with sub-paragraph (a), or
 - (ii) universal or partial succession into the position of the initial contractor, following corporate restructuring, including takeover, merger, acquisition or insolvency, of another economic operator that fulfils the criteria for qualitative selection initially established, provided that this does not entail other substantial modifications to the contract and is not aimed at circumventing the application of the Regulations;
- (e) where the Modifications, irrespective of their value, are not substantial within the meaning of Rule 9.3.5; or
- (f) where Rule 9.3.3 applies.

9.3.2 Where several successive Modifications are made:—

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

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

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

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

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

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

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

- 9.3.6 For the avoidance of any doubt, an extension of the term of a Contract or Framework Agreement should be treated as a Modification where the original Contract or Framework Agreement make provisions for such an extension of term;
- (a) a Contract or Framework Agreement term should not be automatically extended where the Contract or Framework Agreement contains provisions to extend the term, Further guidance on extensions of terms should be sought by reference to the Procurement Handbook and STAR.

9.4 Procedure for Modifications

- 9.4.1 To apply for a Modification the ASO must fill in the Modification Form and submit it to the STAR for consideration and recommendation. This Modification Form must then be signed (electronically or by hand) in accordance with the table below.

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

- 9.4.2 The ASO must ensure that the Modification Form provides full details of the request and any supplementary documentation to support the request.
- 9.4.3 No commitment should be made to a potential Contractor prior to authorisation.
- 9.4.4 The Director of Procurement (STAR) is responsible for ensuring a complete record of all Modifications is kept and a record of the decision approving a Modification and the reasons for it must be submitted to STAR to be stored electronically on The Chest.

10. Declarations of Interest and Anti-Bribery and Corruption

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

11. Contract Management

- 11.1 All Contracts must have a Council Contract Manager ("Contract Manager") for the entirety of the Contract. In the event that there is no named Contract Manager the ASO will fulfil the role of Contract Manager.

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- 11.2 The Contract Manager will be responsible for reviewing monitoring and evaluating the contract to ensure that its provisions and the services within it are being followed and performed as they should be.
- 11.3 During the life of the Contract, the Contract Manager should monitor the Contract in respect to the following:
- a. Performance (against agreed KPIs where relevant);
 - b. Compliance with specification and contract;
 - c. Cost;
 - d. Any Best Value duties ;
 - e. Continuous Improvement;
 - f. User satisfaction; and
 - g. Risk management.
- 11.4 Where the Contract is to be re-let, this information should be available early enough to inform the approach to re-letting the next contract.
- 11.5 STAR can provide advice and support on good practice in performance management of Contracts.
- 11.6 All Contracts must be included and published on the Contracts Register maintained by STAR in line with the Local Government Transparency Code 2014. This is a mandatory requirement and it is the responsibility of the SRO for each Service to ensure that they have informed STAR of the Contracts they are responsible for and provided them with the information necessary to update the Contracts Register accordingly.

12. Retaining Relevant Documents

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

12.2 Hard copies of all written contracts shall be retained as follows:

Contracts with a value between £5,000 and £249,999.99	for six years after the end of the Contract
all sealed Contracts and Contracts with a value of £250,000 and above	for twelve years after the end of the Contract
Contracts that are grant funded regardless of value	Must comply with retention period above or the terms and conditions of the grant, whichever is the longer

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

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

SCHEDULE 1

Local arrangements for Tameside Council

There are no local arrangements.

Agenda Item 10

Report To:	COUNCIL
Date:	21 May 2019
Member/Reporting Officer:	Political Group Leaders Steven Pleasant – Chief Executive as Proper Officer
Subject:	APPOINTMENT OF EXECUTIVE CABINET, PANELS, STANDARDS COMMITTEE, OUTSIDE BODIES AND OPPOSITION SPOKESPERSONS FOR 2019/20
Report Summary:	<p>To consider and approve the appointment of the persons nominated by the various groups in accordance with the political balance rules to serve on the various bodies in the attached schedule for the 2019/20 Municipal Year.</p> <p>The list of outside bodies contains only those outside bodies where information is required by the other statutory Greater Manchester bodies. Other outside body appointments will be made by the Executive Leader following recommendations by the relevant Executive Member or where appropriate the Executive Member.</p>
Recommendations:	That approval be given to the appointments to the Executive Cabinet, Panels, Standards Committee, Outside Bodies and Opposition Spokespersons tabled at the meeting in the form shown set out in the attached document
Links to Community Strategy:	The Constitution and democratic framework provides an effective framework for implementing the Community Strategy.
Policy Implications:	There are no policy implications.
Financial Implications: (Authorised by the Section 151 Officer)	There are no budgetary implications.
Legal Implications: (Authorised by the Borough Solicitor)	Accords with Procedural Standing Orders 6.4 (g); (h); (i); (j) and (k). Under Localism Act 2011 a standards committee is no longer required. If a local authority chooses to have a Standards Committee its status is as any other committee and its membership rules are the same as for the usual political balance rules for the authority. The Council is required to appoint at least one "Independent Person" whose views are sought (and taken into account) by the Monitoring Officer before investigation; also available to the Standards Committee (if there is one) and the accused Member. The Independent Person and Deputy receives remuneration but no other member of the Standards Committee will do so in line with all other committees and panels.
Risk Management:	Allows for transparent and democratic decision making.
Access to Information	<p>The background papers relating to this report can be inspected by contacting Robert Landon, Head of Democratic Services by:</p> <p>phone: 0161 342 2146</p> <p>e-mail: Robert.landon@tameside.gov.uk</p>

APPOINTMENT OF EXECUTIVE CABINET, PANELS, DISTRICT ASSEMBLIES, STANDARDS COMMITTEE, INDEPENDENT REMUNERATION PANEL AND OPPOSITION SPOKESPERSON FOR 2018/2019

THE CABINET

Executive Leader	
Deputy Executive Leader (Children and Families)	
<u>Executive Members</u>	
Finance and Economic Growth	
Health and Social Care	
Housing, Planning and Employment	
Lifelong Learning, Culture and Heritage	
Neighbourhoods, Community Safety & Environment	
Transport and Connectivity	

<u>Lead Member</u>	
Chair of Council Business	

Assistant Executive Members - Champions to lead across all portfolios	
Age Friendly Tameside	
Crime Prevention	
Early Years & Young Adults	
Equalities	
Green Travel & Connectivity	
Green Tameside	
Housing and jobs	
Policy & Communications	
Support for local communities	

OPPOSITION SPOKESPERSONS

<u>Shadow Brief</u>	<u>Spokesperson</u>
Executive Leader	Councillor
Deputy Executive Leader	Councillor
Finance and Economic Growth	Councillor
Health and Social Care	Councillor
Housing, Planning and Employment	Councillor
Lifelong Learning, Culture and Heritage	Councillor
Neighbourhoods, Community Safety & Environment	Councillor
Transport and Connectivity	Councillor

Strategic Neighbourhood Forums	
<p>North (Ashton Hurst, Ashton St Michael's, Ashton Waterloo, St Peters)</p>	<p>Councillor Bowerman Councillor Bray Councillor Cartey Councillor Choksi Councillor Drennan Councillor Fairfoull Councillor Glover Councillor Hollinshead Councillor Huntbach Councillor Lewis Councillor McNally Councillor Sidebottom</p>
<p>South (Hyde Godley, Hyde Newton, Hyde Werneth, Longdendale)</p>	<p>Councillor Affleck Councillor Alam Councillor Bowden Councillor Buglass Councillor Chadwick Councillor Cooper Councillor J Fitzpatrick Councillor P Fitzpatrick Councillor Kitchen Councillor Owen Councillor Robinson Councillor Welsh</p>
<p>East (Dukinfield, Dukinfield/Stalybridge, Mossley, Stalybridge North, Stalybridge South)</p>	<p>Councillor Billington Councillor Dickinson Councillor Feeley Councillor Gosling Councillor J Homer Councillor S Homer Councillor Jackson Councillor J Lane Councillor Patrick Councillor Pearce Councillor Sharif Councillor Sweeton Councillor Taylor Councillor Wild Councillor Wills</p>
<p>West Audenshaw, Denton North East, Denton South, Denton West, Droylsden East, Droylsden West</p>	<p>Councillor Boyle Councillor Cooney Councillor Gwynne Councillor A Holland Councillor B Holland Councillor D Lane Councillor Martin Councillor Mills Councillor Naylor Councillor Newton Councillor Quinn Councillor Reid Councillor Ricci Councillor Ryan Councillor M Smith Councillor T Smith Councillor Ward</p>

SPEAKERS PANEL (PLANNING)

14 Members (Labour 13: Conservative 1)

Labour	
1.	Councillor
2.	Councillor
3.	Councillor
4.	Councillor
6.	Councillor
7.	Councillor
8.	Councillor
9.	Councillor
10.	Councillor
11.	Councillor
12.	Councillor
Conservative	
14.	Councillor

SPEAKERS PANEL (LIQUOR LICENSING)

12 Members (Labour 11: Conservative 1)

Labour	
1.	Councillor
2.	Councillor
3.	Councillor
4.	Councillor
5.	Councillor
6.	Councillor
7.	Councillor
8.	Councillor
9.	Councillor
10.	Councillor
11.	Councillor
Conservative	
12.	Councillor

SPEAKERS PANEL (LICENSING)

13 Members (Labour 12: Conservative 1)

Labour	
1.	Councillor
2.	Councillor
3.	Councillor
4.	Councillor
5.	Councillor
6.	Councillor
7.	Councillor
8.	Councillor
9.	Councillor
10.	Councillor
11.	Councillor
12.	Councillor
Conservative	
13.	Councillor

SPEAKERS PANEL (EMPLOYMENT APPEALS)

5 Members (Labour 4: Conservative 1)

Labour	
1.	Chair of Council
2.	Relevant Executive Member for service where employee works
3.	Deputy Executive Leader
4.	Assistant Executive Member Housing & Jobs
Conservative	
5.	Councillor

OVERVIEW PANEL

12 Members (Labour 11: Conservative 1)

Labour	
1.	Councillor
2.	Councillor
3.	Councillor
4.	Councillor
5.	Councillor
6.	Councillor
7.	Councillor
8.	Councillor
9.	Councillor
10.	Councillor
11.	Councillor
Conservative	
12.	Councillor

CARBON AND WASTE REDUCTION PANEL

9 Members (Labour 8: Conservative 1)

Labour	
1.	Councillor
2.	Councillor
3.	Councillor
4.	Councillor
5.	Councillor
6.	Councillor
7.	Councillor
8.	Councillor
Conservative	
9.	Councillor

AUDIT PANEL

8 Members (Labour 7: Conservative 1)

Labour	
1.	Councillor
2.	Councillor
3.	Councillor
4.	Councillor
5.	Councillor
6.	Councillor
7.	Councillor
Conservative	
8.	Councillor

STRATEGIC PLANNING AND CAPITAL MONITORING PANEL

9 Members (Labour 8: Conservative 1)

Labour	
1.	Councillor
2.	Councillor
3.	Councillor
4.	Councillor
5.	Councillor
6.	Councillor
7.	Councillor
8.	Councillor
Conservative	
9.	Councillor

DEMOCRATIC PROCESSES WORKING GROUP

8 Members (Labour 7: Conservative 1)

Labour	
1.	Councillor
2.	Councillor
3.	Councillor
4.	Councillor
5.	Councillor
6.	Councillor
6.	Councillor
7.	Councillor
Conservative	
8.	Councillor

HEALTH AND WELLBEING BOARD

4 Executive Members

Labour	
1.	Executive Leader (Chair)
2.	Executive Member (Children and Families)
3.	Executive Member (Economic Growth and Housing)
4.	Assistant Executive Member (Adult Social Care and Wellbeing)

EDUCATION**IMPROVEMENT BOARD**

7 Members (Labour 6: Conservative 1)

Labour	
1.	Councillor
2.	Councillor
3.	Councillor
4.	Councillor
5.	Councillor
6.	Councillor
Conservative	
7.	Councillor

STRATEGIC COMMISSIONING BOARD

8 (all) Executive Members

Labour	
1.	Executive Leader (Chair)
2.	Deputy Executive Leader (Children and Families)
3.	Finance and Economic Growth
4.	Health and Social Care
5.	Housing, Planning and Employment
6.	Lifelong Learning, Culture and Heritage
7.	Neighbourhoods, Community Safety & Environment
8.	Transport and Connectivity

**PLACE AND EXTERNAL RELATIONS
SCRUTINY PANEL**

20 Members (Labour 18: Conservative 2)

Labour	
1.	Councillor
2.	Councillor
3.	Councillor
4.	Councillor
5.	Councillor
6.	Councillor
7.	Councillor
8.	Councillor
9.	Councillor
10.	Councillor
11.	Councillor
12.	Councillor
13.	Councillor
14.	Councillor
15.	Councillor
16.	Councillor
17.	Councillor
18.	Councillor
Conservative	
19.	Councillor
20.	Councillor

**INTEGRATED CARE AND WELLBEING
SCRUTINY PANEL**

19 Members (Labour 17: Conservative 2)

Labour	
1.	Councillor
2.	Councillor
3.	Councillor
4.	Councillor
5.	Councillor
6.	Councillor
7.	Councillor
8.	Councillor
9.	Councillor
10.	Councillor
11.	Councillor
12.	Councillor
13.	Councillor
14.	Councillor
15.	Councillor
16.	
17.	
Conservative	
18.	Councillor
19.	Councillor

STANDARDS COMMITTEE

Allowance will only be payable to Independent Person and Deputy Independent Person)

Chair

Valerie Bracken (Independent)

Mrs J Barnes (Independent) together with Councillors 4 X Labour and 1 x Conservative and Parish Councillor Brett (substitute Parish Councillor Bill)

INDEPENDENT REMUNERATION PANEL

Panel is subject to review

OUTSIDE BODY APPOINTMENTS

Other than the following bodies any other appointment will be made by the Executive Leader following a recommendation by the relevant Executive Member for example: Citizens Advice Bureau, Ring & Ride Steering Group

GM Combined Authority	Executive Leader
	Substitute: Deputy Executive Leader
AGMA Executive Board	Executive Leader
	Substitute: Deputy Executive Leader
	Substitute:
Police and Crime Panel	Councillor Feeley
GM Planning and Housing Commission	Executive Member
Combined Authority Scrutiny Committee	Councillor Councillor Councillor Councillor Councillor Councillor
GM Health Scrutiny Panel	Councillor Substitute:
GM Health and Social Care Strategic Partnership Board	Executive Leader Deputy Executive Leader (substitute)
GM Reform Committee	Deputy Executive Leader
Greater Manchester Pension Fund 12 Members (Labour 11: Conservative 1)	Councillor
	Councillor (Deputy Vice-Chair)
	Councillor (Vice-Chair)
	Councillor
	Councillor
	Councillor
	Councillor
	Councillor
	Councillor
	Councillor
	Councillor
	Councillor
	Councillor
	Councillor
	Councillor
Local Pensions Board	Employer Reps:
	Councillor Fairfoull (Chair)
	R Paver
	J Hammond
	Councillor Cooper
	P Taylor
	Scheme Member Reps:
	M Rayner
	D Schofield
Pension Fund Working Groups:	
Administration, Employer Funding & Viability	Chair:
Investment Monitoring and ESG	Chair:
Policy and Development	Chair:
Transport for Greater Manchester Committee	Councillor Councillor Councillor
Greater Manchester Waste Disposal Authority	Councillor
AGMA Statutory Functions Committee	Relevant Executive Member or nominee

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Report To:	COUNCIL
Date:	21 May 2019
Reporting Officer:	Steven Pleasant – Chief Executive and Proper Officer
Subject:	STANDING LIST OF CONFERENCES FOR THE MUNICIPAL YEAR 2019/2020
Report Summary:	To approve the list of Standing Conferences for the 2019/2020 Municipal Year for which travel allowances and subsistence will be paid if attended.
Recommendations:	That approval be given to the standing list of conferences which may be attended for the Municipal Year 2019/20 as detailed in the report.
Links to Community Strategy:	The Constitution and democratic framework provides an effective framework for implementing the Community Strategy.
Policy Implications:	There are no policy implications.
Financial Implications: (Authorised by the Section 151 Officer)	That the cost of such attendance will be met from the Members Training budget or in respect of Officer attendance from within the Service budget.
Legal Implications: (Authorised by the Borough Solicitor)	Ensures that Public Funds are used efficiently and effectively and that Members and Officers only attend those approved conferences which Council have determined are in the interests of improving service delivery and good governance by the dissemination of good practice. It should be noted that not all the conferences are attended although they are the conferences which councils and their representatives are expected to attend.
Risk Management:	Maintains Member and Chief Officer development in the interests of service delivery.
Access to Information:	The background papers relating to this report can be inspected by contacting Robert Landon, Head of Democratic Services by:



phone: 0161 342 2146



e-mail: robert.landon@tameside.gov.uk

ANNUAL MEETING OF THE COUNCIL – 21 May 2019

STANDING LIST OF CONFERENCES

Part A – Member and Officer attendance

CONFERENCE (by Service Area)	REPRESENTATION
Chief Executive	
Local Government Association	One Member and the Chief Executive
iNetwork	Chief Executive and the Director (Finance) or nominee
SOLACE	Chief Executive
Director (Governance and Pensions)	
Institute of Revenues, Rating and Valuation	One Member and the Director (Governance & Pensions) or nominee
Institute of Revenues, Rating and Valuation (Recovery)	One Member and the Director (Governance & Pensions) or nominee
Institute of Revenues, Rating and Valuation (Benefits)	One Member and the Director (Governance & Pensions) or nominee
CIPFA Benefits	One Member and the Director (Governance & Pensions) or nominee
Public Sector People Managers' Association	One Member and the Director (Governance & Pensions) or nominee
Chartered Institute of Personnel Development	One Member and the Director (Governance & Pensions) or nominee
Northern Personnel Briefing (Employers' Organisation)	One Member and the Director (Governance & Pensions) or nominee
Centre for Public Scrutiny Annual Conference	Members of the Scrutiny Panels and the Director (Governance & Pensions) or nominee
National Association of Pension Fund Conferences	One Member and the Director (Governance and Pensions) (or nominee - relevant Service Unit Manager)
Local Government Chronicle Investment Conference	One Member and the Director (Governance & Pensions) (or nominee - relevant Service Unit Manager)
Local Authority Pension Fund Forum Conference	Members of the Panel and the Director (Governance and Pensions) (or nominee - relevant Service Unit Manager)
Director (Finance)	
Chartered Institute of Public Finance and Accountancy	One Member and the Director (Finance) or nominee
Special Interest Group of Metropolitan Authorities (SIGOMA)	One Member and the Director (Finance) or nominee
Society of Computer Information Technology Managers	One Member and the Director (Finance) or nominee.
Director (Adults)	
Annual Social Services Conference	One Member and the Director (Adults) or nominee
Director (Children)	
Local Government Association (Education Section)	One Member and the Director (Children) or nominee
North of England Education Conference	One Member and Director (Children) or nominee
Director (Growth)	
Local Government Association (Planning	One Member and Director (Growth) or nominee

CONFERENCE (by Service Area)	REPRESENTATION
and Economic Development)	
Local Government Association – Housing Conference	One Member and the Director (Growth) or nominee
Director (Neighbourhoods and Operations)	
National Association of British Market Authorities	One Member and the Director (Neighbourhoods and Operations) or nominee
Chairs of Transport Conference	One Member and the Director (Neighbourhoods and Operations) or nominee
Institute of Waste Management	One Member and the Director (Neighbourhoods and Operations) or nominee
Environmental Health Congress	One Member and the Director (Neighbourhoods and Operations) or nominee
Institute of Trading Standards	One Member and Director (Neighbourhoods and Operations) or nominee
Institute of Licensing	One Member and Director (Neighbourhoods and Operations) or nominee
National Society for Clean Air	One Member and the Director (Neighbourhoods and Operations) or nominee
Institute of Cemetery & Crematorium Management Operations	One Member and the Director (Neighbourhoods and Operations) or nominee
Health and Safety	One Member and the Director (Neighbourhoods and Operations) or nominee
The Museums Association	One Member and the Director (Neighbourhoods and Operations) or nominee
The Public Library Authorities	One Member and the Executive Director (People) or nominee
Local Government Association – Culture, Tourism and Sport Conference	One Member and the Director (Neighbourhoods and Operations) or nominee
Director of Population Health	
Local Government Association – Public Health	One Member and Director of Population Health or nominee and one consultant
Public Health England	One Member and Director of Population Health or nominee and 3 officers
Faculty of Public Health	One Member and Director of Population Health or nominee and one consultant

(NOTE: In most instances the elected Member attending conferences would normally be the appropriate Executive Member. In those instances where they cannot attend then an appointee shall be decided following consultation with the Executive Member).

Part B - Officer only Attendance

Chief Executive

Society of Local Authority Chief Executives – Conference and Seminars

Director (Governance & Pensions)

Association of Council Secretaries and Solicitors

Law Society Local Government Group Conference and Seminars

CIPFA Pensions Conference

Director (Finance)

CIPFA Audit Conference

CIPFA Capital Conference

CIPFA Treasury Management Conference

ALARM Conference

Society of Metropolitan Treasurers

CIPFA IT, Audit and Security Update

Director (Growth)

Education Building and Development Officers Group Conference

Association of Greater Manchester Estate Officers and Surveyors

Association of Chief Estates Surveyors and Property Managers in Local Government, North West Area and National Conference

Chartered Institute of Housing Conference

Director (Neighbourhoods and Environment)

Highways and Utilities

Encams – People and Places

Director (Adults)

Association of Directors of Social Services Annual Spring Seminar

Director (Children)

Association of Director of Children's Services (Conferences and Seminars)

North West Directors of Children's Services (Conferences and Seminars)

Director of Population Health

Greater Manchester Public Health Network – Conferences and Seminars

Association of Directors of Public Health – Conferences and Seminars

Annual Festival of Public Health

(NOTE: The appointment of officer representatives in both sections A and B will be determined by the Chief Executive or Director).

EXECUTIVE CABINET

27 March 2019

Present: Councillor Warrington (In the Chair)
Councillors Bray, Cooney, Fairfoull, Feeley, Gwynne, Kitchen and Ryan.

In Attendance:	Steven Pleasant	Chief Executive
	Sandra Stewart	Director of Governance & Pensions
	Kathy Roe	Director of Finance
	Richard Hancock	Director of Children's Services
	Stephanie Butterworth	Director of Adult Services
	Ian Saxon	Director of Operations & Neighbourhoods
	Jayne Traverse	Director of Growth
	Alan Dow	Chair of NHS CCG Tameside & Glossop
	Tom Wilkinson	Assistant Director (Finance)

93 APOLOGIES FOR ABSENCE

There were no apologies for absence.

94 DECLARATIONS OF INTEREST

There were no declarations of interest.

95 EXECUTIVE CABINET

Consideration was given to the minutes of the joint meeting of Executive Cabinet and Overview (Audit) held on 13 February 2019.

RESOLVED

That the minutes of the joint meeting of Executive Cabinet and Overview (Audit) held on 13 February 2019 be approved and signed by the Chair as a correct record.

96 STRATEGIC COMMISSIONING BOARD

Consideration was given to the Minutes of the Strategic Commissioning Board meeting held on 13 February 2019.

RESOLVED

That the Minutes of the Strategic Commissioning Board held on 13 February 2019 be received.

97 STRATEGIC PLANNING AND CAPITAL MONITORING

Consideration was given to the minutes and recommendations for approval from the Strategic Planning and Capital Monitoring meeting held on 11 March 2019.

RESOLVED

That the minutes of the meeting of the Strategic Planning and Capital Monitoring meeting held on 11 March 2019 be received and the following recommendations be approved:

VISION TAMESIDE PHASE 2 – PROGRESS UPDATE

That the virements and the revised budget set out in Table 1 in Section 3 of the submitted report be approved.

CORPORATE LANDLORD CAPITAL EXPENDITURE

That approval be given to the £59,927.11 of capital spend on statutory compliance repairs on the Councils buildings, as detailed at paragraph 3 of the submitted report.

LEISURE ASSETS CAPITAL INVESTMENT PROGRAMME

That approval be given to the following:

- a. That the Director of Growth be authorised to permanently close and demolish Active Denton (Denton Pool) when the new Tameside Wellness Centre opens in early 2020. The closure is part of the wider asset management plan developed in consultation with members. In addition, the Director of Growth is authorised to establish options for the disposal of the site for best consideration in consultation with members and the local community. A report will be presented to Executive Cabinet setting out the options for disposal and the anticipated impact on the approved Capital Programme.
- b. That a condition survey of Active Ashton be undertaken to support the development of an options appraisal for further consideration by members. The cost of the survey to be funded from existing revenue budget.
- c. That the replacement of the Synthetic Turf Pitch at Active Medlock be added to the list of schemes currently under review in the capital programme

EDUCATIONAL Capital Programme 2018/19 Update

- (i) That the proposed changes to the Education Capital Programme as outlined in Appendix 1 (Basic Need Funding Schemes) and Appendix 2 (School Condition Allocation Funding Schemes) of the submitted report be approved.
- (ii) That the RAG status of the Basic Need projects be noted and particular attention be given to those rated as high risk to ensure appropriate actions are being taken.
- (iii) That the Section 106 requests set out in paragraphs 3.9 and 3.10 be approved.

SECTION 106 AGREEMENTS AND DEVELOPER CONTRIBUTIONS

- (i) That the s106 agreement and developer contributions approved allocations be added to the Capital Programme
- (ii) That the drawdown of £34,000 of Developer Contributions for continuing the highway tree planting programme as well as for the planting of whips and standards on greenspace sites, as detailed in paragraph 2.10 of the submitted report be approved.
- (iii) That the drawdown of £56,600 Section 106 monies for green space infrastructure across the Borough including improving planters within town centres, planting around War Memorials and cleaning of War Memorials as detailed in paragraph 2.10 of the submitted report be approved.

98 GREATER MANCHESTER COMBINED AUTHORITY

Consideration was given to a report of the Executive Leader and Chief Executive, which informed Members of the issues considered at recent Greater Manchester Combined Authority meetings.

RESOLVED

That the content of the report be noted.

99 REVENUE BUDGET MONITORING 2018/19 PERIOD 10

Consideration was given to a report of the Director of Finance which stated that as at 31 January 2019, the Integrated Commissioning Fund was forecasting to spend £583.270m against an approved budget of £583.258m, an overspend of £0.012m. Further detail on the economy wide position was included at **Appendix 1** to the report. This forecast was an improved position from the previous month but masked significant and increased pressures in a number of areas including Children's Services which was now forecasting expenditure to be £8m in excess of budget and further detail was included at **Appendix 2** of the submitted report.

The Director of Finance explained that the improved position was due mainly to the release of corporate contingency and improvements in the forecast position for Governance, Growth and Operations and Neighbourhoods. Reference was made to further detailed analysis of budget performance and progress against savings included in **Appendix 2** of the submitted report.

The Council's Collection Fund update for month 10 was detailed in **Appendix 3**. The forecast position at month 10 was a £0.6m deficit of Council Tax and £1.0m deficit on Non-Domestic Rates. This was better than the budgeted assumptions which assumed deficit positions of £1.8m and £5m respectively. The level of provisions required for non-collections and appeals were also forecast to be better than expected but would continue to be monitored. **Appendix 4** of the submitted report detailed the Council's irrecoverable debts over £3,000 that had been written off in the period October to December 2018.

Members noted that the Tameside and Glossop Integrated Care Foundation Trust (ICFT) had incurred additional expenditure during the 2018/19 winter period compared to their financial plan that was in line with the related grant conditions. The ICFT had invested in the expansion of the Integrated Assessment Unit (IAU) and increased the opening hours in Ambulatory Emergency Care. This was to support admission avoidance and alleviate patient flow pressures together with the achievement of the 4-hour performance target. In light of the shared officer roles in particular accountable officer and s151 officer it is important that there is absolute transparency in respect of any vires of budget or allocation of additional funding to the hospital to provide assurance to both the CCG and Council external auditors.

RESOLVED

1. **That the significant level of savings required during 2018/19 to deliver a balanced recurrent economy budget together with the related risks contributing to the overall adverse forecast be acknowledged.**
2. **That the significant cost pressures facing the Strategic Commission, particularly in respect of Continuing Healthcare, Children's Social Care and Growth.**

100 CAPITAL PROGRAMME - METHODOLOGY FOR PRIORITISATION

Consideration was given to a report of the Deputy Executive Leader / Director of Finance seeking approval of the methodology for the prioritisation of Capital Schemes previously approved within the Capital Programme. A reprioritisation was required because the level of capital receipts was anticipated to be £37m whereby the earmarked capital schemes currently on hold had an indicative budgeted cost of £47m, which had subsequently increased to £59m.

It was proposed that a prioritisation methodology was used to prioritise the existing earmarked schemes and adopted in supporting future capital investment decisions to ensure that scarce capital resources were allocated in the most efficient, effective and sustainable way and thus ensuing value for money.

Members were advised that development of the prioritisation methodology revealed that some of the proposed schemes could potentially be self-financing and not be a call on the Council's capital receipts. The schemes in relation to cross organisational working with the Health Service, in

particular, were able to generate significant service improvement and NHS and Council estate rationalisation opportunities that they should be self-financing over the life of the new asset. This self-financing could be through the sale of surplus Health assets through the One Public Estate initiative, or through the exiting of expensive leases generating budget savings, as well as through the reconfiguration of services delivered from the new assets that achieve operational and performance efficiencies.

Members were updated on the disposal of development sites that have already been approved or agreed for development and sale, which were mainly based around the legacy school sites following the Building Schools for the Future programme along with the sites identified for development by Matrix Homes. These sites were anticipated to realise approximately £37m in capital receipts over the next 2-3 years. Any additional future capital receipts would be dependent on the Asset Management Plan being updated. The capital programme being proposed would include the following assets becoming surplus to requirements. These can therefore be considered for sale or alternative use:

- Denton Pool (on completion of Denton Wellness Centre)
- Droylsden Library (once transferred to Guardsman Tony Downes House)

Following re-evaluation of the capital programme the following schemes were proposed for removal from the programme:

- Ashton Library £0.2m – Library developed as part of Tameside One building.
- A&E streaming – NHS capital funding has been sought

RESOLVED

1. **That the methodology for prioritisation of schemes as set out in section 3 of the submitted report, be approved.**
2. **That the principle that all cross organisational schemes are self-financing, as set out in Section 4 of the submitted report, be approved.**
3. **That the assets identified in Section 5 of the submitted report will become surplus to requirement and available for disposal.**
4. **That the removal of earmarked schemes from the capital programme as set out in section 6 of the submitted report be approved.**
5. **That all schemes above the red cut off line inn as detailed in Appendix 4 of the submitted report progress to the business case stage for further consideration.**
6. **That Executive Cabinet acknowledges that capital receipts of £37m are required to be delivered to enable the delivery of schemes above the red cut off line.**

101 TAMESIDE HIGHWAYS ASSET MANAGEMENT PLAN

Consideration was given to a report of the Executive Member for Neighbourhoods / Assistant Director of Operations and Neighbourhoods which sought approval of a Capital programme for road improvements to the value of £5.250m in 2019/20.

It was explained that in 2017, the Tameside Transport Asset Management Plan (TAMP) for an investment of £20m over a four year period had been approved by Executive Cabinet. This guaranteed a sustained level of investment in order to arrest the decline of the network and set specific targets for the different categories of carriageways and footways. Since then a total of £8m has been approved of which £5.000m has been spent to date leaving £3.000m until 31 March 2019. A programme of works set out in **Appendix 2** of the submitted report detailed which of the highways assets would be maintained with the remaining earmarked sum of £5.250m in 2019/20.

The identification of which highways were included in the programme for improvement was undertaken by an on-going assessment of condition, using both machine and visual condition surveys. This had been undertaken in accordance with the WmHI Code of Practice and Tameside MBC Highways Risk Management Inspection Code of Practice, in order to ensure adherence to the Council's responsibilities for Highways maintenance.

RESOLVED

That road improvement to the value of £5.250m in 2019/20 for the schemes identified in Appendix 2 of the submitted report, be approved as part of the Capital programme.

102 NJC PAY AWARD 2019/2020

Executive Cabinet considered a report of the Deputy Executive Leader / Assistant Director (People and Workforce Development) which sought approval of the National Joint Council (NJC) Pay Award for 2019/20 and the proposed revised pay structure to align the Council's existing grading structure to the new national pay spine.

The National Joint Council for Local Government Services reached a 2-year pay agreement in 2018 which included changes to the national pay spine effective from 1 April 2019. These changes involve the merger of some spinal column points (SCP) and the addition of new spinal column points to create equal increment values and contain the costs of implementation.

The Council had a legal obligation under the Equalities Act 2010 to ensure that its pay and grading structure was fair and not discriminatory. The Council was required to implement the nationally agreed National Joint Council pay award for those employees who are engaged on those terms and conditions.

RESOLVED

That from the 1 April 2019:

- 1. Implementation be approved for the NJC Pay Award, which introduces a new national pay spine consisting of 43 spinal column points (SCP).**
- 2. Implementation be approved for the revised pay structure (Grades A to N) as detailed in Appendix 2 of the submitted report.**
- 3. The Council recommends the revised pay structure (Grades A to N) as detailed in Appendix 2 for adoption by all Governing Bodies of community, voluntary controlled and voluntary aided schools within the Borough, and that it applies to all support staff employed within these schools.**
- 4. Introduce a clear framework and grading for professional and technical roles at Grades H to J inclusive to address recruitment and retention issues in these key roles and the Director of Governance and Pensions (Borough Solicitor) be authorised to finalise the document set out at Appendix 8 in consultation with the Deputy Executive Leader..**
- 5. The Foundation Living Wage Rate, which is reviewed each November, is implemented as a supplement to the relevant spinal column point(s) on the following 1 April.**
- 6. That due to the implementation of the NJC Pay Award and new TMBC Pay Structure, which incurs significant costs the changes to employment terms and conditions in 2016 will not be reviewed further, as previously committed to, and the changes will therefore remain in place.**
- 7. Implementation be approved for the NHS Agenda for Change Pay Progression changes in accordance with the national pay agreement 2018 – 2021.**

103 HOUSING FINANCIAL ASSISTANCE POLICY 2018-2023

Consideration was given to a report of the Executive Leader / Director of Growth which sought approval for amendments to the Private Sector Housing Renewal Policy in connection with the Disabled Facilities Grant and other associated funding loans and grants.

The Director of Growth advised that Tameside's current Private Sector Housing Renewal Policy was approved in 2003. With increased Government Disabled Facilities Grant funding and continued repayments from previous housing improvement grants and loans, the Policy required

updating to enable a more holistic approach to housing adaptation improvements. In updating the current Policy it was intended to:

- Incorporate the changes in Government policy in respect of the Disabled Facilities Grant and its increased flexibility;
- To reflect the continued increase in Government funding within the Regulatory Reform Order policy;
- Approve the use of on-going loan repayments to fund alternative initiatives within the updated policy;
- Subject to available funding, increase the number of potential assistance initiatives; and
- Subject to available funding, include Energy Efficiency Measures / Boiler Replacement Scheme within the updated policy.

Following a report to Strategic Commissioning Board and Executive Cabinet on 28 November 2018 approval was given for a public consultation exercise to be undertaken between 12 December 2018 and 25 January 2019 in order to seek wider support for the proposed Housing Financial Assistant Policy update. The response to the consultation exercise was outlined in the report and a number of recommendations had been included in the new Regulatory Reform Order Policy.

Members were advised the report had been considered at the meeting of the Strategic Commissioning Board, which had recommended approval of the proposed changes.

RESOLVED

That the proposed amendments to the Policy set out in the report in connection with the Disabled Facilities Grant and other associated funding loans and grants, including a further three additional grants following the consultation process undertaken between 12 December 2018 and 25 January 2019.

104 PROVISION OF 'GREEN' ELECTRICITY ACROSS THE COUNCIL'S PORTFOLIO

Consideration was given to a report of the Executive Member for Neighbourhoods / Director of Operations and Neighbourhoods advising Executive Cabinet of the intention of the Director of Operations and Neighbourhoods to procure a green energy tariff when renewing the contract from April 2019 at an additional cost of £10,850 per annum, which on contract value of £2.8 million per annum equated to an increase of 0.39%, to purchase green energy contributing to the Greater Manchester Green Summit pledge.

The Council had recently held a Green Summit as part of the Council's commitment to the green agenda. In addition a number of commitments had been requested of all Councils across Greater Manchester prior to the Mayor's Green Summit in March 2019. One of the proposed environmental commitments being asked of the Council from the Greater Manchester Combined Authority had been when procuring contracts for electricity supply that the Council would procure renewable energy tariffs.

The Council's existing electricity supply contract for ends on 31 March 2019. Under the existing contract only a proportion of the energy (approximately 20%) comes from renewable sources. A request for an indicative figure had been made to the current framework provider, Yorkshire Purchasing Organisation (YPO). Using the volumes they currently supplied to Tameside MBC and based on an approximate Green Premium of £0.40 per MWh, the additional cost across the whole of the portfolio was estimated to be: £10,850 per annum.

RESOLVED

That the intention of the Director of Operations and Neighbourhoods to procure a green energy tariff when renewing the contract from April 2019 at an additional cost of £10,850 per annum, be noted.

105 GM CLEAN AIR PLAN

Executive Cabinet considered the report of the Director of Neighbourhoods that summarised the key features of Greater Manchester's feasibility study and its Outline Business Case (OBC) to reduce nitrogen dioxide exceedances in the Tameside Borough and across Greater Manchester in the shortest possible time. The OBC had been developed by Tameside collectively with all Greater Manchester local authorities and the Greater Manchester Combined Authority, and co-ordinated by Transport for Greater Manchester in line with Government direction and guidance.

Following the issue of the Strategic Outline Case (SOC) in March 2018, a process of refining the shortlisted measures and developing a range of options that combine the measures in different ways has been undertaken. This was overseen by the GM Steering Group, to understand the type and scale of intervention needed to reduce NO₂ to within legal Limit Values in the "shortest possible time" across Greater Manchester.

A best performing option was recommended within the Outline Business Case (OBC) for further consideration and discussion with stakeholders and the public to aid the development of the Full Business Case.

The core goal of the GM Clean Air Plan was to address the legal requirement to remove all exceedances of concentrations of NO₂ that have been forecasted to exceed the legal Limit Value (40g/m³) identified through the target determination process in the "shortest possible time" in line with Government guidance and legal rulings.

Options had been assessed against the UK Government's Primary Critical Success Factors:

- Reduction in NO₂ emissions: likelihood that the measure/option will contribute significantly to a reduction in NO₂ concentrations to achieve compliance with the EU Limit Values
- Feasibility: likelihood of measure being implemented in time to deliver desired NO₂ reduction and achieve compliance.

Where modelled options deliver compliance in the same year they have been further assessed against Government's Secondary Critical Success Factors, as set out in the SOC:

- Strategic fit with local strategies and plans: ensuring the alignment of the option with longer term economic, social and environmental goals and that the risk of unintended consequences is minimised.
- Value for money: a high-level indication of the costs and benefits of each option.
- Distributional impact: in order to understand the potential impacts, both positive and negative on different groups within society, with a particular focus on the most vulnerable. It is of vital importance that the plan does not result in disproportionately negative economic or social impacts for the region or those living, working or doing business within it.
- Deliverability of the options, in terms of the affordability of the cost of implementation, the supply-side capacity and capability to deliver the measures outlined in the options, and the achievability of delivering the option.

The SOC identified that the fundamental causes of the exceedances were variable in terms of the source of emissions and that these sites were interconnected in complex ways. Therefore, any effective proposals would need to comprise of a package of measures, able to tackle the overall problem holistically.

A series of six options comprising of different packages of measures was developed initially in response to the problem as revealed by local modelling. These measures had been assessed and refined further from the shortlist as detailed within the submitted report.

The assessment process involved further modelling and analysis of the effectiveness of measures, both individually and as a package; this included engagement with stakeholders and professional experts, and the use of a Multi-Criteria Analysis (MCA) tool to assess the performance of each

option against the success factors and relative to each other. In this way, the measures and packages of options have been assessed and refined into a preferred option that best secures the required objectives.

RESOLVED

1. That the Council is legally obliged to produce a feasibility study to identify the option which will deliver compliance with the requirement to meet legal limits for nitrogen dioxide following the Secretary of State issuing a direction under the Environment Act 1995, be noted.
2. That the Government be requested to provide the financial support necessary to enable the Council to meet its legal limits for nitrogen dioxide;
3. That it be noted despite this Council being required to address nitrogen oxide exceedances, the government has not yet addressed this issue for its own assets, including Highways England and the motorway network.
4. That a feasibility study undertaken to date be adopted.
5. That it be acknowledged that further stakeholder engagement and public consultation is an essential part of the process to help inform and refine on-going work to produce a Full Business Case by the end of the calendar year.
6. The OBC (for submission to the government's Joint Air Quality Unit) be approved.
7. The commencement of the public conversation and engagement activity from 15 May 2019, be approved.
8. It be noted that further reports will be submitted to Cabinet on:
 - a. The proposals for statutory consultation, informed by the outcome of the public conversation and engagement.
 - b. Formal approval of the Full Business Case.
9. That it be agreed that TfGM continue with the activity to produce the Full Business Case on their behalf under the direction of the Greater Manchester Clean Air Steering Group.
10. That Executive Member for Neighbourhoods be delegated the approval of submission of supplementary information.

106 TRANSPORT INTERCHANGE

Executive Cabinet considered a report of the Executive Member for Strategic Development and Transport / Director of Growth, updating Members on progress of the new Transport Interchange and seeking approval for the naming of the Interchange as Ashton-under-Lyne.

RESOLVED

That the new Transport Interchange be named as Ashton-Under-Lyne.

Chair

EXECUTIVE CABINET

24 April 2019

Present: Councillor Warrington (In the Chair)
Councillors Bray, Cooney, Fairfoull, Feeley, Kitchen, and Ryan

In Attendance:	Steven Pleasant	Chief Executive
	Sandra Stewart	Director of Governance & Pensions
	Kathy Roe	Director of Finance
	Richard Hancock	Director of Children's Services
	Stephanie Butterworth	Director of Adult Services
	Ian Saxon	Director of Operations & Neighbourhoods
	Jayne Traverse	Director of Growth
	Alan Dow	Chair of NHS CCG Tameside & Glossop
	Tom Wilkinson	Assistant Director (Finance)

Apologies Councillor Gwynne

107 DECLARATIONS OF INTEREST

There were no declarations of interest.

108 EXECUTIVE CABINET

Consideration was given to the minutes of the meeting of Executive held on 27 March 2019.

RESOLVED

That the minutes of the meeting of Executive Cabinet held on 27 March 2019 be approved and signed by the Chair as a correct record.

109 STRATEGIC COMMISSIONING BOARD

Consideration was given to the Minutes of the Strategic Commissioning Board meeting held on 27 March 2019.

RESOLVED

That the Minutes of the Strategic Commissioning Board held on 27 March 2019 be received.

110 GREATER MANCHESTER COMBINED AUTHORITY

Consideration was given to a report of the Executive Leader and Chief Executive, which informed Members of the issues considered at recent Greater Manchester Combined Authority meetings.

RESOLVED

That the content of the report be noted.

111 REVENUE BUDGET MONITORING 2018/19 PERIOD 10

Consideration was given to a report of the Director of Finance which stated that as at 28 February 2019 the Integrated Commissioning Fund was forecasting a net spend of £584.602M against an approved net budget of £584.626M, with a small underspend of £24,000. This forecast was a slightly improved position from the previous month but masked significant pressures in a number of areas including Continuing Healthcare, Growth, Operations and Neighbourhoods and in particular unprecedented levels of demand in Children's Social Care which continued to forecast expenditure to be almost £8M in excess of budget. Further details were provided in **Appendix 1** to the report.

In particular the Director of Finance made reference to a proposal from Active Tameside to set up a new defined contribution pension scheme for new employees in order to reduce future costs. Current Active Tameside staff would be unaffected and would remain with the Greater Manchester Pension Fund on the same terms and conditions. However, new employees would be enrolled on the Peoples Pension. Members were therefore recommended to approve the variation of an admission agreement with the Greater Manchester Pension Fund in order to close the Fund for new employees and reduce costs over the longer term and allow Active Tameside to remain financially sustainable.

Members were also advised that at the meeting held on 23 January 2019 Executive Cabinet considered a report relating to a review of sport and leisure provision within the Borough including the current financial position of Active Tameside together with interventions that had been implemented to improve and support the ongoing sustainability and performance of the organisation. The annual management fee payable to Active Tameside by the Council was currently payable in four equal instalments as an advance payment on the first day of each financial year quarter commencing 1 April 2019 and the first quarter (25%) of the 2019/20 management fee was paid on 1 April 2019. In order to provide continued support to the financial standing and associated cashflow of Active Tameside, Members were recommended to approve the payment of the remaining balance of the approved 2019/20 annual management fee (75%), £1,052,250, by 30 April 2019.

Members were also recommended to approve the payment of the total annual management fee value in subsequent financial years as an advance payment on 1 April 2020/21 and 2021/22. This arrangement would be reviewed alongside the new business case that would cover the period 2022/23 to 2023/24.

RESOLVED

- (i) That the significant level of savings required during 2018/19 to deliver a balanced recurrent economy budget together with the related risks contributing to the overall adverse forecast be acknowledged.**
- (ii) That the significant cost pressures facing the Strategic Commission, particularly in respect of Continuing Healthcare, Children's Social Care and Operations and Neighbourhoods and Growth be acknowledged.**
- (iii) That the variation of an admission agreement with the Greater Manchester Pension Fund, for which the Council was the guarantor for Active Tameside, who were to close access to the Greater Manchester Pension Fund Local Government Pension Scheme for new employees in order to reduce costs over the longer term as detailed in section 4 of the submitted report be approved.**
- (iv) That the remaining balance of the 2019/20 annual management fee (75%) payable to Active Tameside by 30 April 2019 to the value of £1,052,250 as explained in section 4 of the submitted report be approved.**
- (v) That the payment of the total annual management fee value payable to Active Tameside in subsequent financial years as an advance payment on 1 April for 2020/21 and 2021/22 be approved. This arrangement would be reviewed alongside the new business case covering the period 2022/23 to 2023/24.**

112 ESCALATED LAPTOP REPLACEMENT

Consideration was given to a report of the Deputy Executive Leader / Assistant Director of Digital Services which sought approval for funding for the purchase of 1,299 new laptops at a cost of £688k.

The Council had a fleet of 2,254 laptops which operated either Windows 7 or Windows 10 operating systems from Microsoft. The Council signed a 3 year licensing deal for the Windows10 operating system in May 2018. This agreement means all the Councils laptops can utilise this latest version of the software however a large number of existing devices are not capable of running this new operating system which requires more power and memory than its predecessor. The Windows 7 operating system was due to reach end of life on 11 January 2020. At this point it will no longer be supported by Microsoft which means no further security patches and updates will be produced. Systems still using this operating system will then become vulnerable to cyber-attack.

To date 691 laptops had been replaced with higher specification devices and Windows 10 operating system. A further 264 devices will be replaced using existing funding in 2019/20 leaving the balance of 1299 outstanding and requiring funding.

RESOLVED

- (i) That the funding for the purchase of 1,299 new laptops at a cost of £688k, as detailed within the submitted report, be approved.**
- (ii) That work is undertaken with Finance to identify appropriate funding for rolling laptop replacement programme beginning in 2020/21.**

113 DEFERRED PAYMENT POLICY REVIEW

Consideration was given to a report of the Executive Leader / Assistant Director of Adult Care which sought amendments to the existing policy within the powers and discretions the Care Act 2014 including changes to operating a Deferred Payment scheme and a revision of the administration costs for 2019-20 of £615.00.

Suggested amendments to the Scheme were proposed to improve transparency by detailing the intentions to offer members of the public a Deferred Payment according to the discretionary elements available to the Council within the Care Act. Further amendments were proposed to ensure clarity and transparency and not to materially change the Scheme.

The existing Deferred Payment Scheme had been in place since August 2015. Deferred Payments are considered to be a key element within the Care Act 2014 allowing people to make a choice as to when and how they wish to pay their care costs. If a person has capital and assets that they do not want to use immediately when they move into residential care, they can postpone making the payment to such a time as they feel able or on their death, when their estate will be used to pay off any outstanding debt the person may have accrued. The Council's interests are protected by way of a registered charge against the service user's property.

The proposed amendment to the administration fees were proposed to cover the increases in costs for the administration of the Scheme

Further amendments to the Scheme would be subject to a public consultation exercise, in accordance with the Care Act 2014, including a revision of the interest rate to be charged on a Deferred Payment Scheme and the methods of payment.

RESOLVED

- (i) That the updates and inclusions in the revised Deferred Payment Policy, as detailed within the submitted report, be approved;**

- (ii) That a consultation exercise be undertaken on the powers that require a decision on their implementation as identified in section 4.
- (iii) That the revised administration for 2019-20 of £615.00 as detailed in section 4.3 of the submitted report be approved.

114 SPECIAL GUARDIANSHIP ALLOWANCE POLICY

Executive Cabinet considered a report of the Executive Member for Children's Services / Director of Children's Services which sought approval to create a Special Guardianship Order Support Service including required financial funding.

The purpose for the creation of the Special Guardianship Allowance Policy was to actively encourage new Special Guardianship applications from family and friends and those Tameside Foster Carers and Foster Carers from Independent Fostering Agencies to convert to become Special Guardians for the children who they look after.

The estimated annual cash savings that could be realised in the initial years for the conversion of existing carers would contribute towards the financing of the team and the directorate annual budget savings. However, the report detailed that there would be additional capacity realised within the service establishment via this proposal. This may, in future years enable the service to then reduce the number of posts in the service to support the planned reduction to the ongoing directorate revenue budget as assumed within the Strategic Commission's medium term financial plan.

RESOLVED

That the creation of a Special Guardianship Order Support Service as set out in the report be approved.

115 CIVIC EVENTS 2019

Consideration was given to a report of the Executive Member for Lifelong Learning / Assistant Director of Operations & Neighbourhoods which sought approval of an annual programme of civic events for 2019/20.

It was explained that the Council supported and programmed a calendar of events, generally free at the point of delivery to mark significant dates within the calendar. Key parts of this annual programme include Whit Friday Brass Band Contests, Armed Forces Day, Remembrance Services and Parades and the Borough's Christmas celebrations. Significant national or local commemoration events compliment the programme, for 2019/20 this was to include the 200 year anniversary of the Peterloo Massacre. The proposed programme took into account the financial and organisational challenges facing the Council and the lessons learnt from staging/supporting civic events in the past

RESOLVED

- (i) That the proposals relating to Town Christmas events 2019 be approved.
- (ii) The new civic building Christmas lighting scheme be approved.
- (iii) The proposal relating to Tameside's Christmas Celebration event 2019 be approved.
- (iv) The dates for Whit Friday Brass Band Contest and Armed Forces Day be approved.
- (v) The programme relating to the bi-centenary of the Peterloo Massacre be approved.

116 REVISED GAMBLING ACT POLICY 2019-2022

Consideration was given to a report of the Executive Member for Neighbourhoods / Director of Operations and Neighbourhoods seeking a recommendation to Council for the adoption of a revised Gambling Policy.

As a Licensing Authority the Council is required to develop, consult on, and publish a Statement of Gambling Policy every three years that sets out the principles they propose to apply in exercising their functions under the Gambling Act 2005.

The Act is based on the promotion of 3 licensing objectives:

- Preventing gambling from being a source of crime and disorder;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Act provides that Authorities should aim to permit gambling in so far as they think it is:

- in accordance with issued codes of practice;
- in accordance with guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Policy Statement.

The Council would refer to its policy, the Gambling Act 2005, promotion of the licensing objectives, and the Statutory Guidance to Licensing Authorities when considering applications in respect of the following:-

- Premises licences (this includes casinos, bingo halls, adult gaming centres, family entertainment centres, race tracks and betting shops)
- Permits (licensed premises gaming machine permits, club permits, prize gaming permits, notifications of two or less machines)
- Lotteries (small society lotteries, incidental non-commercial lotteries, private lotteries and customer lotteries)
- Temporary use notices and occasional use notices for short-term gambling events).

The Policy Statement was last reviewed in 2016 and must be updated in 2019. A comprehensive consultation exercise was carried out in accordance with the Act and Statutory Guidance. The 12 week consultation period took place between 12 October and 4 January 2018. The consultation was circulated widely, national trade bodies, interested parties and all premises licence holders were written to, directing them to a consultation page on the Council's website. In addition, the Council used its social media accounts to publicise the consultation. Two responses were received to the consultation

In response to Members questions the Director of Operations and Neighbourhoods advised Members that remote gambling operations were not regulated by Local Authorities.

RESOLVED

- (i) That Council be recommended to adopt the revised Gambling Policy.**
- (ii) That the Director of Operations and Neighbourhoods write to the Government on behalf of the Council for increased regulation regarding remote gambling in recognition of the fact that gambling affects the most deprived in our communities.**

117 SUICIDE PREVENTION STRATEGY 2019/23

Executive Cabinet considered the report of the Executive Leader / Head of Mental Health and Learning Disabilities & Public Health Intelligence Manager which sought approval of a suicide prevention strategy.

The strategy detailed steps the Council would undertake to prevent suicide in Tameside and Glossop. In order for this to be achieved, all partners in every organisation in Tameside and Glossop would be required to contribute to and support the strategy.

The number of deaths to suicide in Tameside and Glossop is significant, with 75 deaths occurring in 2015/17 alone. The strategy seeks to build on previous work and set out a five year plan for reducing and ultimately eliminating suicides in Tameside and Glossop.

RESOLVED

That the suicide prevention strategy be approved.

118 GREATER MANCHESTER CLEAN AIR PLAN- GREATER MANCHESTER'S CLEAN AIR PLAN – TACKLING NITROGEN DIOXIDE EXCEEDANCES AT THE ROADSIDE – SUPPLEMENTARY INFORMATION TO ACCOMPANY THE OUTLINE BUSINESS CASE

Executive Cabinet considered a report of the Executive Member for Neighbourhoods / .Director of Operations and Neighbourhoods which sought approval for the submission of supporting documentation to the government's Joint Air Quality Unit.

The Greater Manchester's feasibility study and its Outline Business Case was intended to reduce nitrogen dioxide exceedances in Tameside MBC and across Greater Manchester in the shortest possible time. The Outline Business Case had been developed by Tameside collectively with all Greater Manchester local authorities and the Greater Manchester Combined Authority, and co-ordinated by Transport for Greater Manchester in line with Government direction and guidance.

RESOLVED

That the following documents were approved for submission to the government's Joint Air Quality Unit:

- a) **T1: Local Plan Transport Modelling Tracking Table.**
- b) **T2: Local Plan Transport Highway Model Validation Report**
- c) **T3: Local Plan Transport Modelling Methodology Report (**
- d) **T4: Local Plan Transport Model Forecasting Report**
- e) **AQ1: Local Plan Air Quality Modelling Tracker Table.**
- f) **AQ2: Methodology Report.**
- g) **AQ3: Local Plan Air Quality Modelling Report.**
- h) **Analytical Assurance Statement.**
- i) **Economic model sensitivity analysis (supplied as an Appendix to the Analytical Assurance Statement).**

119 SKYLAKES EXTENSION

Executive Cabinet considered a report of the Director of Children's Services which sought approval for expenditure of £0.473 million via the 2019/20 Children's Social Care Directorate revenue budget, be allocated to the awarding of a second contract to Skylakes (through the Crown Commercial Services framework agreement: RM3711: Multi-disciplinary Temporary Healthcare Personnel) providing for provision of discreet Social Work capacity to manage 150 cases at any one time, for up to a further six months with a break clause at three months.

Executive Cabinet were informed that the Strategic Commissioning Board at its meeting on 24 April 2109, had approved the awarding of a contract extension and recommended approval of an estimated expenditure of £0.473 million be allocated to this proposal.

The Strategic Commissioning Board, Executive Cabinet and the Clinical Commissioning Group had previously approved a decision to enter into a contract with Skylakes to provide urgent support to Children's Services for 14 weeks to assist in the recovery programme required to improve the service to Ofsted's satisfaction.

The purpose of the proposed extension was to address the ongoing pressures in the children's social care system, the staffing and associated capacity issues.

RESOLVED

- (i) To agree the approach set out in the submitted report to deliver support to Children's Services.**
- (ii) The awarding of a second contract to Skylakes (through the Crown Commercial Services framework agreement: RM3711: Multi-disciplinary Temporary Healthcare Personnel) be approved, subject to satisfactory terms, to provide discreet Social Work capacity to manage 150 cases at any one time, for up to a further six months premised on a break clause at three months to enable a corporate review to be undertaken. Corporate reviews needs to be undertaken at the end of the First Contract (3 months) and if a second contract entered into – every 2 months thereafter whilst that contract exists by the Statutory Officers (Head of Paid Service, S151, Monitoring Officer & Children's) in conjunction with the Executive Members for Finance and Children's and with support from STAR to determine whether the approach is achieving necessary outcomes and secondly whether there is a need for it to continue and if so in what form and what procurement process needs to be undertaken**
- (iii) That expenditure of £0.473 million be allocated to this proposal as explained in section 7 of the report.**

CHAIR

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