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Chief Executive

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

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Our Ref	rl/Council
Ask for	Robert Landon
Direct Line	0161 342 2146
Date	27 September 2022

Dear Councillor,

You are hereby summoned to attend an **ORDINARY MEETING** of the Tameside Metropolitan Borough Council to be held on **Tuesday, 4th October, 2022 at 5.00 pm** in the **Jubilee Hall, Dukinfield Town Hall** when the undermentioned business is to be transacted.

Yours faithfully,



**Sandra Stewart
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.	APOLOGIES FOR ABSENCE	
2.	DECLARATIONS OF INTEREST To receive any declarations of interest from Members of the Council.	
3.	MINUTES That the Minutes of the proceedings of the Meeting of Council held on 19 July 2022 be approved as a correct record and signed by the Chair of Council Business (or other person presiding) (Minutes attached).	1 - 6
4.	CIVIC MAYOR'S ANNOUNCEMENTS The Civic Mayor to make any appropriate announcements. At this juncture the Civic Mayor will retire from the Chair and the Chair of Council Business shall assume the Chair for the remaining business.	
5.	COMMUNICATIONS OR ANNOUNCEMENTS To receive any announcements or communications from the Chair of Council Business, the Executive Leader, Members of the Executive Cabinet or the Chief Executive.	
6.	COUNCIL BIG CONVERSATION To consider any questions submitted by Members of the public in accordance with Standing Orders 31.12 and 31.13.	
7.	MEETING OF EXECUTIVE CABINET To receive the minutes of the Meeting of the Executive Cabinet held on 27 July 2022, 24 August 2022 and 28 September 2022.	7 - 32
8.	MEETING OF OVERVIEW PANEL To receive the minutes of the Meeting of the Overview Panel held on 25 July 2022 and 26 September 2022.	33 - 40
9.	DEMOCRATIC PROCESSES WORKING GROUP To receive the minutes of the meeting of Democratic Processes Working Group held on 26 September 2022.	41 - 44
10.	CONTRACT PROCEDURE RULES To consider the attached report of the First Deputy (Finance, Resources and Transformation)/Director of Finance.	45 - 82
11.	GODLEY GREEN PLANNING APPLICATION To consider the attached report of the Executive Leader/Chief Executive.	83 - 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.

12. ESTABLISHMENT OF GREATER MANCHESTER INTEGRATED CARE PARTNERSHIP BOARD 85 - 92

To consider the attached report of the Executive Leader/Chief Executive.

13. ESTABLISHMENT OF GREATER MANCHESTER CLEAN AIR SCRUTINY COMMITTEE 93 - 96

To consider the attached report of the Executive Leader/Chief Executive.

14. APPOINTMENTS TO VARIOUS BODIES

To consider appointments to various Council and outside bodies.

15. NOTICES OF MOTION

To consider the following motion in the name of Councillor Boyle:

That this Council notes that:

On 8 September 2022, the Prime Minister announced plans to lift the ban on fracking for shale gas.

This Council further notes that:

Fracking could put communities at risk of micro-earthquakes, ground water contamination, loss of species and many other environmental hazards.

This announcement seriously calls into question the government's commitment to reduce the country's reliance on fossil fuels and to move to net zero emissions by 2050.

That this Council deeply regrets the Government's announcement to lift the ban on fracking; notes with concern how extracting new fossil fuels distracts from investing in renewable projects and decarbonising heating systems; recognises the importance of reducing the demand for gas to heat homes in order to lower heating bills, create warmer homes and cut emissions; regrets the lack of support from the Government to help people improve the energy efficiency of their homes; further recognises that fracking would hinder the UK from achieving net-zero emissions; further notes with concern the importance of keeping energy bills low for consumers; notes with concern the lack of evidence that fracking in the UK would lower bills for consumers; and calls on the Government to publish the British Geological Survey report it commissioned earlier this year into fracking.

This Council resolves to:

Write to the Prime Minister to re-iterate this Council's continued opposition to fracking, calling on the government to rethink this decision, and ban fracking once and for all in the UK.

16. QUESTIONS

To answer questions (if any) asked under Standing Order 17.2, for which due notice has been given by a Member of the Council.

17. 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.

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.

COUNCIL

19 July 2022

Commenced: 5.00pm

Terminated: 6.10pm

Present:

Councillors Affleck, Alam, Billington, Bowden, Bowerman, Bray, Cartey, Chadwick, Colbourne, Cooney, Cooper, Costello, Dickinson, Drennan, Fairfoull, Feeley, Glover, Gwynne, J Homer, S Homer, Huntbach, Jackson, Lane, Martin, McNally, Mills, Naylor, Newton, North, Owen, Patel, Patrick, Quinn, Reid, Robinson, Roderick, N Sharif, T Sharif, M Smith, T Smith, Sweeton, Taylor, Turner, Ward, Warrington and Welsh

Apologies for Absence:

Councillors Boyle, Choksi, Gosling, A Holland, B Holland, Jones, Kitchen, Pearce, Ricci, Ryan and Wills

Councillor Naylor in the Chair

25 MINUTES

RESOLVED

It was moved by Councillor Cooney and seconded by Councillor Fairfoull that the minutes of the meetings of Council held on 24 May and 14 June 2022 be approved as a correct record and signed by the Chair.

26 DECLARATIONS OF INTEREST

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

27 CIVIC MAYOR'S ANNOUNCEMENTS

The Civic Mayor began by extending his condolences to Councillor Eleanor Wills, whose mother Sheila Ballagher had recently died. Mrs Ballagher had served the borough as a Mayoress and Deputy Mayoress, representing Ashton Waterloo from 1999 to 2004. The Mayor stated that Mrs Ballagher had shown great dedication in all three roles and would be missed by all.

Since the last meeting of Council in May, the Mayor reported that both he and the Mayoress had undertaken a very busy schedule, with the events being many and varied.

The Civic Mayor participated in a number of events to commemorate the Queen's Platinum Jubilee, including illuminating the NHS beacon at Tameside Hospital. This was the first beacon to be lit after Windsor, where the Queen started a chain that stretched across the UK and Commonwealth.

The Mayor congratulated two people from Tameside who were named in the honour's list. Betty Jones was awarded an MBE for her long years of service at St Damian's RC Science College in Ashton-under-Lyne and Vince Thompson received the British Empire Medal in recognition of his work with food banks.

In the same vein, the Mayor had been pleased to attend the investiture ceremony of Roy Bate who received the British Empire Medal awarded to him at New Year. The Mayor also welcomed the return of citizenship ceremonies.

Following a hiatus during the Covid-19 pandemic, the Mayor had been pleased to participate in much missed events such as the Whit walks, Armed Forces Day and the Whit Friday band contests.

It was reported that the Tameside Community Recovery Fund events had been highly successful

with more than £60,000 distributed in grants. The Mayor thanked Community Safety for organising the events.

A number of other events were also highlighted, including:

- ☐ The Schools Arts Awards presentations;
- ☐ The Neighbourhood Watch conference;
- ☐ Stalybridge Carnival; and
- ☐ Tameside Pride.

The Mayor concluded by thanking the Mayoress and the Deputy Mayor for their continued support.

28 COMMUNICATIONS OR ANNOUNCEMENTS

The Executive Leader began by highlighting his recent attendance at the recent 2022 Tameside Pride event. Whilst the coronavirus pandemic and subsequent lockdowns meant that the previous two Tameside Pride events had taken place online, this year gave residents the chance to return to Cheetham Park in Stalybridge for a day of live entertainment, fairground rides, food and drink.

The Executive Leader extended his thanks to all those who had helped organise the event and stressed the importance of celebrating diversity, equality and tolerance with Tameside.

It was highlighted that the Mayor of Greater Manchester had announced proposals to bring back the city region's buses into public hands a year ahead of schedule. This meant that, subject to agreement by the bus companies, residents in Tameside would pay no more than £2 for a single adult ticket, £1 for a single child ticket or £5 for a day ticket wherever they were in Greater Manchester from September.

As the country struggled with both an unprecedented cost of living crisis and record-breaking temperatures brought about by climate change, it was hoped that cheaper bus fares would enable the pound in resident's pockets to go further and help protect the environment.

It was reported that following work with the Poverty Truth Commission, the Council was working to create a number of new one-stop shops, starting at Tameside One. The one-stop shops would be places for residents to access support with a range of issues including debts, benefits, housing and general customer services, as well as mental health, employment and training.

Residents had been requesting an easily accessible, friendly and supportive place to go when they were struggling with an issue and the Executive Leader was pleased that the Council was now able to offer this service.

The Executive Leader reflected upon the retirement of the Director of Place, Ian Saxon. After starting as a trainee in Environmental Health 39 years ago, Ian's career at Tameside had taken him to services as diverse as public protection, waste, bereavement, highways, greenspace, homelessness, youth, culture and community safety.

It was highlighted that there was no single part of the local authority that Ian had not touched during his time and he had even found time to showcase the Council's work to the public as part of the BBC's "Call the Council" programme.

Following his retirement, Ian was undertaking a charity cycle ride from Tameside to Rome in aid of Willow Wood Hospice. On behalf of the Council, the Executive Leader thanked Ian for his decades of unwavering service to Tameside and its residents.

The Executive Leader welcomed Greater Manchester Police's new District Commander for Tameside, Phil Davies, to the meeting. It was explained that the new District Commander would be the face of GMP's efforts to make the borough a safe and welcoming place for all.

Chief Superintendent Phil Davies introduced himself to Members and advised that he had 25 years of policing experience, the last 12 years with GMP and had served at the rank of Chief Superintendent for the last four.

The Chief Superintendent explained that following GMP being placed into special measures in 2020, he and colleagues were working to ensure that the force was disengaged from Her Majesty's Inspectorate of Constabularies as soon as possible. He advised that the force was making excellent progress and was hopeful of disengagement later in the year provided the trajectory of excellent performance continued in core business areas, notably keeping individuals safe, responding to calls in a timely manner and investigating crimes.

In the longer term, the Chief Superintendent was keen to ensure strong partnership working with his officers, the Council and other local stakeholders.

Councillor Feeley informed Members that the Council had worked with the Tameside Pupil Referral Service (PRS) in Summer 2020 to redesign the headteacher role and recruit Anthony Benedict to the post in November 2020.

Following this, the PRS underwent a full Ofsted inspection in May of this year and had moved from 'requires to improvement' to 'good'. Ofsted commented that teachers had good subject knowledge, behaviour was well managed, there was a culture of support and modelling by staff, and high expectations of pupils. Councillor Feeley thanked the headteacher and all the staff at the PRS as well as all of the borough's headteachers, teachers, teaching assistants and governors for all of their hard work and dedication.

29 COUNCIL BIG CONVERSATION

The Council reported that there were no questions submitted by members of the public in accordance with Standing Orders 31.12 and 31.13.

30 MEETING OF EXECUTIVE CABINET

Consideration was given to the Minutes of the meeting of Executive Cabinet held on 22 June 2022.

It was moved by Councillor Cooney and seconded by Councillor Fairfoull and it was:

RESOLVED

That the Minutes of the meeting of the Executive Cabinet held on 22 June 2022 be received.

31 CLEAN AIR PLAN UPDATE

Consideration was given to a report of the Executive Member for Climate Emergency and Environmental Services outlining the case for a new Greater Manchester Clean Air Plan.

Members were informed that the Government had instructed many local authorities across the UK to take quick action to reduce harmful Nitrogen Dioxide (NO₂) levels following the Secretary of State issuing a direction under the Environment Act 1995. In Greater Manchester, the 10 local authorities, the Greater Manchester Combined Authority (GMCA) and Transport for Greater Manchester (TfGM) were working together to develop a Clean Air Plan to tackle NO₂ exceedances at the roadside.

The development of the Greater Manchester Clean Air Plan featured a package of measures to deliver NO₂ reductions to within legal limits within the shortest possible time and by 2026 at the latest.

The Executive Member advised that the original Greater Manchester Clean Air Plan agreed in Summer 2021 had been kept under constant review by the 10 city region authorities. Businesses in

Greater Manchester had expressed concern that the proposals for a Clean Air Zone could cause them great financial hardship, with the pandemic, supply chain issues and the cost of living crisis exacerbating these concerns.

It was stressed that the new plan was designed to be fair to both businesses and residents and rather than imposing daily charges, would use the £120 million of green air funding awarded by the Government to invest in vehicle upgrades and zero emission buses.

Council officers would continue to meet with Government representatives to address the emission exceedances on the A57 and A628 through Hollingworth and Mottram, managed by National Highways.

The Executive Member stressed that engagement would be undertaken with businesses and trade representatives to inform the ongoing plan.

Members were advised that Greater Manchester's local authorities were working with the Government on proposals to remove out-of-area licenced drivers/vehicles. Greater Manchester's local authorities were keen to work with the Department for Transport (DfT) to consider an appropriate regulatory device that would require all private hire journeys within the city region to be undertaken by a driver and vehicle that was licensed by one of the 10 Greater Manchester local authorities. It was explained that this measure would provide local authorities with stronger regulatory tools to improve the emission standards of all private hire vehicles operating in Greater Manchester.

The Executive Member urged fellow Members to support the recommendations so that the Council could tackle harmful emissions without causing financial hardship.

RESOLVED

- (i) That the Council notes the 'Case for a new Greater Manchester Clean Air Plan' document attached as Appendix 1 to the report and associated appendices A to E submitted to the Secretary of State as a draft document subject to any comments from Tameside Council ahead of the next Air Quality Administration Committee.**
- (ii) That the Council note and agree the terms of reference for the GM Scrutiny Panel at Appendix 2 to the report.**
- (iii) That the Council note that at the Annual meeting Councillor Denise Ward was appointed as Tameside Council's representative on the Air Quality Administration Committee;**
- (iv) That the Council note the initial screening undertaken to assess which predicted characteristics were likely to be impacted by the new GM Clean Air Plan, and in scope for the Equalities Impact Assessment;**
- (v) That the Council note the updated Do Minimum position for 2023 and 2025 and the forecasted points of exceedance in GM in 2023 and 2025;**
- (vi) That the Council note the participatory policy development approach and the next steps for the GM CAP;**
- (vii) That the Council note the new 'ask' from Government to remove out-of-area operation by private hire drivers/vehicles to support the new GM Clean Air Plan;**
- (viii) That the Council note feedback from early engagement activity with vehicle owner representative groups; and**
- (ix) Note the NO₂ monitoring results and the exceedances of the annual mean across sites set up for GM CAP purposes between 2018 and 2021.**

32 CHRISTMAS LIGHTS 2022

Consideration was given to a report of the Executive Member for Town Centres and Communities outlining proposals to enhance the Christmas experience in Ashton and Hyde town centres. It was proposed to do this with additional festoon lighting attached to lamp columns to brighten and create an inviting approach to these town centres.

Members were informed that the Tameside Winter Lantern Parade would be staged in Ashton-under-Lyne on 19 November 2022 and this would also mark the time at which the Ashton Christmas tree was lit. The Christmas light switch on event in Hyde would take place on 26 November 2022.

It was explained that the lamp columns in the respective town centres were not all suitable for the LED illuminated plaques affixed to the lamp columns due to their age and the specifications of the the low energy LED. The cost of replacing the lamp columns, purchasing the lights and their installation was £40,000. Members were informed that the costs would be financed via Council reserves. The funding would be allocated via the business rates 100% retention benefit reserve as this resource was assigned to support schemes that contributed towards the recovery of the borough's economy.

Councillor Alam welcomed the investment in the Christmas lights in Hyde and reflected on the success of the Lantern Parade in the town in 2021.

RESOLVED

- (i) That the additional plans and budget of £40,000 for enhanced festive lighting in Ashton-under-Lyne and Hyde be approved.**
- (ii) That the budget be allocated via the Council's business rates 100% retention benefit reserve.**
- (iii) That taking into account the necessary lead in time to obtain Christmas lights and the inability to acquire the necessary lighting units from suppliers for this year that an appropriate review of Christmas lights across the borough and all towns be undertaken for consideration by Members with an appropriate capital budget bid in 2022/23.**

33 SENIOR STAFFING PANEL

Consideration was to the minutes of the meeting of the Senior Staffing Panel held on 30 June 2022. It was moved by Councillor Cooney, seconded by Councillor Fairfoull and –

RESOLVED

- (i) That interim arrangements to cover the Director of Place role whilst the permanent replacement is secured are put in place from 1 July 2022 for approximately 3 months or until the permanent replacement commences in role, whichever is sooner;**
- (ii) That an additional permanent Assistant Director for Early Help & Prevention at a salary of £96,282 be created within Children's Services;**
- (iii) That joint interim arrangements to cover the Assistant Director (Digital Tameside) are agreed with the Integrated Care Foundation Trust (ICFT) until 31 December 2022 and whilst a full review of service is undertaken to determine the future delivery model;**
- (iv) That following the closure of the CCG and transfer of functions to the Greater Manchester NHS Integrated Care Board, and in light of the size of the responsibilities and the demands of both roles and the needs of the organisation that there be separate Health Delivery Lead and Section 151 Officer posts to be advertised in due course following the appointment of the delivery lead; and**
- (v) That an independent salary review planned to be undertaken during 2022 be delayed to allow for further review of the senior leadership structure to be undertaken.**

34 MEMBERSHIP OF COUNCIL BODIES

It was moved by Councillor Cooney, seconded by Councillor Fairfoull and –

RESOLVED

- (i) That Councillor Mills replace Councillor Bowerman on the Place and External Relations Scrutiny Panel;**
- (ii) That Councillors Jones, Newton and Pearce replace Councillors Cooper, Gosling and**

Martin on Environment and Climate Emergency Working Group;

- (iii) That Councillor Martin be appointed to the Children's Scrutiny Panel;**
- (iv) That Councillor Gosling replace Councillor Newton on the Speakers Panel (Licensing);**
- (v) That Councillor Warrington replace Councillor Reid on Democratic Processes Working Group;**
- (vi) That Councillor Quinn replace Councillor Bowerman on Speakers Panel (Liquor Licensing);**
- (vii) That Councillor Jackson be replaced on Education Attainment Working Group at the next meeting of Council;**
- (viii) That Councillors Bowden, Cooper, Kitchen, Owen, Robinson, Roderick, Chadwick and Colbourne be appointed to Werneth Low Country Park Joint Management Committee; and**
- (ix) That Councillors Affleck, Alam and Welsh be appointed to Hyde War Memorial Trust.**

35 QUESTIONS

The Chair reported that no questions had been received in accordance with Standing Order 17.2.

36 URGENT ITEMS

There were no urgent items of business for consideration at this meeting.

CHAIR

EXECUTIVE CABINET

27 July 2022

Commenced: 1.00pm

Terminated: 1.25pm

Present: Councillors Cooney (Chair), Fairfoull, Jackson, Sweeton, Taylor, Ward and Wills

In Attendance:	Sandra Stewart	Chief Executive
	Kathy Roe	Director of Finance
	Stephanie Butterworth	Director of Adult Services
	Alison Stathers-Tracey	Director of Children's Services
	Nick Fenwick	Interim Director of Place
	Debbie Watson	Interim Director of Population Health
	Jordanna Rawlinson	Head of Communications

Apologies for absence: Councillors: Choksi, Feeley, Kitchen and North

20. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Cabinet Members.

21. MINUTES OF EXECUTIVE CABINET

RESOLVED

That the Minutes of the joint meeting of the meeting of Executive Cabinet held on 22 June 2022 be approved as a correct record.

22. MINUTES OF STRATEGIC COMMISSIONING BOARD

RESOLVED

That the Minutes of the meeting of the Strategic Commissioning Board held on 22 June 2022 be noted.

23. MINUTES OF STRATEGIC PLANNING AND CAPITAL MONITORING PANEL

Consideration was given to the minutes of the meeting of the Strategic Planning and Capital Monitoring Panel meeting held on 18 July 2022. Approval was sought of recommendations of the Strategic Planning and Capital Monitoring Panel arising from the meeting.

RESOLVED

- (a) The minutes of the meeting of the Strategic Planning and Capital Monitoring Panel held on 18 July 2022, be noted; and
- (b) That the following recommendations be approved:

2021/22 CAPITAL OUTTURN REPORT

- (v) The re-profiling of budgets into 2022/23 as set out on page 4 of Appendix 1 to the report.

ADULTS CAPITAL PLAN UPDATE

- (i) permission to spend Tameside's DFG allocation for 2022/23 of £2,849,319 as part of the

Adults Capital Programme.

EDUCATION CAPITAL PLAN UPDATE

- (i) The proposed changes to add £627,530 of School Condition funding to the programme as detailed in paragraph 2.9.
- (ii) That the underspends on Oakfield and Greenside Primaries of £6,140 are reallocated against the overspend of £6,200 on Cromwell School, which will leave a net shortfall of £60 to be funded
- (iii) The proposed changes to add £260,800 of High Need Provision funding to the programme as detailed in paragraph 2.17.

PLACE CAPITAL PROGRAMME – PROPERTY, DEVELOPMENT AND PLANNING

- (i) The Mayors Challenge Fund (MCF) and Active Travel Fund (ATF) phasing strategy and consultation plans for the walking and cycling schemes listed in Tables 4 and 5 of the report, to allow the required Business Cases to be completed and submitted to TfGM for approval to secure the necessary external grant funding. It be note that a more detailed report will be presented at a future meeting evidencing the outcome from the consultation, estimated scheme costs and proposed funding packages; and
- (ii) The drawdown of funds (£412,800) in respect of the S106 agreement for the former Robertsons site in Droylsden and add to the Council's Capital Programme to allow the detailed design and estimates for various associated highway works and the procurement of identified TfGM signal improvements (section 3.4 of the report refers).

24. ENVIRONMENT AND CLIMATE EMERGENCY WORKING GROUP

RESOLVED

That the Minutes of the meeting of the Environment and Climate Emergency Working Group held on 15 June 2022 be noted.

25. CONTRACT PROCEDURE RULES

Consideration was given to a report of the First Deputy, Finance, Resources and Transformation / Director of Finance providing details of a review of the current Contract Procedure Rules ("CPRs") and proposed the adoption of a new set of CPRs by each of the STAR Authority.

It was explained that the CPRs had been updated to take account of the changes to legislation and the UK's exit from the EU. In addition, an overarching theme of the review had been to rationalise the CPRs and, where possible, remove those parts which related to procedural aspects in order for them to be dealt with in the Procurement Handbook. This helped to ensure that the CPRs were "future proof" as this was where additional detailed guidance could be provided and updated periodically to reflect operational changes and improvements.

In terms of procurement thresholds, an amendment which had been considered was to increase the threshold trigger for a one quote exercise for both Supplies, Services and Concessions and Works and Public Works Concessions from £4,999 to £9,999.

In considering the amendment, the following data had been used to assess the impact of the amendment:

- Over the past year, the number of contracts falling within this bracket amounted to 166 contracts or about 40 per council per annum.
- The effect on the overall spend was £1,139,194 which was 0.0009% based on £1,200,000,000 estimated four council controllable spend of £300m each.

On that basis, and that it represented very little risk to the councils, the threshold had been increased to £9,999 in the proposed new CPRs.

In respect of modifications, having assessed the procedures linked to modifications and the associated risks of an amendment thereto, the proposed CPRs included the following amendments:

- an additional ground would be added to permit the modification of a contract where there were; “any other exceptional circumstances as agreed by the SRO for Legal” (9.3.1(g)). The additional ground would offer some flexibility in exceptional circumstances whilst requiring the approval of the SRO for Legal would allow for any risk to be minimised; and
- Rule 9.3.6 now also provided for a simplified process where the modification was in respect of an extension to the term of a contract which was provided for in the initial procurement documents and the contract. In these circumstances, the SRO for the relevant service and the Director of Procurement (STAR) would be authorised to approve the modification. This would ensure that contracts with inbuilt extension periods could be extended without undue delay or burdensome bureaucracy. This change did not represent any risk to the Council.

RESOLVED

That the amendments to the Contract Procedure Rules be approved as follows:

- To reflect updated legislation due to the UK’s exit from the European Union;**
- To rationalise the CPRs and, where possible, remove those parts which relate to procedural aspects in order for these to be dealt with in the Procurement Handbook;**
- To increase the threshold trigger for a one quote exercise for both Supplies, Services and Concessions and Works and Public Works Concessions from £4,999 to £9,999;**
- To permit the modification of a contract where there are; “any other exceptional circumstances as agreed by the SRO for Legal” (9.3.1(g)). The additional ground will offer some flexibility in exceptional circumstances whilst requiring the approval of the SRO for Legal will allow for any risk to be minimised; and**
- To implement a simplified process where the modification is in respect of an extension to the term of a contract which was provided for in the initial procurement documents and the contract.**

26. SUPPLEMENTAL SUBSTANCE MISUSE TREATMENT AND RECOVERY GRANT 2022/23, 2023/24 AND 2024/25 – 3 YEARS FUNDING

Consideration was given to a report of the Executive Member, Health / Director of Population Health providing background information on the Supplemental Substance Misuse Treatment and Recovery Grant, which the government was awarding to local authorities to deliver the ambitions set out in the new national drug strategy. The report outlined the successes of the previous year of additional substance misuse grant funding from government and described the proposed approach to the commissioning and delivery of the continued grant in Tameside with a value of £539,066 for 2022/23 and indicative figures of £728,609 for 2023/24 and £1,195,980 for 2024/25.

The Council proposed to commission the existing specialist substance misuse service provider, CGL Services My Recovery Tameside to deliver the services funded by the grant. The substance misuse commissioners in the Population Health Team were working collaboratively with the management team from CGL to develop a continued robust delivery plan that met local needs and delivered on the changing range of interventions set out in the report.

RESOLVED

- That approval be given to award the indicative allocation of £2,463,655 for delivery of the Supplemental Substance Misuse Treatment and Recovery Grant in 2022/23, 2023/24 and 2024/25 as outlined in the report in the premise that the indicative figures of £728,609 for 2023/24 and £1,195,980 for 2024/25 are received, though the final allocations may vary; and**
- That approval be given to vary the existing contract with CGL Services My Recovery Tameside to deliver the Supplemental Substance Misuse Treatment and Recovery Grant in 2022/23, 2023/24 and 2024/25. This has been advised by STAR as an appropriate procurement route as the financial value sits within the threshold for variations to the existing contract, and the timescales of the grant funding fall within the current contract**

term.

27. REDUCED PARENTAL CONFLICT GRANT

A report was submitted by the Deputy Leader, Children and Families / First Deputy, Finance, Resources and Transformation / Assistant Director, Early Help and Partnerships setting out proposals to agree the spending for the continued RPC Grant which had been allocated to the Local Authority from the Department for Works and Pensions (DWP) to fund local authority in developing staff skills and capability to identify parents experiencing relationship difficulties, deliver interventions and provide support to reduce parental conflict. This was a continuation of the funding allocation received 2021.

RESOLVED

- (i) That the extended Reducing Parental Conflict grant be accepted and approved; and**
- (ii) That approval be given for spend of the allocated grant over the two years as follows:-**
 - (a) £48,974 to be spent on the recruitment of an RPC coordinator for 25 hours per week on a Grade F; and**
 - (b) £12,866 to be spent on training and evaluation.**

28. REGIONALLY IMPORTANT GEOLOGICAL AND GEOMORPHOLOGICAL SITES (RIGGS) UPDATE

Consideration was given to a report of the Executive Member, Planning, Transport and Connectivity / Interim Director of Place, explaining that Regionally Important Geological Sites (RIGs) were a local designation recognising locations, which were the most important places for geology and geomorphology outside of statutorily protected land such as Sites of Special Scientific Interest (SSSIs) and were used across Greater Manchester.

Members were advised that the site at Rocher Vale had been identified as hosting a wide array of geomorphological features including an incised fluvial gorge, fluvially derived spurs, differential weathering of exposed outcrops of sedimentary rocks and easily accessible outcrops of Pennine Lower Coal Measures. The GM RIGS Group also identified the potential for the site to contribute to a geological/historical trail as the site abuts the Park Bridge Iron Works and Heritage Centre. The full assessment of the site was included in Appendix 1 to the report.

Rocher Vale was already a designated Local Nature Reserve and Site of Biological Importance (Rocher Vale South) and, as such, was protected under Policy N2 of the adopted Tameside Unitary Development Plan. The site also sits entirely with the Green Belt and abuts the existing Park Bridge Quarry RIGS, becoming the third RIGS in Tameside alongside Park Bridge Quarry and Arden Bridge Quarry. The proposed Rocher Vale RIGS boundary was included in Appendix 2 to the report. The existing Local Nature Reserve and SBI boundaries would not be affected by the RIGS designation.

Part of the proposed RIGS crossed into the borough of Oldham. Officers within the adjacent borough were similarly preparing a report for discussion with Members to recognise the asset.

Designation of the RIGS would be a material consideration in determining any development that may affect the site, as well as in formulating policy and allowing the Council to most effectively manage its greenspaces.

RESOLVED

- (i) That the designation of the Regionally Important Geological Site at Rocher Vale following survey by the Greater Manchester RIGS Group and endorsement of GMEU be noted; and**
- (ii) Updated spatial data to reflect the designation be published to inform land management and planning decisions.**

29. URGENT ITEMS

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

30. DATE OF NEXT MEETING

RESOLVED

It be noted that the next meeting of the Executive Cabinet is scheduled to take place on Wednesday 24 August 2022.

CHAIR

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EXECUTIVE CABINET

24 August 2022

Commenced: 1.00pm

Terminated: 1.45pm

Present: Councillors Cooney (Chair), Choksi, Fairfoull, Jackson, North, Sweeton, Taylor, Ward and Wills

In Attendance:	Sandra Stewart	Chief Executive
	Stephanie Butterworth	Director of Adult Services
	Sarah Threlfall	Director of Transformation
	Caroline Barlow	Assistant Director of Finance
	James Mallion	Interim Assistant Director of Population Health
	Tony Decrop	Assistant Director, Children's Social Care
	Karen Milner	Service Unit Manager, Exchequer Services
	Jordanna Rawlinson	Head of Communications

Apologies for absence: Councillors Feeley and Kitchen.

32. DECLARATIONS OF INTEREST

Member	Subject Matter	Type of Interest	Nature of Interest
Councillor Ward	Agenda Item 15 CONTRACT BETWEEN THE COUNCIL AND ACTIVE TAMESIDE	Prejudicial	Chair of Board of Trustees - Active Tameside

33. MINUTES OF EXECUTIVE CABINET

RESOLVED

That the Minutes of the joint meeting of the meeting of Executive Cabinet held on 27 July 2022 be approved as a correct record.

34. CONSOLIDATED 2022/23 REVENUE MONITORING STATEMENT AT 30 JUNE 2022

Consideration was given to a report of the First Deputy, Finance, Resources and Transformation / Director of Finance, which was the first full detailed integrated finance report for the 2022/23 financial year, and also the final in its current form, as the Tameside & Glossop CCG formally closed down on 30 June 2022, with responsibilities transferring to either Greater Manchester ICB or Derby & Derbyshire ICB.

It was explained that, from a healthcare commissioning perspective the report looked at 3 months of expenditure based on 25% of locality level ICB plans (as submitted in April 2022). The Month 3 position on CCG budgets was an underspend of £1,375k due to allocations not being profiled in line with projected spend. An allocation adjustment was included in the position, bringing the CCG overall variance to nil.

As highlighted in the month 2 report, the Council was facing significant and growing inflationary pressures across a number of areas, combined with demand pressures in Adults and Children's services, resulting in a substantial forecast overspend by 31 March 2023 of (£12,850k). The position had deteriorated since period 2 due to growing pressures in Adults social care, additional pressures on SEN Home to School Transport and an increase in forecast cost pressures and savings shortfalls

in Place.

Members were advised that ongoing demand and cost pressures on Council budgets would have implications for the 2023/24 budget and work was in progress to identify mitigations for 2022/23, whilst planning for 2023/24. The current forecast assumed a Local Government pay award within the budgeted 2%, which if significantly greater than this, would place further pressures on the budget. The forecast position was mitigated slightly by the release of contingency relating to transitional social care costs and additional investment income resulting from interest rate rises.

RESOLVED

- (i) That the forecast outturn position and associated risks for 2022/23, as set out in Appendix 1 and Appendix 2 to the report, be noted;**
- (ii) That the reserve transfers, as set out on pages 36 to 38 of Appendix 2 to the report, be approved; and**
- (iii) That the budget virements, as set out on pages 39 to 42 of Appendix 2 to the report, be approved.**

35. 2022/23 PERIOD 3 CAPITAL MONITORING REPORT

The First Deputy, Finance, Resources and Transformation / Director of Finance submitted a report summarising the forecast outturn position at 31 March 2023. The report focused on the budget and forecast expenditure for fully approved projects in the 2022/23 financial year.

It was explained that the approved budget for 2022/23 was £44.809m and the projected outturn for the financial year was £44.798m. There were additional schemes that had been identified as a priority for the Council, and, where available, capital resource had been earmarked against these schemes, which would be added to the Capital Programme and future detailed monitoring reports once satisfactory business cases had been approved by Executive Cabinet.

The current forecast was for service areas to have spent £44.798m on capital investment in 2022/23, which was £0.011m less than the current capital budget for the year. The variation was spread across the Education and Adults directorate, and was made up of variations on a number of specific schemes.

RESOLVED

- (i) That the forecast position for 2022/23, as set out in Appendix 1 to the report, be noted;**
- (ii) That the funding position of the approved Capital Programme, as set on page 8 of Appendix 1 to the report, be noted;**
- (iii) That the changes to the Capital Programme, as set out on page 7 in Appendix 1 to the report, be noted;**
- (iv) That the updated Prudential Indicator position, as set out on pages 9-10 of Appendix 1 to the report, which was approved by Council in February 2022, be noted.**

36. COUNCIL TAX SUPPORT SCHEME 2023/24

A report was submitted by the First Deputy, Finance, Resources and Transformation / Assistant Director, Exchequer Services, which detailed the procedural requirement in deciding if changes were required to the Council Tax Support scheme (CTS).

It was reported that Council Tax Support claimant numbers and costs had reduced from April 2021 and scheme costs had increased. Claimant numbers and costs fluctuated daily however, costs increased as the Council Tax set increased each year. The highest number of claimants were those of working age. This was expected as the scheme continued to operate as expected.

Claimants of pension age continued to be fully protected within the scheme. The scheme in terms of equalities monitoring, was operating as expected and this would continue to be monitored every

quarter.

It was further reported that support would remain in place for all claimants in respect of the hardship fund and advice available from both the Council and partner agencies remained in place.

No Tribunal directions had been received in respect of having to change the scheme and no legislative changes from DLUHC were expected. The Local Government Ombudsman had not issued any recommendations with regard to Council Tax Support schemes.

Members were advised that no proposals were made to change the scheme for 2023/24 save for the annual uprating of welfare benefit amounts set by central government and to use the UCDS notification from the DWP as the CTS claim form which, if approved, was beneficial to Universal Credit claimants.

RESOLVED

It be agreed that the Council Tax Support scheme for 2023/24 in principle, remains the same scheme as that set effective from April 2022, subject to:

- (i) annual benefit uprating as detailed in the scheme;**
- (ii) further guidance which may be issued by Department of Levelling Up, Housing and Communities (formerly MHCLG); and**
- (iii) proposal to consider the Universal Credit notifications from the Department of Work and Pensions (DWP) as the Council Tax Support claim form for Universal Credit claimants.**

37. COUNCIL TAX REBATE FOR ENERGY - DISCRETIONARY FUND

Consideration was given to a report of the First Deputy, Finance, Resources and Transformation / Assistant Director, Exchequer Services setting out the proposed Council Tax Rebate for Energy Discretionary Fund Policy.

Members were advised that on the 3 February 2022 the government announced a rebate for energy to address the rising costs of energy, which was to be paid using Council Tax systems. The rebate was to award a mandatory £150 to all households in Bands A-D and £14.5m was allocated to Tameside for this purpose. A discretionary scheme was also to be put into place by each Council and the allocation for Tameside was £530,400.

The guidance suggested how Councils may use the discretionary monies and once the Discretionary Policy was determined (and approved where considered appropriate by Elected Members), Councils should publish their agreed guidelines setting out the eligibility criteria for their Council Tax Rebate for Energy Discretionary Fund. The Discretionary Fund Policy would be available on the Councils website.

Based on the guidance, the proposed local Discretionary Fund aimed to support as many financially vulnerable people in the Borough as quickly as possible. Where possible, monies would be paid automatically and the need to complete an application form and provide evidence had been limited as much as possible while being cognisant of the requirements for pre-payment checks to be undertaken. Information would be made available on the Councils website, social media channels and by direct contact with eligible residents

Payments from the Discretionary Fund must be made by 30 November 2022 or sooner if the government monies were used before that date. Any remaining funds would be returned to central government. There was a risk that the Discretionary Fund applications could be oversubscribed, however steps had been taken to identify potential recipients and make a direct award and there was a continuing risk to core business as resources were diverted to paying the rebate for energy as soon as possible.

RESOLVED

That the Council Tax Rebate for Energy Discretionary Fund Policy as detailed in Section 3 and

Appendix A of the report, be approved.

38. CORPORATE PLAN OUTCOMES SCORECARD

The Executive Leader / Director of Transformation submitted a report providing evidence to demonstrate progress towards achievement of the Corporate Plan and improving the services provided to residents, businesses and key stakeholders within the locality.

It was explained that the Corporate Plan Outcomes Scorecard, followed the structure of the Corporate Plan, and contained indicators focused on long term outcomes across the plan's priorities. There were a number of proxy indicators for issues related to the pandemic which would take significantly longer to be reflected in the regular long term measures.

According to newly released economic figures, Tameside's regional gross value added, GVA, fell by nearly £200 per head year-on-year to 2020, down to £15,617.50 in current prices. The total rateable value of non-domestic properties in Tameside in June 2022 was £148,475,723, down almost £400,000 on the same month the previous year, a decrease of 0.25%.

The number of Tameside residents receiving universal credit in May was down 5.1 % on the same month last year, with 25,154 people receiving payments. However, the % of Universal Credit recipients getting payments while also in employment had increased from 37.0% in April 2021 to 40.4% in April this year. Tameside currently sat 0.7 % points below the national average, which had also been increasing over time.

Starts and achievements of apprenticeships in 2021/2022 were both down significantly on the previous year, both in Tameside and England as a whole. In 2021/2022 there were 1,020 apprenticeships started, equivalent to 72.3 per 10,000 Tameside residents aged 16-64; while above the national average of 57.9, this was much lower than the 112.6 starts per 10,000 in 2020/2021 in Tameside and 91.2 across England. In 2021/2022 there were 230 apprenticeship achievements in Tameside, 16.3 per 10,000 16-64 year olds. In the previous year there were 850 achievements, equal to 60.2 per 10,000; across England, there were 44.4 achievements per 10,000 working age people in 2020/2021.

The latest release of Sport England's Active Lives Survey, which covered the period November 2020 to November 2021 showed that the proportion of Tameside's residents who were classified as inactive had risen from the same period 12 months prior by 1.9 percentage points, with 32.4% of Tameside's population doing less than 30 minutes of exercise each week compared to 27.2% of the population across England. This linked to the high proportion of adults in Tameside classified as overweight or obese, with 70.3% of residents aged 18+ falling into one of these categories in 2020/2021, down from 71.3% the year before but above the national average of 63.5%.

The rate of first time entrants into the youth justice system had risen from Quarter 4 2021/2022 to Quarter 1 2022/2023, now sitting at 36.76 per 100,000. The monthly rate of crimes committed in Tameside was 10.9 per 1,000 residents in May 2022, up slightly from 10.4 per 1,000 residents in May of 2021.

A copy of the Scorecard was appended to the report.

RESOLVED

That the content of the report and scorecard be noted.

39. INVESTMENT IN ADULTS, CHILDREN'S SOCIAL CARE AND CHILDREN'S EDUCATION IT SYSTEMS

A report was submitted by the First Deputy, Finance, Resources and Transformation / Director of Transformation, which explained that the Council currently had over 240 systems in its application

portfolio with an estimated annual spend of over £3.8m p.a. on these systems. This indicated that there was a case corporately to explore a wide scale review and rationalisation of systems. A strategic programme of rationalisation and reinvestment across the portfolio would ensure systems were maximised, ensure value for money and facilitate the shift towards more joined up data about residents and services. A wider strategic approach to an appraisal of IT applications would be considered in the medium term. However, in the short term some of the most pivotal systems would need to be reviewed to ensure they continued to support change and improvements in key services, whilst ensuring value for money.

The report outlined a proposed plan to re-contract, rationalise and reinvest in key Adults, Children's Social Care, and Children's Education IT systems.

Members were advised that, by procuring, rationalising and investing in the systems as outlined, the Council would facilitate statutory and regulatory compliance and enable the implementation of transformational activity in key frontline services. It put the right tools in place to enable implementation of the imminent Cap on Care changes and the continued improvement aligned to OFSTED recommendations, whilst reducing the risk of significant service disruption during a crucial time for services to the most vulnerable residents. Risks around financial controls, process inefficiencies and data quality and security would be mitigated and would provide a basis for contractual stability.

RESOLVED

- (i) That the proposed programme of procurement activity be agreed for the systems detailed in the report with a view that this will support the overall aim of system rationalisation across the Council's application portfolio, whilst maintaining service delivery to the most vulnerable, specifically:**
 - (a) Call off from framework without re-opening competition 5+2 year contract for Children's Social Care and Early help Services case management system LCS and EHM;**
 - (b) Call off from framework without re-opening competition 5+2 year contract for Adults Services case management system LAS;**
 - (c) Undertake OJEU tender process to procure a new Children's and Adults Financial systems;**
 - (d) Extend (under rolling contract) Adults Financial Assessment software, Abacus, for a further 16 months until Adults Financial system is procured and implemented;**
 - (e) Extend (under rolling contract) Children's Foster Carer Payment system, Softbox, for a further 9 months until Children's Financial system is procured and implemented;**
 - (f) Call off from framework without re-opening competition a 3 year contract for Education system Capita ONE to achieve co terminus contract with Servelec to enable a single procurement exercise for both systems;**
 - (g) Call off from framework without re-opening competition a 2 year 7 month contract for Education system Servelec to achieve co terminus contract with Capita ONE to enable a single procurement exercise for both systems; and**
 - (h) Undertake soft market test for Client Finance Assessment system (currently Caspar), to test market and investigate if system can be rationalised.**
- (ii) One-off funding for investment in the eight systems be approved to ensure that statutory and regulatory requirements in these key frontline services are digitally enabled. This totals £283,740 for the Adults modules and will be funded from the Community Capacity Grant Reserve and £118,090 for the Children's modules and will be funded from the Children's Systems Improvement Reserve;**
- (iii) Investment in additional annual licensing and maintenance costs be approved to support the programme of system development. The additional annual revenue cost for the Adults modules of approximately £113,000 per annum will be funded from the Adults Social Care Transformation Reserve. The additional annual revenue cost for Children's modules is approximately £75,000 per year. This will be funded from the balance of the Children's Systems Improvement Reserve and the Joint Commissioning Reserve;**

- (iv) Investment in additional staffing be approved, one permanent post and 2 x fixed term posts which will be funded for a period of 3 years to implement and develop the project. The staffing requirement will be reviewed as part of the post implementation review in 2025/26. The £45,000 per annum cost of the permanent post will be funded from the Adult Social Care White Paper funding, the cost of £80,000 per annum for 2 fixed-term posts for 3 years will be funded from the Joint Commissioning Reserve; and
- (v) A post implementation review is undertaken in 2025/2026 to quantify deliverables from the programme and assess and realise any additional efficiencies made.

40. CONTRACT EXTENSION HELPING PEOPLE TO LIVE AT HOME AND EXTRA CARE SERVICE AND HOME CARE FRAMEWORK

Consideration was given to a report of the Executive Member, Health, Adult Social Care, Homelessness & Inclusivity / Director of Adult Services explaining that, on 27 October 2021 the Strategic Commissioning Board initially approved a tender process to commence in May 2022 with a contract go live date for 1 November 2022 for both the 'Helping People to Live at Home' contract and the 'Home Care Framework'.

Unfortunately given the unprecedented circumstances of the pandemic, along with the provider's ability to respond to a tender exercise and the need to ensure a stable care market for the impending winter period it was recommended that the tender exercise be aborted. The current contracts did not have sufficient provision for a further extension and therefore the report sought approval for a direct award of contract to extend the service provisions for a period of 7 months to 31 May 2023 given the exceptional circumstances described. Should approval be granted it was intended to reschedule the tender exercise to begin in August 2022 and let the new contract with a 1 June 2023 start date.

Details of the scope of both contracts was provided in the report, including a timeline for the tender process.

It was further explained that it was intended that both contracts be for six years and run from 1 June 2023 to 31 May 2029 with an option to extend for one year, subject to a subsequent decision from Executive Cabinet.

RESOLVED

That, subject to STaR ensuring compliance with the law:

- (i) A contract extension of the Helping People to Live at Home and Extra Care Service contract to 31 May 2023, be approved;
- (ii) An extension of the Home Care Framework to 31 May 2023, be approved; and
- (iii) A tender exercise for the above contracts to cover the period 1 June 2023 to 31 May 2029.

41. ADULT SERVICES AND POPULATION HEALTH COMMISSIONING INTENTIONS 2023 - 2024

The Executive Member, Population Health and Wellbeing / Executive Member, Adult Social Care, Homelessness and Inclusivity / Director of Adult Services / Director of Population Health submitted a report summarising the strategic commissioning plan of both Adult Services and Population Health, outlining activity that would take place during 2023-2024 thus ensuring effective resource planning.

It was explained that this was to be achieved by executing the available contract extensions for a number of contracts whilst options appraisals were carried out to inform the future OJEU tender exercises. The activity was co-ordinated by the Adults Commissioning team under the joint leadership of the Senior Adults and Population Health teams. Individual reports for specific contracts would be brought forward during 2023/2024 for those that required subsequent OJEU tender exercise.

The report set out specific details on the following service agreements:

Adult Services

- Provision of services to help older people stay at home
- The provision of mental health services – wellbeing hub
- Provision of respite services for people with a learning disability
- Mental health supported accommodation
- Healthwatch
- Miles of Smiles (Transport Service)

Population Health

- Women and Families Centre
- Locally commissioned services – GP's
 - Long acting reversible contraception
 - Smoking cessation service
 - Weight management service
 - NHS Health Checks
- Locally commissioned services – Pharmacies
 - Emergency hormonal contraception
 - Smoking cessation service
- National HIV sampling service

Members were advised that, following the closure of Tameside and Glossop CCG, legal rights and obligations transferred to Greater Manchester Integrated Care. GM Integrated Care Tameside remained committed to the Miles for Smiles service and the existing model of delivery and intended to continue the current level of NHS investment subject to receiving the necessary delegations from Greater Manchester Integrated Care. The Council were working with STAR procurement on all areas.

RESOLVED

That the following be approved:

Adult Services:

- Extend the current contract for the provision of services to help older people stay at home by twelve months from 1 April 2023 to 31 March 2024;**
- Extend the current contract for the provision of mental health services – Wellbeing hub by twelve months from 1 April 2023 to 31 March 2024;**
- Tender the respite service for people with a learning disability for a contract period of five years to commence 1 October 2023;**
- Tender the mental health supported accommodation service for a contract period of five years to commence 1 April 2024;**
- Tender the Healthwatch service for a contract period of six years to commence 1 April 2024; and**
- Agree a further three year jointly commissioned grant agreement with the GM NHS ICB for the Miles of Smiles Service.**

Population Health

- Extend the current Women and Families Centre contract for a period of six months from 1 October 2023 to 31 March 2024 to bring in line with Bridges Domestic Abuse Service Tameside contract to enable an integrated approach to commissioning Domestic Abuse Services in Tameside;**
- Extend the locally commissioned services – GP's for a period of twelve months from 31 March 2023 to 31 March 2024;**
- Extend the locally commissioned services – Pharmacies for a period of twelve months from 31 March 2023 to 31 March 2024; and**
- Extend the National HIV sampling service contract by six months 1 January 2023 to 30 June 2023 and to utilise the national call off framework to directly award the service to the chosen provider of this service post 30 June 2023 based on the specific call off framework agreement and contract duration agreed.**

42. PROCUREMENT OF A NEW FRAMEWORK OF CONTRACTORS TO DELIVER ADAPTATIONS AND HOUSING ASSISTANCE

The Executive Member, Adult Social Care, Homelessness & Inclusivity / Director of Adult Services submitted a report, which sought permission to procure a new Framework of Contractors to deliver adaptations over a 4-year period to disabled people living within the borough via 5 separate Lots, with the intention of issuing call off contracts to contractors who had successfully bid to be included in the Framework.

The Framework would include:

- Lot 1 for delivery of a range of major adaptations;
- Lot 2 for delivery of a range of minor adaptations for building works;
- Lot 3 for delivery of a range of minor adaptations for visual impairment and electrical works;
- Lot 4 comprising a list of contractors who would bid for works where property extensions or conversion of garages was required; and
- Lot 5 comprising a list of contractors who would bid for works where disrepair was identified or health and safety issues were present.

The report further sought permission to extend the current Framework contract that expired at the end of July 2022, to allow time for the procurement process and governance process for the award.

RESOLVED

- (i) That it be agreed to procure a new Framework contract containing 5 Lots via STAR Procurement, to deliver adaptations and other works over a 4-year period covering major and minor building adaptations, together with electrical and other work for visually impaired, property and extension conversions together with maintenance and/or health & safety issues; and**
- (ii) That it be agreed to extend the current Framework Contract for 10 months to allow for the procurement process and governance process to be completed.**

43. STAYING CLOSE FUNDING: SECTION 31 GRANT AWARD

A report was submitted by the Deputy Executive Leader (Children and Families) / Director of Children's Services giving details of the Council's successful bid to receive £1.36 million of funding over three years from the Department of Education to support a pilot project entitled 'Staying Close'

It was explained that the pilot would enable children leaving care at 18 from children's homes to access a much wider offer of support. The grant funding would allow the Council to offer a range of employment, transition, mental health, social work and housing support, which would make a step change in their outcomes. It also meant that young people who lived in children's homes would get comparable support to their peers in fostering, who could stay with families until they were 21.

Members were advised that the pilot built on existing services, with a clear exit strategy for the grant funding, and was focused on reducing the need for services, which were currently funded from placement budgets.

RESOLVED

That it be agreed to accept the Section 31 Grant Award to support Staying Close.

44. MOSSLEY NEIGHBOURHOOD PLAN - AREA DESIGNATION

Consideration was given to a report of the Executive Member, Planning, Transport and Connectivity / Interim Director of Place, which considered the designation of the Mossley Neighbourhood Area in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), following an application by Mossley Town (Parish) Council, as a relevant body for the purposes of section 61(G) of the Town and Country Planning Act 1990.

An application to designate a Neighbourhood Area had been received by the Council as the Local

Planning Authority, from Mossley Town (Parish) Council. The application was submitted following a meeting and resolution of the Town (Parish) Council on 16 June 2021.

The application together with an area map had been submitted. The application and associated documents were appended to the report.

Members were advised that it was considered that the proposed Mossley Neighbourhood Area application complied with the requirements of the appropriate legislation and regulations and should be designated accordingly and the decision be publicised via the mechanisms as set out in the report.

RESOLVED

- (i) That the content of the report be noted;**
- (ii) That the application by Mossley Town (Parish) Council to designate the Mossley Neighbourhood Area as shown on the Maps at Appendix 1 to the report, be approved;**
- (iii) That the proposed publication of the fact of this decision be noted, as soon as possible after it has been made, in accordance with the mechanisms at paragraph 5.1 and the Neighbourhood Planning (General) Regulations 2012 (as amended); and**
- (iv) It be noted that the Council, as Local Planning Authority, will support the Town Council with Neighbourhood Planning activities in accordance with the 'Neighbourhood Planning Service Level Framework' as approved by Executive Cabinet (19 October 2016 item number 5 refers) and presented at Appendix 3.**

Having declared a prejudicial interest in the following item of business, Councillor Ward left the meeting at this juncture, and took no part in the discussion or decision thereon.

45. CONTRACT BETWEEN THE COUNCIL AND ACTIVE TAMESIDE

Consideration was given to a report of the First Deputy, Finance, Resources and Transformation / Interim Director of Place, which presented the case for extending the existing contract between the Council and Active Tameside for a two year period from 1 April 2024 to 31 March 2026.

Details were provided of the existing contract between the Council and Active Tameside and it was explained that the funding agreement and facility lease between the Council and Active Tameside came to an end on the 31 March 2024. In normal circumstances, the expiry of a 25-year contract would precipitate a procurement exercise, which would necessarily commence during the course of 2022.

Active Tameside had requested an extension from the Council to the management fee agreement and facility lease of two years ending on the 31 March 2026. Active Tameside's rationale for the extension was outlined in the report.

Members were advised that, in order for a new contract to be considered and granted by the Council there needed to be a clear justification for this from a Council standpoint. The impact of the Covid pandemic on the leisure operator sector had been significant. It was very unlikely that a procurement process would result in a meaningful and competitive return from the market.

The volatility on the leisure market was significant with the cost of utilities rising significantly, the limited recover period post Covid for leisure trusts and financial pressure brought to bear by the rise in the cost of living meant that it was not the time to seek to re-procure a new leisure operator. A new two year contract would give the Council the opportunity to revisit the extent of the current operational estate and explore options available to the Council either to retain or modify the delivery model from 2026 onwards.

It was proposed that the Council undertake a strategic review to consider all the options available to the Council. In addition, the review would consider the following:

- The condition and viability of the existing leisure asset portfolio including proposals for investment and disinvestment.
- What leisure facilities the Council wish to see provided taking into account the condition of the assets potentially available, and
- The affordability/viability of the various options including social return on investment.

It was proposed that the strategic review would culminate in a report to Executive Cabinet. The review would take place, at an optimum time, when the financial position of the Council and Active Tameside would be better understood and the leisure contracts market should be better placed to submit realistic bids if the decision was taken to progress with procurement.

The significant implications for both the Council and Active Tameside of not extending the existing contract were detailed and discussed.

RESOLVED

- (i) **That the existing contract between the Council and Active Tameside be extended by way of a new contract for a period of two years to 31 March 2026 together with any ancillary agreements such as leases, which are also extended for a period of two years to 31 March 2026 (to be excluded from the provisions of the Landlord and Tenant Act 1954) to give effect to the extension;**
- (ii) **That a strategic service review of the options for the future financing, management and delivery of the service is carried out; and**
- (iii) **That a report be submitted to Executive Cabinet with the review findings to include proposals for the future delivery of leisure services in Tameside.**

46. URGENT ITEMS

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

47. DATE OF NEXT MEETING

RESOLVED

It be noted that the next meeting of the Executive Cabinet is scheduled to take place on Wednesday 28 September 2022.

CHAIR

EXECUTIVE CABINET

28 September 2022

Commenced: 1.00pm

Terminated: 1.35pm

Present: Councillors Cooney (Chair), Choksi, Fairfoull, Feeley, Jackson, North, Sweeton, Taylor, Ward and Wills

In Attendance:	Sandra Stewart	Chief Executive
	Kathy Roe	Director of Finance
	Stephanie Butterworth	Director of Adult Services
	Alison Stathers-Tracey	Director of Children's Services
	Julian Jackson	Director of Place
	Debbie Watson	Director of Population Health
	Tim Bowman	Director of Education
	Caroline Barlow	Assistant Director of Finance
	Jordanna Rawlinson	Head of Communications
	Tom Hoghton	Policy & Strategy Service Manager

Apologies for absence: Cllr Kitchen (ex officio)

48. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Cabinet Members.

49. MINUTES OF EXECUTIVE CABINET

RESOLVED

That the Minutes of the joint meeting of the meeting of Executive Cabinet held on 24 August 2022 be approved as a correct record.

50. STRATEGIC PLANNING AND CAPITAL MONITORING PANEL

Consideration was given to the minutes of the meeting of the Strategic Planning and Capital Monitoring Panel meeting held on 22 September 2022. Approval was sought of recommendations of the Strategic Planning and Capital Monitoring Panel arising from the meeting.

RESOLVED

- (a) The minutes of the meeting of the Strategic Planning and Capital Monitoring Panel held on 22 September 2022 be noted; and**
- (b) That the following recommendations be approved:**

PLACE CAPITAL PROGRAMME - UPDATE REPORT

RECOMMENDED

That Executive Cabinet be recommended to approve that an order for Welsh slates (£150,000) be made via the LEP Additional Services Contract to be used on Stalybridge Civic Hall in advance of the build contract for the work being finalised due to the current 33 week lead time for delivery.

OPERATIONS AND NEIGHBOURHOODS CAPITAL MONITORING REPORT

RECOMMENDED

That Executive Cabinet be recommended to APPROVE:

- (i) The inclusion of the 2022/23 Highway Maintenance grant (via GMCA) funding allocation of £3,536,000 to the Council's capital programme; and**
- (ii) The allocation of £133,000 from the Dukinfield Cremator scheme existing contingency budget to undertake design work and listed building approval for essential repairs to the chapel roof and steeple at Dukinfield Crematorium as set out in section 2.26 of the report.**

GODLEY GREEN PLANNING APPLICATION

RECOMMENDED

That a recommendation is made to Full Council that the Council's Speakers Panel consider the Godley Green planning application instead of Strategic Planning and Capital Monitoring because the Council is promoting the application and it would be preferable to have a separation of roles to avoid either an appearance or challenge of bias and/or predetermination.

51. ENVIRONMENT AND CLIMATE CHANGE EMERGENCY WORKING GROUP

RESOLVED

That the Minutes of the meeting of the Environment and Climate Emergency Working Group held on 7 September 2022 be noted.

52. CONSOLIDATED 2022/23 REVENUE MONITORING STATEMENT AT 31 JULY 2022

Consideration was given to a report of the First Deputy, Finance, Resources and Transformation / Director of Finance, which reflected actual expenditure to 31 July 2022.

It was explained that, from a healthcare commissioning perspective, the report looked at 9 months of expenditure based on indicative ICB plans (for the period 1 July 2022 to 31 March 2023). Month 4 was the first month in which the ICB had been operational. As such, final approved delegated budgets at locality level had not yet been confirmed. Work was ongoing to finalise budgets, but in the meantime the report presented indicative locality budgets. Plans for Tameside were submitted for a delivery of £595k surplus in 22/23. At M4 it was assumed that the plan would be delivered, which was in line with wider ICB reporting for M4. But £7.977m of savings delivery was required to execute the plan, which represented a significant risk.

As highlighted in the month 2 report, the Council was facing significant and growing inflationary pressures across a number of areas, combined with demand pressures in Adults and Children's services, resulting in a substantial forecast overspend by 31 March 2023 of £12.305m. This represented a £545k improvement since Month 3, driven largely by Children's Social Care. But significant work was still required to balance the financial position in 2022/23.

Members were advised that ongoing demand and cost pressures on Council budgets would have implications for the 2023/24 budget and work was in progress to identify mitigations for 2022/23, whilst planning for 2023/24.

RESOLVED

That the forecast outturn position and associated risks for 2022/23 as set out in Appendix 1 to the report, be noted.

53. EQUALITIES STRATEGY

The Executive Member, Education, Achievement and Equalities / Assistant Director, People and Workforce Development submitted a report seeking permission to consult on a new Equalities Strategy with the existing one expiring this year.

It was explained that, under the Equality Act 2010 the Local Authority had a duty to publish one or more specific and measurable equality objectives, and subsequently at intervals of no more than four years.

Members were advised that the draft Strategy had been developed using an LGA self-assessment tool, advice from an independent review of the approach to Equalities in Tameside Council, consultation with the Partnership Engagement Network, reports delivered through the Inequalities Reference Group and a review of equalities data available within the Local Authority.

It was proposed that the draft Strategy form the basis of an Action Plan owned and delivered by an Officer Group which would report to the Health & Wellbeing Board.

It was proposed that the draft Strategy be taken through a six-week consultation exercise.

A copy of the draft strategy was appended to the report.

RESOLVED

That the consultation plan for the proposed strategy, as appended to the report, be approved.

54. TRANSFORMING ADULT SOCIAL CARE IN TAMESIDE – PEOPLE AT THE HEART OF CARE: PHASE 2

A report was submitted by the Executive Member, Adult Social Care, Homelessness and Inclusivity / Director of Adults Services, which sought approval of the proposed delivery model/service arrangements for Adult Social Care in Tameside from 1 April 2023 onwards. This was to ensure the Council's ability to deliver the new burdens placed on the Council through the Adult Social Care reforms. It will be phased over a two year period (2023/24 & 2024/25).

The report had a key focus on the delivery of the 'Commissioning of Care and support' and aligned to the following key aims of Adult Social Care reforms:

- Reform how people in England pay for their care so no one needed to pay more than £86,000 for their personal care costs, alongside more generous means-tested support for anyone with less than £100,000 in chargeable assets;
- Ensure that self-funders could access the same rates for care costs in care homes that local authorities pay, ending the unfairness where self-funders had to pay more for the same care, whilst ensuring local authorities moved towards paying a fair cost of care to providers;
- Ensure fees for care were transparent to allow people to make informed decisions;
- Improve information and advice to make it more user-friendly and accessible, helping people to navigate the care system and understand the options available to them; and
- Provide information and advice that was accurate, up to date and in formats that were tailored to individual needs.

This meant that from October 2023 every person who needed care and support would have a care account that would track his or her means tested contributions to the cost of that package of care to a maximum contribution of £86,000 over their lifetime, and pay the same care fees as the Local Authority. To determine a person's contribution both a care assessment and a financial assessment were required. This included those who currently self-fund care and support.

The current position was outlined and it was explained that Adult Care currently supported 6,417 individual service users who were in receipt of an adult social care service provision, including the

community response service. It was also noted that there had been a 12% increase in requests for support from adult care services between 2020/21 and 2021/22. At the time of writing the report, since April 2022 there were 1,016 people who had an open contact with an adult social care service where work was ongoing to determine a suitable outcome for them.

Appendix 1 to the report demonstrated the current demand for adult social care services in Tameside.

Future delivery model/options were explored, including the key functions required in the service configuration from 1 April 2023 to meet the increased demand and new burdens outlined in the report.

The report concluded that the introduction of the 10 year strategy for Adult Social Care had been largely welcomed and did reflect many of the challenges that had been exacerbated locally through the course of the pandemic. It would touch on all those who interacted with adult social care, whether that was those who drew on support and care, unpaid carers, the care and support workforce, care providers both large and small and for and not for profit, local authorities, voluntary organisations to name but a few.

It was an opportunity to have a major impact on outcomes for individuals and demonstrated improvement in corporate priorities whilst delivering on the new burdens required.

The recommendation in the report was based on giving the local authority the best chance to achieve a greater level of improvement against key priorities and was based on evidence of good practice across the country.

However, there continued to be a risk to the local authority that the funding indicated to meet the new burdens was likely to be insufficient in future years and this would need to be built into a review of the medium term financial strategy following the outcome of the fair cost of care exercise.

RESOLVED

- (i) That approval be given to the increased capacity required in Adult Social Care and relevant corporate services to deliver the intentions of 'The People at the Heart of Care' reforms. Proposals are backed by the new Health and Social Care Levy announced in September 2021, of which £5.4 billion is being invested into adult social care over the next 3 years. Beyond the next 3 years, an increasing share of funding raised by the levy will be spent on social care in England; and**
- (ii) That approval be given to begin the full redesign of Adult Social Care, as set out in the report, to ensure appropriate service arrangements are in place from 1 April 2023.**

55. UPDATE SCHOOLS STRATEGY

Consideration was given to a report of the Executive Member, Education, Achievement and Equalities / Director of Education, which outlined the rationale and the ambition of the updated Schools Strategy in Tameside.

The paper celebrated the success of Tameside's current Strategy and explored the impact of the Schools White and Green Papers and Tameside's response to them, a response which would build on existing strengths and successes and on the existing Schools Strategy as well as on the strengthened partnerships developed with schools and between schools over the last four years.

Whilst the current schools strategy continued to be fit for purpose. It was contended that the following actions were required to update it.

Supporting every Tameside school to join a local MAT at pace, strengthening existing MATs and maintaining our current strong relationships and partnerships with the school system. This would require the local authority to work with its school and MAT leaders to ensure a network of local MATs which were sustainable and successful. There were enough strong, local MATs operating in

Tameside already but there was a requirement to act quickly to support the growth of these MATs in a way that supported the Council's ambitions for children and in a way which supported families. Further details were provided in an appendix to the report.

There was a need to shore up and formalise expectations for MATs working effectively in and with Tameside.

There should be a reaffirmation of the commitment, made in the Schools Strategy in 2018, to focus on creating a school-led system which recognised that the capacity and expertise to improve schools existed in the school system and recognised that the accountability for school outcomes lie with school leaders. It should be re-asserted that the Council's offer to schools - its services, and support - must create the conditions in which good school leaders could run good schools.

The Council needed to develop a clear strategic and proactive plan to manage fluctuation in pupil numbers in a fully trust-led system.

There was an established commitment to enhanced partnership work with Stockport around education services and ensuring that the collaborative advantage of the partnership was maximised and taken maximum advantage of the efficiencies it could deliver. Collaboration opportunities with the three other Greater Manchester Priority Education Investment Areas: Salford, Oldham and Rochdale should also be explored, to share learning and efficiency of process.

The report concluded that the school system in England would become a fully trust-led system, with all schools becoming academies in a strong multi-academy trust by 2030. Priority EIAs would move to this first and at pace.

Tameside must have a clear voice in determining the future of all Tameside's schools and must be concerned with the long-term sustainability and viability of its schools.

In implementing the strategy it was clear that the structure and form of the schools system would change and the interaction between a fully trust-led system and Council services would be different.

There were enough strong trusts already in the Borough, rather than establishing new Trusts or attracting existing Trusts into the area, work was required to strengthen local trusts rather than fragment the system.

Embracing the change and moving at pace to establish a fully trust led system, as outlined in the report, offered the best opportunity to ensure that the schools system worked for all children and had the capacity needed to improve outcomes.

RESOLVED

- (i) That the revised School Strategy be approved, in light of the DfE's White Paper and implications for local Government in line with national changes;**
- (ii) That, at this stage, it be agreed that the Council does not need to express an interest in establishing a local authority MAT;**
- (iii) It be agreed that officers would continue to negotiate with DfE officials to establish plans for a fully trust-led system at pace, subject to the necessary due diligence required and a further report advises of the same, particularly the financial impact on the council relating to traded services; and**
- (iv) That such conversions can only take place where the cost of conversions are fully met by the DfE and schools.**

56. SEND GREEN PAPER, WRITTEN STATEMENT OF ACTION UPDATE AND BUSINESS PROCESS REVIEW UPDATE

The Executive Member, Education, Achievement and Equalities / Director of Education submitted a

report, which gave an overview of the response to the SEND Green Paper, an update on the progress of the Written Statement of Action including an updated position on the resources required to deliver the plan and a summary of the SEND Assessment Team Business Process Review and recommended next steps.

Members were advised that between 18 and 22 October 2021, Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of the local area of Tameside to judge the effectiveness of the area in implementing the special educational needs and/or disabilities (SEND) reforms as set out in the Children and Families Act 2014.

The findings report was received and published 11 January 2022, and available publically. A link to the report was provided.

The outcome of the inspection was that a Written Statement of Action (Written Statement of Action) was required because of significant areas of weakness in the area's practice. The initial Written Statement of Action was submitted on 12 April 2022, but unfortunately was not accepted. In a feedback session, Ofsted advised how to improve the plan, emphasising the need to ensure the Written Statement of Action contained more measurable metrics and outcomes and that the outcomes clearly demonstrated how our work would have a positive impact on children and families. The Written Statement of Action was redrafted with the guidance and submitted on 17 June 2022. The second iteration was accepted on 1 July 2022. The local area were praised for the clear improvements noted in the second draft.

On 23 March 2022, a paper was presented to Executive Cabinet, asking that the Strategic Commissioning Board and Cabinet:

- Agree that the draft Written Statement of Action could be shared with DfE and NHS Improvement Advisors for final comment.
- Agree that a recommendation be made to Council for an additional investment of £275k
- Agree that a report be presented to the Strategic Commissioning Board seeking permission for an additional investment of £820k to provide adequate therapy provision and address waiting times for services including physiotherapy, occupational health and speech and language.

A commitment was also made to return with a further report following the submission of the Written Statement of Action outlining what, if any, further resource commitment was required to deliver the plan. The report set out the identified additional resource required to deliver the Written Statement of Action and a full breakdown of all resources required, those already agreed and allocated from the CCG and TMBC, along with the additional resource requested via the report was appended to the report.

In total, the request was for additional funding to deliver the Written Statement of Action, £62,700 of which was required as a one off cost in the first year, with the remaining £30,950 recurring annually.

RESOLVED

- (i) **That the updates be noted;**
- (ii) **That the requested resources, as outlined in section 2 of the report, be approved; and**
- (iii) **That the improvements to be followed, as set out in the recommendations in the SEND Assessment Team Business Process Review at Appendix 3 to the report, be noted.**

57. STAYING PUT POLICY

A report was submitted by the Deputy Executive Leader, (Children and Families) / Assistant Director, Children's Social Care, which gave details of the Staying Put Policy.

It was explained that Staying Put was about care leavers continuing to live with their foster carers

when they reached the age of 18. The Council recognised the benefit that a Staying Put arrangement could have to young people, allowing them to remain in stable and secure homes and when they were ready and able, make the transition to independence.

The Council was committed to ensuring it met its obligations to care leavers in Staying Put arrangements and their former foster carers and required a clear, transparent Staying Put policy in order to do so effectively and consistently.

It also needed to ensure that it offered a financial model that remunerated Staying Put carers fairly and appropriately. The report put forward a draft revised Staying Put policy to address this need. It sought agreement to consult with the wider public, foster carers, current Staying Put carers and young people to inform the draft policy before implementation.

RESOLVED

- (i) The draft Staying Put Policy, as detailed in Appendix 1 to the report, be approved in principle; and**
- (ii) That consultation on the draft Staying Put Policy, as detailed in the report, be approved.**

58. CHANGING PRACTICE WITHIN TAMESIDE TO IMPROVE OUTCOMES FOR YOUNG PEOPLE INVOLVED IN OR AT RISK OF INVOLVEMENT IN CRIME

Consideration was given to a report of the Deputy Executive Leader (Children and Families) / Assistant Director, Early Help and Partnerships providing details about an opportunity for the local authority with the Tameside Pupil Referral Service (TPRS) to enter into a partnership with SHiFT, a national charity that aimed to shift practice to improve outcomes for young people who were involved in or at risk of involvement in crime and/or risk taking behaviours, with the support of the Greater Manchester Combined Authority Violence Reduction Unit. The report set out the opportunity this presented for Tameside and its young people along with anticipated outcomes of the programme and the financial implications.

It was explained that SHiFT would draw on its experience of mobilising and supporting two, and soon to be three, Practices across London, to develop a Practice of multi-skilled professionals (four Guides, one Lead Guide, and one Practice Coordinator) that would be carefully tailored to meet the local needs of Tameside's young people. Operating in partnership with the TPRS, SHiFT Tameside, would be positioned as an agile 'insider-outsider' – positioned closely enough to have influence, but enriched and supported by the national SHiFT team to drive creativity, innovation and system change.

The key aspirations for the Practice were that it would provide outstanding support for the most vulnerable children in Tameside, transforming outcomes through the provision of intensive, therapeutic support from a Guide who worked with the young person with determination, love and creativity across all aspects of their life, resetting the foundations with them to achieve their aspirations and flourish.

SHiFT intended to make Tameside a beacon of excellence in Manchester, with the aspiration to scale the Practice further across Greater Manchester, drawing on the support of the Greater Manchester Violence Reduction Unit.

The report concluded that the opportunity presented to Tameside by the VRU was welcomed and the services involved in working with the young people welcomed the chance to try new ways of working. This was a good opportunity for Tameside to draw down £405k of additional funding to match the £126,500 investment from the TPRS.

RESOLVED

- (i) That the collaboration between Tameside and SHiFT be endorsed, noting that Tameside will be the first LA outside of London to engage with the programme;**
- (ii) It be noted that public sector funding for the programme will be provided by the GM Violence Reduction Unit (VRU) and the Tameside Pupil Referral Service; and**

- (iii) **That quarterly updates be received by the Executive Cabinet.**

59. PLACES FOR EVERYONE – AUTHORITY FOR EXAMINATION IN PUBLIC

The Executive Leader / Director of Place submitted a report seeking approval to authorise to agree such modifications to the Submitted Places for Everyone as may be appropriate, to make the Plan sound (and capable of subsequent adoption) that arose through the independent examination (Examination in Public).

RESOLVED

- (i) **That the Director of Place, in consultation with the Executive Leader, be authorised to prepare and agree proposed main modifications to Places for Everyone, as may be necessary to make the plan sound;**
- (ii) **That the Director of Place be authorised to prepare and agree to minor modifications to Places for Everyone, as may be necessary;**
- (iii) **That the Director of Place be authorised to prepare and agree Statements of Common Ground in discharging the general planning duties of the Council, as required; and**
- (iv) **That the intentions regarding communication during the course of the Examination as set out in the report, with both the Leader of the Council and the wider Cabinet, be noted.**

60. EXTENSION REQUEST: PROJECT MANAGED CHILDREN'S SOCIAL WORK TEAM

The Deputy Executive Leader, Children and Families / Assistant Director, Children's Social Care submitted a report, giving information in respect of the Project Managed Children's Social Work Team.

It was explained that the Managed Project Team was agreed by Executive Cabinet on the 23 March 2022 in response to increasing demand and an acute staffing situation in the Children in Need/Child Protection Service. Approval was made for 6 months at a cost of £250K.

Members were advised that the Team commenced on the 11 April and was due to end on the 23 September 2022. The extra capacity the team had brought had relieved pressure on existing teams, allow existing work to be progressed whilst allowing the service to recruit to unfilled vacancies through agency and permanent staff. The majority of permanent staff recruited were newly qualified ASYEs (Assessed and Supported Year in Employment) and had a reduced case load. During the past 5 months, existing work had been able to progress and caseloads for existing staff had reduced. Morale and confidence in the Service had improved and there had been less turnover in staff.

During the Ofsted Visit at the end of April 2022, although the Project Team had just started, Inspectors reported the Team was likely to support improvements in social work practice, staff morale and partnership working.

RESOLVED

That, having considered budget implications balanced against maintaining and sustaining Service Improvement to date, it be agreed that the Contract be extended by up to a maximum of 6 months.

61. VARIATION TO CONTRACT TO INCREASE RATES - FRAMEWORK OF CONTRACTORS TO PROVIDE ADAPTATIONS FOR DISABLED PEOPLE

A report was submitted by the Executive Member, Adult Social Care, Homelessness and Inclusivity / Director of Adult Services, which explained that the revised rates for works within the above contract were varied in August 2021 after the effect of the Covid-19 pandemic, Brexit and global shipping costs.

Members were advised that, over the past 12 months the cost of materials in the building industry had continued to rise due to a sharp increase in energy costs and a continuing rise in imported materials and components required in many of the adaptations carried out for residents. The potential to lose contractors who could deliver adaptations was great and the available options would increase pressure on existing staff and extend delivery times. Contractors were once again struggling to make a reasonable profit and pay reasonable wages to their staff.

If the rates paid to contractors were not increased, it would affect the Council's ability to deliver adaptations to residents in a timely manner resulting in their care and support needs going unmet. The likelihood was that those people would continue to require support from the Council.

RESOLVED

That approval be given under Procurement Standing Orders 9.3.1 to agree a 10% increase on the rates contained within the framework contract.

62. URGENT ITEMS

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

63. DATE OF NEXT MEETING

RESOLVED

It be noted that the next meeting of the Executive Cabinet is scheduled to take place on Wednesday 26 October 2022.

CHAIR

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OVERVIEW PANEL

25 July 2022

Commenced: 14:00

Terminated: 14:23

Present:

Councillors Naylor, M Smith, Cartey, N Sharif, T Sharif, Cooney, Fairfoull and Billington

In Attendance:

Sandra Stewart
Kathy Roe

Chief Executive
Director of Finance

Apologies for Absence: Councillors North and Kitchen

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. MINUTES

The minutes of the Overview Panel meeting on the 8 November 2021 were approved as a correct record.

3. SCRUTINY UPDATE

Consideration was given to a report of the Director of Transformation. The report provided a summary of the work undertaken by the Council's Scrutiny Panels for March to July 2022.

Members of the Panel were presented with a breakdown of activity at the Scrutiny Panel meetings held in March 2022. On the 8 March 2022, the Place and External Relations Scrutiny Panel met with Councillor Allison Gwynne, who was the Executive Member for Neighbourhoods Community Safety and Environment at the time, the Assistant Director for Operation and Neighbourhoods and the then Chief Superintendent Rob Cousen for GMP. The Panel were presented with a report following up on the GMICFRS inspection of Greater Manchester Police and received an update on strategic developments for community safety, crime and disorder.

During this meeting the Chair also updated Members on the annual budget letter presented at the joint meeting of Cabinet and Overview Panel on 9 February 2022. Further the Chair presented a summary of scrutiny activity undertaken during the 2021/22 Municipal Year.

On the 10 March 2022 the Integrated Care and Wellbeing Scrutiny Panel met with the Deputy Executive Leader and the Director of Children's Services to receive a response to specific points related to Ofsted, sustainability, forward strategy, practice quality and key priorities for the next 12 months.

In addition during the meeting the Chair updated Members on the annual budget letter presented at the joint meeting of Cabinet and Overview Panel on 9 February 2022 and presented a summary of scrutiny activity undertaken during the 2021/22 municipal year.

Members of the Panel were presented with a breakdown of planned activity at the July Scrutiny Panel meetings. It was highlighted that the Place and External Relations Scrutiny Panel would receive an update on the transport strategy, delivery plan and picking up on local issues. The Children's Services Scrutiny Panel would receive an update on the improvement plan and the Health and Adult Social Care Scrutiny Panel would receive an update on social care reform White Paper and implications for Tameside.

In regards to training and development, enquiries made with the CfGS to provide a suitable training session for all Scrutiny members in the near future. A plan for this would include the delivery of a

one-off session to cover the following:

- The role and potential impact of Scrutiny
- Scrutiny adding value to policy shaping and performance
- Support members to gain specific skills in essential aspects of Scrutiny
- How Scrutiny works collaboratively and constructively with the Executive and officers

Scrutiny Panels continued to review decisions and focus reports published by the ombudsman. Scrutiny activity informed by recently published LGSCO reports included:

- Focus report – Unprecedented pressure: Learning from complaints about council and care provider actions during the Covid-19 pandemic (published February 2022).
- Guidance report – Section 117 aftercare: guidance for practitioners (published April 2022).

RESOLVED

That the content of the report and summary of scrutiny activity be noted.

4. SCRUTINY WORK PROGRAMMES

Consideration was given to a report of the Chair of Children's Services Scrutiny Panel / Chair of Health and Adult Social Care Scrutiny Panel / Chair of Place and External Relations Scrutiny Panel / Director of Transformation.

Members were advised that there was a range of options available to each Scrutiny Panel as to how activity was planned and undertaken. Scrutiny Chairs work closely with panel members in order to adopt a combination of approaches to review service and performance updates, respond to formal consultations, focus reports of the Local Government and Social Care Ombudsman and areas in need of more in-depth review.

Each Scrutiny Panel held a work programme session in June 2022, with all members provided with the opportunity to attend, comment and contribute to the list topics included in the annual work programmes.

Scrutiny activity would continue to be undertaken outside of the formal meetings and through working groups, with all findings and recommendations presented to the full panel for comment and approval. This flexibility allowed responsive and timely work to be undertaken, creating an enhanced opportunity to both influence and inform the impact of decisions.

In order to prevent delay, Scrutiny Panels had agreed the topics to be considered at the next round of public meetings in July.

- **Place and External Relations Scrutiny Panel – 26 July 2022**
Transport for Greater Manchester – delivery plans and supporting local issues (Invitation to the Executive Member for Planning, Transport and Connectivity)
- **Children's Services Scrutiny Panel – 27 July 2022**
Scene setting regarding children's social care and review of the improvement plan (Invitation to the Deputy Executive Leader – Children and Families)
- **Health and Adult Social Care Scrutiny Panel – 28 July 2022**
Adult Social Care White Paper and implications for Tameside (Invitation to the Executive Member for Adult Services)

The Chair of Place and External Relations, Chair of Health and Adult Social Care Scrutiny Panel and Chair of Children's Services Scrutiny Panel provided set out the work programme for 2022-2024 for the respective Panels.

RESOLVED

That the content of the work programmes and planned activity of the Scrutiny Panels be noted.

5. ASSURANCE REVIEW OF LGSCO FOCUS REPORT - LEARNING FROM COMPLAINTS ABOUT COUNCIL AND CARE PROVIDER ACTIONS DURING THE COVID-19 PANDEMIC

Consideration was given to a report of the Chair of Health and Adult Social Care Scrutiny Panel / Director of Transformation. The report set out the Assurance Review of LGSCO Focus Report Unprecedented Pressure: learning from complaints about Council and Care Provider Actions during the Covid-19 pandemic.

It was reported that the Health and Adult Social Care Scrutiny Panel had made a formal request to the Executive Member for Adult Services, to review a LGSCO Focus Report and to collate a service response to a number of questions aimed to improve local accountability.

Members were advised that in May 2020, the ombudsman issued a short guide to council's and care providers, setting out the approach to considering complaints about the delivery of services during Covid-19. The guide pulled together learning from Covid-19 casework under six principles of good administration and practice.

- Getting it right (process and record keeping)
- Being service-user focused
- Being open and accountable
- Acting fairly and proportionately
- Putting things right (inform, consider, explain)
- Seeking continuous improvement

The focus report summarised common issues identified through cases on which the ombudsman carried out a full investigation. It also provided headline figures and trends from those cases where initial assessment did not prompt a full investigation.

At the end of March 2020, the ombudsman recognised the impact the pandemic was having on councils and care providers, with a decision made to suspend casework investigations. Active investigations restarted after the initial pause, with analysis in the report covering a period of June 2020 to November 2021.

The main categories of Covid-19 complaints investigated were:

- Benefits and Tax (41%)
- Adult Social Care (20%)
- Education and Children's Services (12%)

It was stated that focus reports promote local accountability and included a comprehensive set of questions for Scrutiny to seek assurance at a local level. The service response, attached at Appendix 1, responded directly to questions listed on pages 44 of the focus report, attached at Appendix 2. The Scrutiny Panel requested that a response of the Executive was to consider and review questions in connection to Adult Services and care provision in Tameside.

RESOLVED

That the content of the report and the ongoing activity of the Scrutiny Panels to review LGSCO decisions to inform and improve local service delivery be noted.

6. CORPORATE PLAN SCORECARD

Consideration was given to a report of the Director of Transformation. The report set out the corporate plan outcomes scorecard, which provides evidence to demonstrate progress towards achievement of the Corporate Plan and improving the services provided to residents, businesses and key stakeholders within the locality.

The outcomes scorecard, which contained long term outcome measures that tracked progress to

improve the quality of life for local residents, was attached to the report at Appendix 1.

Appendix 2 to the report, was the Tameside Policy & Performance Framework for the organisation, under which the scorecards operated. The framework clearly set out the different elements that contributed towards the achievement of the Corporate Plan priorities.

RESOLVED

That the report be noted

7. URGENT ITEMS

There were no urgent items.

CHAIR

OVERVIEW PANEL

26 September 2022

Commenced: 14:00hrs

Terminated: 14:50hrs

Present: Councillors M Smith, Cartey, N Sharif, Cooney, Fairfoull and North

In Attendance:

Sandra Stewart	Chief Executive
Paul Radcliffe	Policy and Strategy Lead
Julie Speakman	Head of Executive Support
Lorraine Kitching	Performance, Intelligence & Scrutiny Service Manager

Apologies for Absence: Councillors Naylor, T Sharif, Kitchen, Ryan and Billington

8. DECLARATIONS OF INTEREST

There were no declarations of interest.

9. MINUTES

The minutes of the Overview Panel meeting on the 25 July 2022 were approved as a correct record.

10. SCRUTINY UPDATE

Consideration was given to a report of the Chief Executive. The report provided a summary of the work undertaken by the Council's Scrutiny Panels for July to September 2022.

It was reported that on the 26 July 2022 the Place and External Relations Scrutiny Panel met with the Executive Member for Planning, Transport & Connectivity / Interim Director of Place / Head of Modelling and Analysis (TfGM) / Head of Policy (TfGM) to receive an update on the transport strategy and delivery plan. The Panel also agreed the Annual Work Programme and future work priorities and received the Corporate Performance Scorecard for information. On the 20 September 2022 the Panel met with the Executive Member for Town Centres, Communities, Corporate Land & Community Assets / Assistant Director of Place to receive a strategic overview and proposals on the next steps for Tameside town centres and regeneration.

Members were advised that on the 27 July 2022 the Children's Services Scrutiny Panel met with the Deputy Executive Leader (Children and Families) / Director of Children's Services for scene setting with regard to children's social care and to review the improvement plan. The Panel also agreed the Annual Work Programme and future work priorities and received the Corporate Performance Scorecard for information. On the 21 September 2022 the Panel also met with the Executive Member for Education and Achievement / Director of Education to receive a response to the Local Government and Social Care Ombudsman Focus Report "Out of School, out of sight? Ensuring children out of school get a good education". Further, the Panel met with the Assistant Director of Children's Social Care to review the Children's Social Care self-evaluation.

On the 28 July 2022 the Health and Adult Social Care Scrutiny Panel met with the Executive Member for Adult Services / Assistant Director of Adult Services to receive an update on the social care reform White Paper and its implications for Tameside. The Panel also received an Executive Response to the LGSCO learning report, "Unprecedented pressure: Learning from complaints about Council and care provider actions during the Covid-19 pandemic, specific to Adult Services. The Panel also agreed the Annual Work Programme and future work priorities and received the

Corporate Performance Scorecard for information. On the 22 September 2022 the Panel received an overview of strategic priorities for local health outcomes and inequalities, considering aspects of rising cost of living and poverty, future priorities and work streams.

It was stated that there was an ongoing commitment to ensure all scrutiny members receive a suitable level of training and guidance. The report set out training and development sessions delivered since the start of 2022/23 municipal year.

RESOLVED

That the content of the report and summary of scrutiny activity be noted.

11. CORPORATE PLAN SCORECARD

Consideration was given to a report of the Chief Executive. The report summarised the Corporate Plan Outcomes Scorecard that was appended to the report at Appendix 1. The Corporate Plan Outcomes Scorecard, followed the structure of the Corporate Plan, and contained indicators focused on long-term outcomes across the plan's priorities.

The Performance, Intelligence and Scrutiny Service Manager highlighted areas within the Corporate Plan Scorecard. According to newly released economic figures, Tameside's regional gross value added, GVA, fell by nearly £200 per head year-on-year to 2020, down to £15,617.50 in current prices. The total rateable value of non-domestic properties in Tameside in June 2022 was £148,475,723, down almost £400,000 on the same month the previous year, a decrease of 0.25%.

The number of Tameside residents receiving universal credit in May was down 5.1 % on the same month last year, with 25,154 people receiving payments. However, the % of Universal Credit recipients getting payments while also in employment has increased from 37.0% in April 2021 to 40.4% in April this year. Tameside currently sat 0.7% points below the national average, which had also been increasing over time.

Starts and achievements of apprenticeships in 2021/2022 were both down significantly on the previous year, both in Tameside and England as a whole. In 2021/2022 there were 1,020 apprenticeships started, equivalent to 72.3 per 10,000 Tameside residents aged 16-64; while above the national average of 57.9, this was much lower than the 112.6 starts per 10,000 in 2020/2021 in Tameside and 91.2 across England. In 2021/2022 there were 230 apprenticeship achievements in Tameside, 16.3 per 10,000 16-64 year olds. In the previous year there were 850 achievements, equal to 60.2 per 10,000; across England, there were 44.4 achievements per 10,000 working age people in 2020/2021.

The latest release of Sport England's Active Lives Survey, which covered the period November 2020 to November 2021 showed that the proportion of Tameside's residents who were classified as inactive had risen from the same period 12 months prior by 1.9 percentage points, with 32.4% of Tameside's population doing less than 30 minutes of exercise each week compared to 27.2% of the population across England. This linked to the high proportion of adults in Tameside classified as overweight or obese, with 70.3% of residents aged 18+ falling into one of these categories in 2020/2021, down from 71.3% the year before but above the national average of 63.5%.

The rate of first time entrants into the youth justice system had risen from Quarter 4 2021/2022 to Quarter 1 2022/2023, which now sat at 36.76 per 100,000. The monthly rate of crimes committed in Tameside was 10.9 per 1,000 residents in May 2022, up slightly from 10.4 per 1,000 residents in May of 2021.

RESOLVED

That the content of the report be noted.

12. ASSURANCE REVIEW OF LGSCO FOCUS REPORT

Consideration was given to a report of the Chief Executive. The report set out the Executive and service response to Scrutiny on shared learning detailed within the LGSCO focus report “*Out of school, out of sight? Ensuring children out of school get a good education*”.

The Children’s Services Scrutiny Panel made a formal request to the Executive Member for Education & Achievement, to review a newly published LGSCO Focus Report and to collate a service response to a number of questions aimed to improve local accountability.

Councils could make alternative arrangements for a child or young person who was not of compulsory school age, but they did not have a duty to do so. This report focuses on Council duties to children of compulsory school age. The Council should consider the individual circumstances of each child and take account of any medical evidence or advice when deciding what arrangements to make.

It was explained that in all cases, Councils should consider the individual circumstances of each particular child and be able to demonstrate how they made their decisions. They should take account of all available evidence, and record the reasons for decisions. They could need to make decisions in cases where they did not have all the evidence they would like.

The focus report includes case studies and the experiences to highlight the breadth of investigation and identified common issues and themes associated with the following areas:

- Taking responsibility for ensuring pupils receive suitable full-time education
- Making decisions based on the evidence available
- Providing suitable full-time education
- Reviewing plans and amending the approach
- Restricting alternative provision: the meaning of ‘otherwise’

It was further explained that focus reports promote local accountability and include a comprehensive set of questions for Scrutiny to seek assurance at a local level. The Children’s Services Scrutiny Panel received the response and update report at the panel meeting on 21 September 2022. This responded directly to the focus report and questions listed on page 11 of Appendix 3.

RESOLVED

That the report and ongoing activity of the Scrutiny Panels to review LGSCO decisions to inform and improve local service delivery be noted.

13. UNDERSTANDING OUR CUSTOMER CONTACTS AND LEARNING FROM OUR COMPLAINTS

Consideration was given to a report of the Chief Executive / Head of Executive Support. The report provided an update and strategic overview in relation to dealing with and responding to customer contacts. This report also provided a summary of complaints received by the organisation, those that escalated to a statutory panel and or Local Government and Social Care Ombudsman. In addition the report provided a summary of how the review and management of these contacts could help drive system improvement.

In regards to complaints and customer care, for the period 1 April 2021 to 31 March 2022, the organisation had received and processed a total of 1,188 complaints of which 946 were Stage 1 and 242 were Stage 2. It was explained that there were three distinct areas in terms of the Council’s complaints process that customers can access; these were the statutory processes for a) Children’s Social Care,(Stage 1, 2 and 3 process). Adults Social Care and the corporate complaints(Stage1 and 2 process) relating to issues regarding to any other Council wide service.

The report set out a breakdown of the complaints received at Stage 1 and Stage 2 together with the volume received per service directorate and whether they were fully responded to within the 20

working day timescale.

From the total complaints received during this reporting period, 78% of cases were responded to within the prescribed timescale compared with 57% from the previous reportable year for Stage 1 complaints. It was important to note that although there was 28% outside of the prescribed timescales there will be many reasons for this however active dialogue with customers will have taken place to keep them update on progress of when they would be likely to receive their responses. For Stage 2, 62% were responded to within the prescribed timescale and 38% outside of.

Members of the Panel were advised that the Local Government and Social Care Ombudsman (LGSCO) is the final stage for complaints about Councils and some other authorities and organisations, including education admissions appeal panels and adult social care providers (such as care homes and home care providers). Every July the Ombudsman publishes information on the complaints and enquiries received by individual local authorities and the decisions made during that financial year as part of an Annual Letter, a copy was attached to the report at Appendix B.

This information could be valuable in helping local authorities assess their performance in handling complaints. Intrinsic to the learning from this process the annual report was reported to Overview/Scrutiny to provide further challenge and inform learning of systems and process for improved outcomes for service delivery and customer experience from these.

The Annual Letter for the period 1 April 2021 to 31 March 2022 provided an update on the current performance and how this compared with other local authorities in relation to number of cases, type and learning for example and this report outlines this additional information. For the reportable period, the LGSCO received a total of 74 compared with 43 complaints for the previous year across the service themes below. The number of complaints escalated to the LGSCO was in line with what was expected and similar to those that would have been received pre Covid pandemic.

It was reported that the LGSCO uphold complaints when they find fault in an organisation's actions, including where the organisation accepted fault before they investigated. There was an upheld rate of 81% (based on 17 of 21 cases) detailed investigations compared with 56% (9 of 16 cases) the previous year. This compared less well to the average uphold rate of similar authorities of 68%.

In addition for some cases where the LGSCO upheld the complaint the service area would have been asked to remedy the situation and of the 74 cases received there were 12 requiring further action.

RESOLVED

That the Overview Panel:

- (i) note the content of the update and strategic overview of complaint system/process**
- (ii) support the refreshed training offer being promoted across the organisations; and**
- (iii) receive further more detailed reports in relation to the top 5 key areas of complaints.**

14. URGENT ITEMS

There were no urgent items.

CHAIR

DEMOCRATIC PROCESSES WORKING GROUP

26 September 2022

Commenced: 4.00pm

Terminated: 4.25pm

Present: Councillors Cooney (In the Chair), Costello, Fairfoull, McNally, North, Ward and Warrington.

Apologies for Councillors Feeley, Kitchen and Ryan.
Absence

1. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Working Group held on 21 February 2022 be approved as a correct record.

2. LOCAL GOVERNMENT BOUNDARY REVIEW AND REVIEW OF POLLING DISTRICTS AND POLLING STATIONS

Members considered a report of the Chief Executive/Returning Officer, which advised Members that following the outcome of the Local Government Boundary Review revised boundaries would be used for the May 2023 Borough Council elections. The new Register of Electors, based on new boundaries, would be published on 1 December 2022. It was intended to bring forward the statutory review of Polling Districts and Polling stations from 2023 so that it could be completed prior to the publication of the new register on 1 December. The report outlined the timetable for implementing the boundary review and the polling district reviews.

It was explained that statistical information for the new wards had been collated about electorates, postal voters, turnout etc. to identify those polling districts/polling stations requiring attention simply based on the number of people in the polling district and the number of electors likely to vote at a particular polling station. The information relating to each ward was attached at **Appendix 1** and would be shared with Councillors for the Ward. Previous reviews had addressed the primary issues which were: too many polling stations with very small electorates and too many mobile polling stations. This had resulted in polling places in Tameside from 115 in 2010 to 100 at recent elections and a reduction from 20 mobile polling stations to 7 over the same period. The primary purpose of this review would be the implications for polling districts and polling stations of the changes to ward boundaries

It was intended to submit the final report on the outcome of the review to Council on 6 December 2022. In order to meet this deadline the following timetable will be followed:

- | | |
|-----------------|--|
| 4 October 2022 | Council to receive minutes of Democratic Processes Working Group informing Members of the start of review process. |
| 5 October 2022 | Communication with all Members setting out the basis of the review and principles being followed, statistical information and maps showing polling districts and polling stations for their Ward. In addition Members will be informed of the Returning Officer's recommended changes. Each Member will be offered an opportunity to discuss their Ward in detail. |
| 5 November 2022 | Deadline for responses from Members. Between 5 October and 5 November all Members will have the opportunity to respond in a number of ways including an opportunity for all Ward members to discuss options directly with Head of Democratic Services. |

November 2022 Democratic Processes Working Group to consider proposals
(date to be following consultation with all Members and to determine
confirmed) recommendations to Council.

6 December 2022 Council to consider proposals.

Taking into account the end of the Route 1 cycle and the returns from Route 2 we are at an overall 83% response with 17,696 properties left to issue reminders to. Compared with this time last year where the response rate was 81.42% and in 2019 prior to reform we were at 56.8% with around 45,000 reminders due to go out it highlights the need for Canvass reform and results seem positive so far.

AGREED:

That the update be noted and endorsed.

3. ELECTIONS ACT

Members considered a report of the Chief Executive/Returning Officer, which updated Members on the Elections Act 2022. In particular the report set out how voter identification would work and the arrangements that would need to be put in place. It was explained that the Elections 2022 Act made new provisions and amended existing electoral law by introducing identification to vote at polling stations, measures relating to postal votes and measures to prevent any foreign interference in elections and to make it easier for British expats to vote in Parliamentary elections, and removing the 15-year limit on their voting rights.

The Act was in seven parts, Part 1 Introduced new measures concerning the integrity of the electoral process, including: a requirement for voters to show an approved form of photographic identification before collecting their ballot paper to vote at a polling station; provisions enabling online applications for absent votes, along with identification checks; new measures for postal and proxy voting; and an extension of the secrecy provisions which applied in the polling booth to postal and proxy voting. It also clarified and updated the law on the undue influence of electors, and on the accessibility of elections for voters with a disability. Part 1 further made changes to nomination rules for candidates at parliamentary elections, and changed the voting system for Police and Crime Commissioners elections in England and Wales, and certain mayoral elections in England to the Simple Majority voting system (also known as "First Past the Post").

Part 2 removed the 15 year limit on the exercise of voting rights currently placed on British electors living overseas, and made amendments to the registration process, including how an applicant's identity and connection to a UK address will be verified. It also lays out the new rules for voting and candidacy eligibility of EU citizens voting and standing in local elections in Northern Ireland, England, and PCC elections in England and Wales, following the UK's departure from the European Union.

Part 3 amended provisions for the Parliamentary accountability of the Electoral Commission. Part 4 amended the law about political finance, including by clarifying the rules on notional spending,

Part 5 of the Act Introduced a new disqualification order, which a court must impose, unless the court considers it unjust to do so, if a person is convicted of an intimidatory criminal offence motivated by hostility towards a candidate, future candidate, campaigner, substitute or nominee (in Northern Ireland), or holder of a relevant elective office. The effect of a disqualification order is that the person will be disqualified from standing for, being elected to, and holding any relevant elective office for five years.

Part 6 of the Act introduced a new requirement for digital campaigning material to display a digital imprint, with the name and address of the promoter of the material or any person on behalf of whom the material is being published (and who is not the promoter). Part 7 included miscellaneous and

general provision.

The Elections Act 2022 introduce the requirement for electors to identify themselves by showing an accepted form of photographic identification document before being issued with a ballot paper. This will apply at:

- UK Parliamentary elections
- Recall petitions
- local elections in England
- local referendums in England
- Police and Crime Commissioner elections in England and Wales [
- UK-wide national referendums

Voter Identification was scheduled to be in place for the May 2023 Elections, meaning that to vote at a polling station would require the elector to produce a legally specified form of identity at the polling station in order to be issued with a ballot paper. Although regulations on how voter ID would work had yet to be issued acceptable forms of ID would include passports, driving licenses and older peoples bus passes if they included a photograph. Electors who did not have any form of photographic identity would be able to apply for a Voter Authority Certificate via a national portal up to six days before the election

It was explained that the staff working in polling stations would have no discretion about the circumstances in which they would be able to issue ballot papers and the forms of identity that would be acceptable.

The Electoral Commission would run a national public communications campaign to raise awareness of the requirement to show identification and remind the public to bring identification with them when they go to vote.

It was stated that it remained the Government's intention to introduce voter identification for the May 2023 elections, though formal confirmation had not been received and final arrangements and funding were yet to be confirmed. It was anticipated that by the end of September 2022 an initial letter would be received from DLUHC regarding 'new burdens' funding. Confirmation of initial funding allocations to districts and accompanying guidance were expected at the end of October, with this payable at the end of November. Whilst the Electoral Commission has responsibility for the national campaign regarding Voter ID, it was confirmed that there would be no localised funding available for communications.

It was anticipated that by early November 2022 relevant secondary legislation would be laid (this will contain all the detail regarding the Voter ID application process and polling station requirements). It was expected that this legislation would be made mid-January 2023 to be in place for May 2023 polls, with the application portal for voter id going live mid/late January 2023. The timeline meant that there would be a very short timeframe for introducing the administrative arrangements and communicate the new arrangements.

RESOLVED:

That the update be noted.

4. NEIGHBOURHOOD FORUMS REVIEW

Consideration was given to a report of the Chief Executive, which sought Members views on the approach to be taken to the review of Neighbourhood Forums. It was suggested that a Member Working Group should be established review the operation of the Forums and consider the best way forward. Members were asked to consider the membership and arrangements for operation of Working Group to consider future of Neighbourhood Forums and report back to this group to approve recommendations for Council.

RESOLVED:

- (i) That a Member Working Group be established to review the operation of Neighbourhood Forums with a view to making recommendations to Council, through the Democratic Processes Working Group for implementation for the 2023/24 Municipal Year.
- (ii) That the membership of the Working Group be confirmed at the next Council meeting, to include the four Neighbourhood Forum Chairs, the relevant Executive Member and a representative of the Opposition Group

5. ELECTORAL COMMISSION BULLETINS

Consideration was given to a report of the Director of Governance and Pensions that provided Members with recent copies of the Electoral Commission news bulletin, which set out current issues affecting the democratic framework for local government.

RESOLVED:

That the report be noted.

CHAIR

Report to:	COUNCIL
Date:	4 October 2022
Executive Member:	Councillor Jacqueline North First Deputy (Finance, Resources & Transformation)
Reporting Officer:	Kathy Roe – Director of Finance
Subject:	CONTRACT PROCEDURE RULES
Report Summary:	This report provides details of a review of the current Contract Procedure Rules (“CPRs”) and proposes the adoption of a new set of CPRs by each of the STAR Authority.
Recommendations:	<p>That Council be recommended to approve the amendments to the Contract Procedure Rules, namely:</p> <ul style="list-style-type: none">(i) To reflect updated legislation due to the UK’s exit from the European Union(ii) To rationalise the CPRs and, where possible, remove those parts which relate to procedural aspects in order for these to be dealt with in the Procurement Handbook(iii) To increase the threshold trigger for a one quote exercise for both Supplies, Services and Concessions and Works and Public Works Concessions from £4,999 to £9,999;(iv) To permit the modification of a contract where there are; “any other exceptional circumstances as agreed by the SRO for Legal” (9.3.1(g)). The additional ground will offer some flexibility in exceptional circumstances whilst requiring the approval of the SRO for Legal will allow for any risk to be minimised; and(v) To implement a simplified process where the modification is in respect of an extension to the term of a contract which was provided for in the initial procurement documents and the contract.
Corporate Plan:	Helps meet various strands of the Corporate Plan
Policy Implications:	There are no direct policy implications in this report.
Financial Implications:	There are no direct financial implications in this report.
(Authorised by the statutory Section 151 Officer & Chief Finance Officer)	
Legal Implications:	The Contract Procedure Rules (CPRs) are a legal requirement of any Council and are a critical tool to ensure that procurement of good and services is undertaken compliantly in relation to legal requirements and also transparently so that Members and residents can have the confidence that officers are ensuring that expenditure is being undertaken appropriately and represents good value.
(Authorised by the Borough Solicitor)	The proposed amendments have already been considered by the STaR Joint Committee and now need to be considered and approved by each of the Member Councils in order that they can be incorporated into the relevant constitutions. To ensure the effective running of procurement processes it is important for STaR that each

of the Member authorities adopts the same rules and procedures to ensure consistency and efficiency. It is also a sensible suggestion that the rules and processes are separated to allow processes to develop whilst keeping the rules clearly enshrined in the constitution.

As set out in the main body of the report this review has addressed the legislative updates which are required to reflect the changes following Brexit and are set out in the report in detail.

The amendments have also sought to 'streamline' some of the current processes, most notably in relation to the extension of contracts where the provision to extend is already permitted under the contract. A simpler process will now be adopted but will still have oversight to ensure that the contract continues to provide good value to the council.

As the report explains the council's contract modification process allows for certain changes to be made to contracts without triggering a new procurement exercise so long as the conditions set out in the Public Contracts Regulations 2015 are met. These conditions are applied by the council to all contracts which is over and above the requirement of the Regulations but is considered good practice.

A further amendment to the modification process has been included to allow for modifications to be made for "any other exceptional circumstances as agreed by the SRO for Legal". The use of this may be beneficial in exceptional circumstances but will not be used simply because there has not been effective contract management.

Another amendment of note is the raising of the limit to obtain one quote in a procurement exercise. This accords with the risk based approach which has been adopted in relation to procurement.

However officers will still be required to record their decisions in order that decisions can be audited as required in order to provide the necessary level of assurance.

Risk Management:

It is important that STAR authorities continue to have an agreed set of harmonised CPRs in order to support STAR procurement as a shared service vehicle.

A review of the CPR's at this time is important due to legislative changes following the UK's exit from the European Union. It has provided a useful opportunity to pause and reflect on practices and approach to procurement and to make additional changes which improve operational efficiency and practice.

Background Information:

The background papers relating to this report can be inspected by contacting Caroline Barlow Deputy S151 Officer at:



e-mail: caroline.barlow@tameside.gov.uk

1. INTRODUCTION

Background

- 1.1 The CPRs are standing orders made pursuant to s135 of Local Government Act 1972. Where such standing orders are made, they shall include provision for securing and regulating competition for contracts entered into. They may also include exemptions to such provisions under certain thresholds specified within the CPRs.
- 1.2 Since the establishment of STAR Procurement, it has been considered essential that all partner authorities to have a single set of CPRs in order to harmonise procurement processes and enable the shared service vehicle to deliver an effective and consistent procurement processes.
- 1.3 The Council's current CPRs have been harmonised and adopted into the Constitution of each of the STAR Authorities ("Stockport, Trafford, Tameside and Rochdale").
- 1.4 The task of developing, agreeing and adopting a set of harmonised rules was a substantial and significant piece of work which was necessary to ensure that STAR Procurement and the STAR Authorities could work together against a set of agreed rules. The harmonisation project was completed by the CPR working group which consisted of Legal and Finance Officers from each of the STAR Authorities.
- 1.5 It is important that the STAR Authorities continue to have an agreed set of harmonised CPRs in order to support STAR Procurement as a shared service vehicle.
- 1.6 A review of the CPRs at this time is important as legislative changes following the UK's exit from the European Union. It provided a useful opportunity to pause and reflect on practices and approach to procurement to ensure that efficiencies and quality can be reflected.

2. DEVELOPMENT AND REVIEW OF THE CPRS

- 2.1 The CPRS only apply to procurement and contractual activity below the financial thresholds set out in the Public Contracts Regulations 2015 regulations (PCRs). The PCRs apply to all procurement and contractual activity which exceeds the thresholds.
- 2.2 The CPRs were initially reviewed and amended after the one year of operation at the request of the STAR Joint Committee with no amendments being made as a result.
- 2.3 In 2017 an interim amendment to the rules to allow for "Risk Based Sourcing" was made to the CPRs:
 - (a) Risk-Based Sourcing is when a range of risk factors determine the procurement process rather than value alone, for below threshold procurements. Therefore the procurement process is made proportionate and appropriate and allows resources to be focussed on the more complex procurements.
 - (b) This interim amendment to the thresholds has been incorporated into the proposed new CPRs.
- 2.4 In 2018, Tameside Council joined the STAR Procurement collaboration and subsequently adopted the harmonised CPRs.
- 2.5 A further review of the CPRs was initiated in 2018/2019 with a view to updating and streamlining the rules to ensure that the rules reflect both legislative and operational requirements and practices. The review was also aimed at ensuring that the rules are easily accessible and can be clearly understood and applied. Due to a range of factors, including the pandemic, the review was put on hold for a period of time. The review was re-commenced in 2021.

- 2.6 Representatives from the legal teams from the STAR Councils, and STAR Procurement, have worked together over the last 12/18 months to complete a robust and substantial review of the CPRs. The proposed new CPRs have been agreed by legal teams at each of the STAR Authorities.
- 2.7 The CPR amendments are summarised in the report and are:
- (a) condensed into a table of proposed amendments that are provided in Appendix 1; and
 - (b) reflected in the text of the proposed new CPRs which are attached at Appendix 2.
- 2.8 Each STAR Authority is required to separately progress the proposed new CPRs through their own governance arrangements with a view to securing the adoption of the proposed new CPRs.
- 2.9 The intention is for each of the STAR Authorities to simultaneously adopt the proposed new CPRs by May 2022. Until each Council has adopted the revised Rules, each STAR Authority and STAR Procurement will continue to operate on the existing harmonised CPRs.

3 KEY PROPOSED CPR AMENDMENTS

Overarching Summary

- 3.1 The CPRs have been updated to take account of the changes to legislation and the UK's exit from the EU.
- 3.2 In addition, an overarching theme of the review has been to rationalise the CPRs and, where possible, remove those parts which relate to procedural aspects in order for these to be dealt with in the Procurement Handbook.
- 3.3 This helps to ensure that the CPRs are "future proof" as this is where additional detailed guidance can be provided and updated periodically to reflect operational changes and improvements.

Procurement Thresholds

- 3.4 An amendment which has been considered is to increase the threshold trigger for a one quote exercise for both Supplies, Services and Concessions and Works and Public Works Concessions from £4,999 to £9,999.
- 3.5 In considering this amendment, the following data has been used to assess the impact of the amendment:
- Over the past year, the number of contracts falling within this bracket amounts to 166 contracts or about 40 per council per annum.
 - The effect on the overall spend is £1,139,194 which is 0.0009% based on £1,200,000,000 estimated four council controllable spend of £300m each.
- 3.6 On this basis, and that it represents very little risk to the councils, the threshold has been increased to £9,999 in the proposed new CPRs.

Modifications

- 3.7 Section 9 of the current CPRs deals with modifications and the circumstances where these are permitted:
- A modification is where the parties agree to change the terms of the original agreement, for example where additional works or services have become necessary and were not included in the original procurement;
 - The CPRs set out the remits, described as grounds, within which such changes can be made.
- 3.8 The current CPRs reflect the requirements as they are prescribed in the PCR in respect of

modifications, which means that the principles of the PCRs are applicable modifications made to contracts which fall below the legislative thresholds. Although including these provisions within CPRs is not a legislative requirement, these principles remain in the new proposed CPRs as they provide clear requirements which help to achieve consistent, transparent and reasonable practices and ensures parity between the CPRs and the Regulations.

- 3.9 However, whilst it is important to set such a high standard, it is also equally important that we are not unnecessarily fettered by the requirements of the regulations where to do so would place an onerous obligation on the authority.
- 3.10 Having assessed the procedures linked to modifications and the associated risks of an amendment thereto, the proposed CPRs include the following amendments:
- an additional ground will be added to permit the modification of a contract where there are; “any other exceptional circumstances as agreed by the SRO for Legal” (9.3.1(g)). The additional ground will offer some flexibility in exceptional circumstances whilst requiring the approval of the SRO for Legal will allow for any risk to be minimised; and
 - Rule 9.3.6 now also provides for a simplified process where the modification is in respect of an extension to the term of a contract which was provided for in the initial procurement documents and the contract. In these circumstances, the SRO for the relevant service and the Director of Procurement (STAR) will be authorised to approve the modification. This will ensure that contracts with inbuilt extension periods can be extended without undue delay or burdensome bureaucracy. This change does not represent any risk to the Council.

4. NEXT STEPS

- 4.1 Each STAR Authority is progressing the proposed new CPRs through its own governance procedures.
- 4.2 The CPRs were presented at the STAR Joint Committee in March and the proposed amendments will progress to be incorporated into the Constitution of each Council.
- 4.3 STAR Procurement will undertake a programme of updating the Procurement Handbook to provide additional guidance as necessary.

5. RECOMMENDATIONS

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

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PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
Rules 1.3 , 1.4 and 1.5 to be replaced	Streamlining the rules	New Wording	<p>Each of the STAR Authorities have agreed to establish and participate in a joint committee (the “Joint Committee”) and have agreed to delegate their Executive and to the extent that the activities of the Joint Committee are not executive functions the STAR Authorities delegates to the joint committee the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the Procurement Functions delegated to it.</p> <p>The Rules ensure that Procurement Functions are undertaken in a legally compliant, transparent, fair and competitive manner. These Rules shall apply to all procurement activity where the Council is to procure any Goods, Services or the execution of Works, or enters into a Concessions Contract as either a contracting authority or commissioner of such, regardless of the origin of funding (such as external grants, partnership funding, pooled or joint budgets for example).</p> <p>These Rules allow for Joint Procurement activity to be undertaken by STAR Procurement on behalf of some or all of the STAR Authorities and any other Contracting Authorities (together the Participating Authorities) who may, from time to time opt to participate in the Joint Procurement. The Participating Authorities will select one of their number to act as lead in the process (Lead Authority). The Lead Authority will draft a Memorandum of Understanding (MOU) to be agreed and signed by the Participating Authorities. The MOU will set out the commitment of resources, and other considerations that each will dedicate to the Joint Procurement activity. The Participating Authorities and Officers must follow their own governance procedures and these Contract Procedure Rules as appropriate.</p>
2.1 Removal of reference to EU Law	No longer applicable in this instance	Change to text	Change reference from EU Law to English Law
2.5 Removal of Definitions from this part of Document	Streamlining the rules	Create separate schedule for definitions	Deletion of definitions from Rule 2 and place in a new Schedule 2

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
3. Insertion of 3 new Rules at the start of section 3.	Additional Clarity as to the basic Principles and Responsibilities	Additional Rules at start changing numbering for the rest of section	<p>New text:</p> <p>3.1 Value for money is fundamental to the procurement activity carried out by the Council. This should be achieved through competition, unless there are compelling reasons to the contrary.</p> <p>3.2 In addition to these Rules, above set financial Regulation Thresholds, procurement undertaken by the Council is subject to a legal framework which encourages free and open competition and value for money, to ensure that the public procurement market is open and competitive and that suppliers are treated equally and fairly. The legislative rules cover aspects such as advertising of contracts, procedures for assessing company credentials, awarding the contracts and remedies (penalties) when these rules are breached.</p> <p>3.3 When procurement activity is not subject to the Public Contracts Regulations because the estimated value of a contract falls below the relevant financial Regulations Threshold, Officers and elected Members must adhere to these Rules.</p>
3.5 d deleted and replaced with new text.	Inclusion of point regarding social value	New text	<p>3.5 d will now read as follows:</p> <p>The need to procure responsibly by considering how what it is to be procured may improve social, environmental and economic well-being of the Council's relevant area.</p>
3.5e amended with additional text.	To include text from the original 3.5d still necessary but as part of related 3.5e	Amendment to original text of 3.5e	<p>3.5e will now read as follows</p> <p>The need to ensure Value for Money, Best Value and achieve efficiencies by administering procurement processes which are cost effective.</p>
Deletion of existing 3.5g,h,i and l and creation of new 3.5g	Streamlining the rules	Deletion and new text	<p>Existing 3.5g, h, l and L will be deleted with a new 3.5 g reading as follows:</p> <p>The need to ensure legislative compliance in procurement processes and award of contracts.</p>
Addition of new 3.5j	Streamlining the rules	New text	<p>New 3.5j to read as</p> <p>“The need to Social Value by considering and evaluating Social Value as part of the procurement process including the use of the Social Value Portal for all over £50,000 contracts.”</p>

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
Deletion of existing 4.2 e and insertion of new 4.2 e, f and g	Additional Clarity on Contracts which these rules do not apply	Deletion and new text	Existing 4.2 e will be deleted and replaced with new 4.2 e, f and g as follows: 4.2e Grant funding Agreements 4.2f Certain Qualifying Contracts between entities within the public sector 4.2g Any contracts specifically excluded by relevant legislation
Deletion of existing 5.2.1 and replaced with new text	Streamlining the new rules	Deletion and new text	Existing 5.2.1 to be deleted and replaced as follows: Once the PID has been received, the ASO, together with the APO, must conduct an options appraisal of the procurement options and will determine, as a minimum: Contract value; the most viable route to market; procurement process requirements and associated documentation; market research, engagement and consultation requirements; associated implications; key actions; procurement timescales against approval requirements; Specification or Quotation Specification as appropriate; Social Value and the economic, social and environmental wellbeing of the borough and the benefit which the procurement process can bring to the community and have regard to the duty to secure continuous improvement in accordance with Best Value. Further information on the above can be found in the Procurement Handbook.
5.2.3 and 5.2.4 to be deleted and replaced with new 5.2.3 and 5.2.4	Streamlining the new rules	Deletion and new text	Delete existing 5.2.3 and 5.2.4 and replaced with following 5.2.3 The ASO and APO will seek advice and guidance from STAR Legal and/or from colleagues on a wider basis where necessary or desirable. 5.2.4 The ASO will liaise with STAR to develop either a Specification or a quotation request commensurate to the scope of the Goods, Services, execution of Works or Concessions Contract.
Rules 5.3.2 and 5.3.3 from originals CPRS to be deleted	Streamlining of rules	Deletions of Rules referenced	Rules 5.3.2 and 5.3.3 from originals CPRS to be deleted

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
New Rule to be inserted at start of section 5.3 leading to change in numbering with existing 5.3.1 now becoming 5.3.2 and so on	Additional Clarity to Framework Agreements and DPS	Insertion of new Rule 5.3.1	New Rule 5.3.1 to be inserted and to read as follows: For the avoidance of doubt, a Framework Agreement or DPS is generally considered suitable where it has either been entered into by: a)the Council in compliance with these Rules; or b)another local authority, a local authority purchasing consortium or central government where the Framework Agreement or DPS has been tendered and awarded in accordance with procurement legislation, and the Council is identified as a contracting authority.
A 5.3.2 c to be added to new 5.3.2	Additional Clarity to Framework Agreements and DPS	Insertion of new text to new 5.3.2	5.3.2 c to be added to new 5.3.2 and to read as follows: The correct contractual documentation is entered into in accordance with approval requirements.
A new 5.3.3 to be inserted	Additional Clarity to Framework Agreements and DPS	Insertion of new Rule	5.3.3 to be added and to read as follows: Framework Agreements must not be for more than four years (including options to extend) unless otherwise authorised by the SRO for Legal.
Rule 5.5.4 under original numbering to be deleted	Streamlining of rules	Deletion of existing Rule	Rule 5.5.4 under original numbering to be deleted
New Rule to be inserted at start of section 5.5 leading to change in numbering with existing 5.5.1 now becoming 5.5.2 and so on	Additional Clarity to estimating the total value of a contract	Insertion of new Rule	Insertion of new Rule 5.5.1: Rule 5.5 is applicable to the procurement of all contracts where an existing Framework Agreement or DPS is not being used to make an award of contract..
5.5.2 removal of reference to Frameworks or DPS	Streamlining of rules	Deletion of words from Rule	5.5.2 removal of reference to Frameworks or DPS

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
5.5.3 text to be replaced	Streamlining of rules	Original text replaced	5.5.3 to now read as follows: The Council must not split Contracts in order to avoid public procurement rules or calculate the value of the Contract in such a way as to deliberately avoid exceeding the Regulation Thresholds or any threshold identified in these Rules. The value of a Contract should be calculated as follows and applies to the aggregate value of the Contract Agreement: Yearly potential contract value X Contract period in years (including any option to extend) = total value
5.5.4 text to be replaced	Streamlining of rules	Original text replaced	Amended 5.54 to read as follows The value of a Framework Agreement or DPS means the maximum estimated amount payable by the users of the Framework Agreement or DPS for the Goods, Services or execution of Works (excluding VAT) under Call-off Contracts entered into over the entire possible duration of the Framework Agreement or DPS.
Section 5.5 Table 1 Value Bands A and B To Goods, Services and Concessions to be amended. The Word Chest be deleted and replaced by Electronic Procurement Portal	Potential Decision to be taken to amend Value bands for Goods, Services and Concessions	Value Band A and Band B Value in table 1 to be changed	Original value band A of £0 - 4999.99 to be changed to value band of £0 - £9999.99 Original value Band B of £5000 up to £24999.999 to be changed to £10000 up to £24999.99 "Chest" to be replaced by Electronic Procurement Portal
Section 5.5 Table for Works, and Public Works Concession Value Bands A and B to be amended The Word Chest be deleted and replaced by Electronic Procurement Portal	Potential Decision to be taken to amend Value bands for Works, and Public Works Concession	Value Band A and B to be amended	Original value band A to be changed to value band of £0 - £9999.99. Original value Band B to be changed to £10000 to £24,999.99 The Word Chest be deleted and replaced by Electronic Procurement Portal

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
5.5.6 Amend which bands require ASO determination of procurement activity	Streamlining of the rules	Amend Text in Rule 5.56	Change the values B and C for B and D for Goods, Services and Concession Contracts and Change the Value bands from B and C to C and E for Works and Public Works Concession Contracts.
5.5.9 to be deleted	Streamlining of the rules	Delete Text	Delete Rule 5.59
5.6.1 to be deleted	Streamlining of the rules	Delete Text	Delete Rule 5.6.1
New 5.61 to be amended with removal of reference to EU Directives	Streamlining of the rules	Delete relevant text	Deleted “with the EU Directives and” from last sentence of new 5.6.1
Delete 6.1.1	Streamlining of the rules	Delete Text	Delete Rule 6.1.1
6.2.4 to be amended	Streamlining of the rules	Amend Text	Delete the word ‘chest’ and replace with the words ‘electronic procurement portal.
Delete existing wording from 6.3.2 and replace with new wording	Streamlining of the rules	Deletion and Addition of new text	Replace all of the existing text for 6.3.2 with the following : Approval for any amendments (whether to submissions by bidders or to requirements by the Council) must be sought from the Director of Procurement (STAR) in consultation with STAR Legal. An example of this may be a Quote may be amended after the closing date for submission if the amendment is made only in order to correct an arithmetical error.
Amend rule 6.4. 1	Streamlining of the rules	Deletion of some text from end of rule 6.4.1	Delete following text from Rule 6.4.1: 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.
Delete Rules 6.4.3 and 6.4.4	Streamlining of the rules	Deletion of Text	Delete Rules 6.4.3 and 6.4.4

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
Amend Text in 6.4.2	Streamlining of the rules	Amend Text	Delete the word 'chest' and replace with 'electronic procurement portal'
6.5.1 Delete original text and replace with new Text	Streamlining of the rules	Deletion of Text and new Text inserted	Delete all original text and replace with the following : All Quotes, including those in mini-competitions under Framework Agreements, must be confirmed in writing before a decision to award can be made and all Quotes must be stored on The electronic procurement portal.
7.1.1 Amend Text	Streamlining the rules	Amend text	Delete the word 'chest' and replace with the words 'electronic procurement portal'
7.1.4 Delete original text and replace with new text	Streamlining the rules	New wording	Delete original text for 7.1.4 and replace with the following : 'All communications relating to Tenders must be via the electronic procurement portal for reasons of transparency and in order that a record can be maintained.
7.1.5 (becomes 7.1.4) All communications relating to Tenders must be recorded via The Chest	Additional clarity as to the reason for communicating via the Chest	Additional wording	All communications relating to Tenders must be recorded on electronic procurement portal'for reasons of transparency and in order that a record can be maintained.
7.2 Pre- and Post- Tender Clarification Procedures	Streamlining the rules	Amend 7.2.1 to direct the ASO to seek guidance from STAR and procedure in the Handbook to be followed	7.2.2 – 7.2.5 deleted
7.3.4 Delete original text and replace	Streamlining the rules	Deletion and Amendment	Delete original text and replace with the following: If less than three Tenders are received then advice must be sought from the Director of Procurement (STAR) on how to proceed. Any decision must be recorded in writing and stored on the electronic procurement portal.

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
Delete existing 7.4.1 and 7.4.2 and insert new 7.4.1	Streamlining the rules	Deletion and Amendment	Delete existing 7.4.1 and 7.4.2 and insert new 7.4.1 as follows: Tenders are to be verified and opened in accordance with the procedures set out in the Procurement Handbook.
7.6.5 Officers must ensure transparency and fairness during the evaluation process	Duplication of fundamental principles and theme throughout the CPRs	Remove	Deleted
7.6.2 Abnormally low quotes.	Clarification of process	Amendment	STAR and the ASO will together identify whether any of the Quotes received are abnormally low and where it is determined that a Quote is abnormally low, the ASO must take advice from STAR on how to proceed.
7.6.4 Delete original text and replace	Streamlining the rules	Deletion and Amendment	Delete the word 'chest' and replace with the words 'electronic procurement portal'
7.6.5 new rule to be added	Streamlining the rules	New text for new rule	Add in new 7.6.5 to read as follows: In accordance with the Council's risk-based sourcing policy, the APO may require a best and final offer from more than one Tenderer.
7.7.6 Amend text	Streamlining the rules	Deletion and replacement of text	Delete the word 'chest' and replace with the words 'electronic procurement portal'
7.7.8 A STAR Legal Officer will, where necessary, advise on the formalities for completion of the contract by parties other than the Council and how to ensure that the Contract is legally binding.	For clarity and streamlining Covered by 7.7.9	Remove	Delete 7.7.8 Amend 7.7.9 to: Contract award letters, feedback to Tenderers, including any incidental documentation must be approved by the APO prior to sending and STAR Legal will advise on the contract Terms and Conditions where the value of the Contract is over the Regulation Thresholds.

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
8.1.2 Additional text	Clarification of process	Amendment	Add at end 8.1.2 as follows: f. Standards of Performance g. Limitations of liability
8.4.1 Transfer of Contracts To carve out contractor group restructures	Such restructures are referred to under rule 9 (modifications)	Cross reference to rule 9	8.4.1 Unless Rule 9.3.1(d) applies....
9.1.2 additional text	Clarification of process	Amend text	Amend Rule 9.1.2 to read as follows: An exemption is an exemption to the requirements under these CPRS only and cannot be considered where the contract value is above threshold.
9.2.1 Delete existing text and replaced with new text	Streamlining the rules	Delete text and Insert new text	Delete existing text and replace as follows: To apply for an exemption the ASO must fill in the Exemption Form and follow the process as set out in the Procurement Handbook
9.2.2 Delete existing text and replaced with new text	Streamlining the rules	Delete text and Insert new text	Delete existing text and replace as follows: For avoidance of doubt where either Rule 6.2.4 or Rule 7.3.4 applies then an Exemption Form should not be completed.
Delete Rules 9.2.3, 9.2.6 and 9.2.7	Streamlining the rules	Delete Text	Delete Rules 9.2.3, 9.2.6 and 9.2.7

PROPOSED AMENDMENT	RATIONALE	ACTION	PROPOSED AMENDMENT
9.3 Modifications Streamlining of the rules	In certain circumstances, where a contract allows for an extension of its term, there should be a streamlined approval process.	Provide a process whereby there is a streamlined approval process – SRO for the service and the Director of Procurement (STAR). In practice the existing form can be adapted and/or individual authority directorates may decide to delegate this authority.	Delete 9.3.6 and replace with: Where 9.3.1(a) applies, and the Framework Agreement or Contract provides in writing for an extension to the length of the Framework Agreement or Contract's term and the following conditions are met: a. The extension is for substantially the same works, supplies and/or services provided in the original Framework Agreement or Contract; b. The financial terms for the extension are as agreed in the original Framework Agreement or Contract and deliver Best Value to the Council; c. The OJEU/FTS notice or other advertisements for the Framework Agreement or Contract stated that an extension Contract may be awarded; and d. The estimated value of the Framework Agreement or Contract in the OJEU/FTS notice or other advertisements took account of the potential extension; and e. The length of the extension is no longer than that permitted by the original Framework Agreement or Contract; the decision to award the extension may be taken by the SRO for the relevant service and the Director of Procurement (STAR).
9.4 Procedure for Modifications Streamlining of the rules	Many of the provisions in the CPRs relate to process and need not be part of the rules.	Remove some of the provisions from the rules and instead refer to process in the Handbook and completion of the form.	Consequential amendments to 9.4
Definitions Move to an appendix	For greater clarity	Some definitions added/removed as a consequence of the amendments to the rules.	Some definitions added/removed as a consequence of the amendments to the rules.

CPRs including local rules listed under Schedule One

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1. Introduction

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

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

2. Interpretations and Definitions

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

3. Basic Principles and Responsibilities

- 3.1 Value for money is fundamental to the procurement activity carried out by the Council. This should be achieved through competition, unless there are compelling reasons to the contrary.
- 3.2 In addition to these Rules, above set financial Regulation Thresholds, procurement undertaken by the Council is subject to a legal framework which encourages free and open competition and value for money, to ensure that the public procurement market is open and competitive and that suppliers are treated equally and fairly. The legislative rules cover aspects such as advertising of contracts, procedures for assessing company credentials, awarding the contracts and remedies (penalties) when these rules are breached.
- 3.3 When procurement activity is not subject to the Public Contracts Regulations because the estimated value of a contract falls below the relevant financial Regulations Threshold, Officers and elected Members must adhere to these Rules.
- 3.4 In all procurement activity, Officers and elected Members must comply with the following overriding principles of procurement:
- a. non-discrimination;
 - b. openness/transparency;
 - c. equal treatment for all;
 - d. mutual recognition; and
 - e. proportionality
- Advice and guidance around the application of these principles in respect of procurement activity can either be accessed via the Procurement Handbook or from STAR Procurement or legal officers.
- 3.5 All procurement activity must be compliant with all relevant legislation, the Council's Constitution, the Procurement Handbook and the local policies in [Schedule 1](#), and as a minimum have regard to:
- a. **The need to achieve accountability** through sound governance mechanisms, with informed decisions which facilitates procurement activity which demonstrates the highest

standards of integrity, transparency and fairness and enables the Council to discharge its responsibility in respect of expenditure of public money;

- b. **The need to provide consistent procurement policy to suppliers and achieve competitive supply;**
- c. **The need to meet commercial, regulatory and corporate priorities of the Council;**
- d. **The need to procure responsibly** by considering how what is to be procured may improve social, environmental and economic well-being of the Council's relevant area;
- e. **The need to ensure Value for Money, Best Value** and achieve efficiencies by administering procurement processes which are cost effective
- f. **The need to ensure fair-dealing** by ensuring that suppliers are treated fairly and without unfair discrimination, including protection of commercial confidentiality where compatible with the Council's obligations under FOIA and EIR;
- g. **The need to ensure legislative compliance** in procurement processes and award of contracts;
- h. **The need to promote responsiveness** by endeavouring to meet the aspirations, expectations and needs of the community served by the procurement processes;
- i. **The need to provide transparency** by ensuring that there is openness and clarity on the Council's procurement policy and its delivery and a clear audit trail in relation to procurement activity.
- j. **The need to Social Value** by considering and evaluating Social Value as part of the procurement process including the use of the Social Value Portal for all over £50,000 contracts.

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

4. Contracts to which these Rules do not apply

- 4.1 Where there is any doubt regarding the application of these Rules, Officers and elected Members must seek guidance from STAR, STAR Legal or their own legal team.
- 4.2 These Rules **do not** apply to the following:
- a. employment contracts for Officers engaged on a PAYE basis;
 - b. Contracts relating solely to the disposal or acquisition of securities;
 - c. Contracts for the acquisition of an interest in land and property;
 - d. Contracts for the appointment of Counsel or the appointment of experts for the purpose of legal, or potential legal proceedings by the SRO for Legal Services;
 - e. Grant funding agreements;
 - f. Certain Qualifying Contracts between entities within the public sector; and
 - g. Any contracts specifically excluded by relevant legislation

5. Preparation Steps

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

Governance Requirements: Approval Process

- 5.1 The ASO must ensure that they are aware of what decisions must be made at each stage of the procurement process:
- The approval process is fundamental to determine the timescales within which a procurement exercise can be completed. Approval requirements involving decisions which must be taken by the Council's cabinet or Council is likely to extend the overall procurement timescales;
 - The ASO must refer to the Council's Constitution, Scheme of Delegation and/or seek confirmation from its legal team in order to determine the correct and

appropriate approval process before any procurement activity is initiated.

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

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

Appraisal of the Procurement Options

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

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

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

- 5.4 The ASO and APO must determine if procurement activity will result in either the employees of the Council or its Contractor transferring to a new employer and they must consult STAR Legal and/or their own legal teams to ensure compliance with TUPE, and other related legislation, and to assess the implications in respect of pension arrangements.
- 5.5 The ASO and APO will seek advice and guidance from STAR Legal and/or from colleagues on a wider basis where necessary or desirable.
- 5.6 The ASO will liaise with STAR to develop either a Specification or a quotation request commensurate to the scope of the Supplies, Services, execution of Works, or Concessions Contract.

Framework Agreements and DPS

- 5.7 For the avoidance of doubt, a Framework Agreement or DPS is generally considered suitable where it has either been entered into by:
- a. the Council in compliance with these Rules; or
 - b. another local authority, a local authority purchasing consortium or central government where the Framework Agreement or DPS has been tendered and awarded in accordance with procurement legislation, and the Council is identified as a contracting authority.
- 5.8 Where, following an options appraisal as required by [Rule 5.2](#), a suitable Framework Agreement or DPS is identified, the requirements of Rule 5.5.4, Rule 6 (Quotes) and Rule 7 (Tenders) will not be applicable and the ASO and APO must ensure that:
- a. An order is placed or a contract is awarded in accordance with the terms and conditions set out in the relevant Framework Agreement or DPS; and
 - b. Where applicable, a mini-competition (the tender process required by the Framework Agreement) is held in accordance with rules of the Framework Agreement or DPS; and
 - c. The correct contractual documentation is entered into in accordance with approval requirements.

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

Market Research, Engagement and Consultation

- 5.10 The ASO and APO will determine market research, engagement and consultation requirements and where relevant the APO will determine where an ASO may consult potential Bidders or Tenderers in general terms prior to a request for a Quote or an Invitation to Tender provided this does not prejudice any potential Bidders or Tenderers.
- 5.11 The ASO and APO must not seek or accept technical advice on the preparation of a quotation request or an Invitation to Tender from anyone who may have a commercial interest in the Quote or Tender, as this may prejudice the equal treatment of all potential Bidders and Tenderers and/or distort competition.

Estimating the Total Value of a Contract

- 5.12 Rule 5.5 is applicable to the procurement of all contracts where an existing Framework Agreement or DPS is not being used to make an award of contract.
- 5.13 Officers must calculate the total value of the Contract in order to determine which procurement activities should be commenced in accordance with these Rules. The procurement activity that must be followed is prescribed in Table 1 below.
- 5.14 The Council must not split Contracts in order to avoid public procurement rules or calculate the value of the Contract in such a way as to deliberately avoid exceeding the Regulation Thresholds or any threshold identified in these Rules. The value of a Contract should be calculated as follows and applies to the aggregate value of the Contract Agreement:

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

- 5.15 The value of a Framework Agreement or DPS means the maximum estimated amount payable by the users of the Framework Agreement or DPS for the Supplies, Services or execution of Works (excluding VAT) under Call-off Contracts entered into over the entire possible duration of the Framework Agreement or DPS.
- 5.16 The value of the Contract will determine which procurement activity to follow in accordance with Table 1 below subject to Rules 5.5.6 and 5.5.7:

Table 1: Procurement Activities
Supplies, Services and Concessions

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

D	Above the Regulation Thresholds	Most appropriate procedure permitted by the Regulations	Find a Tender Service Notice and Contracts Finder
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Works and Public Works Concessions

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

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

- 5.17 Where the Contract value falls within Value B or D for Supplies, Services and Concession Contracts or Value Band C or E for Works and Public Works Concession Contracts, the ASO shall determine which procurement activities should be undertaken by reference to the Procurement Handbook.
- 5.18 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.
- 5.19 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.

Standards and Award Criteria

- 5.20 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:
- Most economically advantageous tender (“MEAT”) - where considerations other than price also apply;
 - Lowest price - where payment is to be made by the Council;
 - Highest price - if payment is to be received.
- If MEAT is the chosen award criteria, advice must be obtained from STAR to ensure that it is compatible with the Regulations.
- 5.21 The ASO must seek advice from STAR and/or STAR Legal to ensure any award criteria is compliant with relevant legislation and best practice.

6 Quotes

Requests for Quotes

- 6.1 When requesting a Quote, a Quotation Specification must be provided to prospective Bidders to enable the submission of competitive Quotes.
- 6.2 The request for a Quote shall also make reference to or include the following as a minimum:
 - a. the terms and conditions of Contract that will apply; and
 - b. notification that Quotes are submitted to the Council on the basis that they are compiled at the Bidder's expense; and
 - c. a description of the award criteria as appropriate and in accordance with [Rule 5.6](#); and
 - d. the date and time by which a Quote is to be submitted by; and
 - e. that the Council is not bound to accept any Quotes submitted.
- 6.3 The proposed form of Contract must comply with [Rule 8](#) and the standard terms and conditions of Contract, as determined and made available by STAR Procurement must be used. Advice and approval must be obtained from a STAR Legal Officer where alternative terms and conditions are proposed.
- 6.4 Where requests for a Quote are sought from more than one prospective Bidder, where possible, the request must be sent to each Bidder at the same time and contain the same conditions. Any supplementary information must be given on the same basis.

Submission and Receipt of Quotes

- 6.5 Bidders must be given a reasonable period in which to prepare and submit a proper Quote, consistent with the complexity of the Contract requirement.
- 6.6 STAR and the ASO will together identify whether any of the Quotes received are abnormally low and where it is determined that a Quote is abnormally low, the ASO must take advice from STAR on how to proceed.
- 6.7 Where there is a deadline for quotes, any Quote (including all associated documents) submitted after the specified date and time for submission of Quotes shall only be accepted or considered by the Council in exceptional circumstances and only with agreement from the SRO for Legal Services.
- 6.8 If fewer than the minimum number of Quotes is received as stipulated in Table 1 in [Rule 5.5](#), then advice must be sought from the Director of Procurement (STAR) as to whether to proceed. Any decision must be recorded in writing and stored on the electronic procurement portal.

Amendments to Quotes

- 6.9 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.
- 6.10 Approval for any amendments after the closing date (whether to submissions by bidders or to requirements by the Council) must be sought from the Director of Procurement (STAR) in consultation with STAR Legal. An example where a Quote may be amended after the closing date for submission would be if the amendment is made only in order to correct an arithmetical error.

Evaluation of Quotes

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

STAR for advice.

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

Contract Award – through a Quotation Process

- 6.13 All Quotes, including those in mini-competitions under Framework Agreements, must be confirmed in writing before a decision to award can be made and all Quotes must be stored on the electronic procurement portal.
- 6.14 All awards of contracts must be:
- a. in accordance with Council's Scheme of Delegation;
 - b. in accordance with Finance Procedure Rules/Regulations; and
 - c. recorded in the PID, signed and dated by the ASO, the APO and the SRO for the relevant service.
- 6.15 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).
- 6.16 Prior to commencement of the Contract, the Contract must be completed in accordance with [Rule 8.2](#) unless Rule 8.2.2 applies.
- 6.17 STAR will, in consultation with STAR Legal where necessary, advise on the formalities for completion of the contract.

7 Tenders

Invitations to Tender

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

- j. Whether the Council is of the view that TUPE will be applicable in relation to the procurement activities;
- k. Whether additional arrangements will be required in relation to pension provision;
- l. Provisions relating to the Council's termination rights in the event that corruption is discovered;
- m. The relevance and application of any parent company guarantees and/or bonds;
- n. That the Council is not bound to accept Tenders; and
- o. Any matters required by local polices in [Schedule 1](#).

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

7.4 All communications relating to Tenders must be via the electronic procurement portal for reasons of transparency and in order that a record can be maintained.

Pre and Post Tender Clarification Procedures

7.5 Any pre and/or post Tender clarification activity may only be undertaken in accordance with the procedure set out in the Procurement Handbook. The ASO must seek guidance from STAR.

Submission and Receipt of Tenders

7.6 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.

7.7 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.

7.8 All Tenders received, including those in mini-competitions under Framework Agreements, must remain unopened until the date and time specified by STAR has passed.

7.9 If less than three Tenders are received then advice must be sought from the Director of Procurement (STAR) on how to proceed. Any decision must be recorded in writing and stored on the electronic procurement portal.

Verifying and Opening Tenders

7.10 Tenders are to be verified and opened in accordance with the procedures set out in the Procurement Handbook.

Amendments to Tenders

7.11 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.

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

Evaluation of Tenders

7.13 If a SQ or an expression of interest prior to SQ was used, all those Tenderers must be given feedback at the relevant stage.

7.14 STAR and the ASO will together identify whether any of the Quotes received are abnormally low and where it is determined that a Quote is abnormally low, the ASO must take advice

from STAR on how to proceed.

- 7.15 All compliant Tenders, including those in mini-competitions under Framework Agreements, must be checked by the ASO and the APO to ensure they are arithmetically correct. If any errors are found they should be referred to STAR for advice.
- 7.16 Where MEAT is used as the award criteria, all evaluations including an explanation of the reasons for the scores should be recorded on the electronic procurement portal. The ASO must then confirm to STAR that the Contract can be awarded by updating the PID.
- 7.17 In accordance with the Council's risk-based sourcing policy, the APO may require a best and final offer from more than one Tenderer.

Contract Award – through a Tender process

- 7.18 The winning Tender shall be awarded the Contract in accordance with the award criteria used.
- 7.19 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.
- 7.20 The approval to award the Contract must be given in accordance with the Council's Scheme of Delegation.
- 7.21 All award decisions must be recorded in the PID, signed and dated by the ASO, the APO and the SRO for the relevant service.
- 7.22 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.
- 7.23 Once the decision to award a Contract is made, each Tenderer must be notified by either the ASO or the APO in writing of the outcome. All Tenderers must be notified simultaneously and as soon as possible of the intention to award the Contract to the successful Tenderer(s) and this should be done via the electronic procurement portal. The letters must include a description of the relative advantages of the successful Tenderer.
- 7.24 Prior to commencement of the Contract, the Contract must be completed in accordance with [Rule 8.2](#) unless Rule 8.2.2 applies.
- 7.25 The APO must publish a contract award notice in the Find a Tender Service and on the Council's website no later than 48 days after the date of award of the Contract where a Contract value exceeds the Regulation Threshold and has been tendered pursuant to the Regulations or is subject to the relevant provision of the Regulations relating to Contract award.
- 7.26 Contract award letters, feedback to Tenderers and, including any incidental documentation must be approved by the APO prior to sending and STAR Legal will advise on the contract Terms and Conditions where the value of the Contract is over the Regulation Thresholds.

Enquiries about the Tender process

- 7.27 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.
- 7.28 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.

- 7.29 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

Contract Provisions

- 8.1 All Contracts must be in writing and must set out the parties' obligations, rights and risk allocations. Advice must be sought from STAR as to the appropriate form of Contract to be used and must be on the standard terms and conditions, as determined and made available by STAR Procurement. Advice and approval must be obtained from a STAR Legal Officer where alternative terms and conditions are proposed.
- 8.2 All Contracts, irrespective of value, shall, where appropriate, clearly specify as a minimum:
- a. What is to be supplied (i.e. the Works, materials, services, matters or things to be furnished, had or done)
 - b. The provisions for payment (i.e. the price to be paid and when)
 - c. The time, or times, within which the contract is to be performed
 - d. The provisions for the Council to terminate the Contract and break clauses.
 - e. The provision for collateral warranties from sub-contractors.
 - f. Standards of performance
 - g. Limitations on liability

Contract Formalities

- 8.3 Once a decision to award has been made in accordance with Rule 6.5.3 or 7.7.3, the Contract must be signed or sealed in accordance with Rule 8.3 and the procedures set out in the Procurement Handbook.
- 8.4 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.
- 8.5 A purchase order must be raised in the appropriate eProcurement system for all Supplies, Services and Works requirements to be acquired through an EPS and for all Contracts. The purchase order must refer to the terms and conditions of Contract between the Council and the Contractor.
- 8.6 The ASO must ensure that the person signing on behalf of the Contractor has requisite legal authority to bind the Contractor. Where there is any doubt, the ASO must seek advice from the STAR Legal Officer or the Council's own legal team.

Contracts under Seal

- 8.7 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.
- 8.8 The seal must be affixed in accordance with the provisions of the Council's Constitution.

Transfer of Contracts

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

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

9. Exemptions and Modifications

Exemptions

- 9.1 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.
- 9.2 An Exemption is an exemption to the requirements under these CPRs only and cannot be considered where the Contract value is above the relevant Regulation Threshold.
- 9.3 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 supplies is available; or
 - g. The ASO can demonstrate that no genuine competition can be obtained in respect of the purchase of particular Supplies, Services or execution of Works; or
 - h. The ASO is satisfied that the Services or execution of Works are of such a specialist nature that they can only be carried out by one person (e.g. statutory undertakers); or
 - i. Supplies are proposed to be purchased by or on behalf of the Council at a public auction; or
 - j. Supplies or Services are proposed to be purchased which are of a specialist or unique nature (such as antiquities for museums or a particular performance artist); or
 - k. Any other exceptional circumstances.

Procedure for Exemptions

- 9.4 To apply for an Exemption the ASO must fill in the Exemption Form and follow the process as set out in the Procurement Handbook.
- 9.5 For the avoidance of doubt, in circumstances where either Rule 6.2.4 or Rule 7.3.4 applies, then an Exemption Form should not be completed.
- 9.6 No commitment should be made to a potential Contractor prior to completion of the exemption procedure.

- 9.7 The Director of Procurement (STAR) is responsible for ensuring a complete record of all Exemptions. A record of the decision approving an Exemption and the reasons for it must be stored on the electronic procurement portal.

Modifications to a Contract or Framework Agreement

- 9.8 Contracts and Framework Agreements may be modified during their term without a new procurement procedure in accordance with this Rule 9.3 in any of the following cases:
- (a) where the Modifications, irrespective of their monetary value, have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses, which may include price revision clauses or options, provided that such clauses
 - (i) state the scope and nature of possible modifications or options as well as the conditions under which they may be used, and
 - (ii) do not provide for modifications or options that would alter the overall nature of the Contract or the Framework agreement;
 - (b) for additional works, services or supplies by the original contractor that have become necessary and were not included in the initial procurement, where a change of contractor:
 - (i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, or
 - (ii) would cause significant inconvenience or substantial duplication of costs for the Council,provided that any increase in price does not exceed 50% of the value of the original Contract or Framework Agreement;
 - (c) where all of the following conditions are fulfilled:
 - (i) the need for Modification has been brought about by circumstances which a diligent Council could not have foreseen;
 - (ii) the modification does not alter the overall nature of the Contract or Framework Agreement;
 - (iii) any increase in price does not exceed 50% of the value of the original Contract or Framework Agreement.
 - (d) where a new Contractor replaces the one to which the Council had initially awarded the Contract or Framework Agreement as a consequence of:
 - (i) an unequivocal review clause or option in conformity with sub-paragraph (a), or
 - (ii) universal or partial succession into the position of the initial contractor, following corporate restructuring, including takeover, merger, acquisition or insolvency, of another economic operator that fulfils the criteria for qualitative selection initially established, provided that this does not entail other substantial modifications to the contract and is not aimed at circumventing the application of the Regulations;
 - (e) where the Modifications, irrespective of their value, are not substantial within the meaning of Rule 9.3.5;
 - (f) where Rule 9.3.3 applies; or
 - (g) where the Contract Value is below the relevant Regulation Threshold, any other exceptional circumstances as agreed by the SRO for Legal.
- 9.9 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.
- 9.10 This Rule 9.3.3 applies where the value of the Modification is below both of the following values:
- (a) the relevant Regulation Threshold and
 - (b) 10% of the initial Contract or Framework Agreement value for service and supply Contract or Framework Agreement and 15% of the initial Contract or Framework Agreement value for works contracts,
- provided that the Modification does not alter the overall nature of the Contract or Framework Agreement

- 9.11 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.
- 9.12 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).
- 9.13 Where 9.3.1(a) applies, and the Framework Agreement or Contract provides in writing for an extension to the length of the Framework Agreement or Contract's term and the following conditions are met:
- a. The extension is for substantially the same works, supplies and/or services provided in the original Framework Agreement or Contract;
 - b. The financial terms for the extension are as agreed in the original Framework Agreement or Contract and deliver Best Value to the Council;
 - c. The OJEU/FTS notice or other advertisements for the Framework Agreement or Contract stated that an extension Contract may be awarded;
 - d. The estimated value of the Framework Agreement or Contract in the OJEU/FTS notice or other advertisements took account of the potential extension; and
 - e. The length of the extension is no longer than that permitted by the original Framework Agreement or Contract;
- the decision to award the extension may be taken by the SRO for the relevant service and the Director of Procurement (STAR).

Procedure for Modifications

- 9.14 To apply for a Modification the ASO must provide a copy of the original signed contract, fill in the Modification Form and follow the process as set out in the Procurement Handbook.
- 9.15 No commitment should be made to a potential Contractor prior to completion of modification procedure.
- 9.16 The Director of Procurement (STAR) is responsible for ensuring a complete record of all Modifications is kept and a record of the decision approving a Modification and the reasons for it must be submitted to STAR to be stored on the electronic procurement portal.

10. Declarations of Interest and Anti-Bribery and Corruption

- 10.1 The Council's reputation with regards to procurement activity is important and should be safeguarded from any imputation of dishonesty or corruption. All elected Members of the Council and Officers are reminded of their responsibilities in relation to gifts, hospitality and any conflicts of interest and should ensure they comply with the obligations set out in the Council's Members' Code of Conduct and the Officers' Code of Conduct respectively and any other relevant policies, guidance or strategies relating to bribery, fraud and corruption issued or endorsed by the Council from time to time

- 10.2 Any Officer or Member must declare any interest which could influence their judgement in relation to procurement activity in accordance with the Council's Codes of Conduct.
- 10.3 No gifts or hospitality should be accepted from any Bidders or Tenderers involved in procurement activity except in accordance with the Council's Codes of Conduct.

Contract Management

- 10.4 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.
- 10.5 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.
- 10.6 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.
- 10.7 Before the end of the Contract, the Contract Manager will work with STAR to give adequate time to prepare for the end of the Contract, and where appropriate, plan for the preparatory steps of the pre-procurement stage.
- 10.8 STAR can provide advice and support on good practice in performance management of Contracts.
- 10.9 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.

11. Retaining Relevant Documents

- 11.1 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.
- 11.2 All contracts shall be returned to the Council by STAR and must be retained as follows:

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

	whichever is the longer
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- 11.3 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.
- 11.4 Once executed, the Council shall retain one original of the complete Contract documents in line with the timescales in the table above and one copy of the complete Contract documents shall be provided to the Contractor.

SCHEDULE 1

Local arrangements for Trafford Council

There are no local arrangements.

SCHEDULE 2

Definitions

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

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

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

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Report To: COUNCIL

Date: 4 October 2022

Executive Member /
Reporting Officer: Cllr Gerald Cooney – Executive Leader
Sandra Stewart – Chief Executive

Subject: GODLEY GREEN PLANNING APPLICATION

Report Summary:

Council Constitution Part 2 - Articles of the Constitution Article 9 - Speakers Panel (Planning) state at 9.1 Regulatory and Non Executive Functions 1. – *“The Council will appoint the Speakers Panel (Planning) to discharge its quasi-judicial and regulatory functions, as set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. These include functions relating to Town and country planning and development control (strategic planning matters are within the terms of reference of the Strategic Planning and Capital Monitoring Panel).”*

Part 3a - Terms of Reference and Scheme of Delegation 11. STRATEGIC PLANNING AND CAPITAL MONITORING PANEL 1. Terms of Reference The Strategic Planning and Capital Project Monitoring Panel shall have delegated powers to deal with the following:-

Within the framework of Council Policy, and having regard to the Development Plan, Local Development Documents, other planning guidance and development briefs approved by the Council, the Panel shall exercise the Council's functions relating to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000 (as amended). Most of these functions are delegated to the Speakers (Planning) committee and then onwards to the Director or Head of Planning but the following are reserved to the Strategic Planning and Capital Project Monitoring Panel 1. applications for Large Scale Major Development, defined from time to time by Department for Communities and Local Government. Currently this includes o residential developments of 200 dwellings or more, or 4 ha or more; o 10,000 square metres or more, or 2 ha or more of retail, commercial or industrial or other floorspace. 2. Smaller scale major applications contrary to Development Plan Policy; 3. All significant applications which would depart from Green Belt policy shall be referred to the Strategic Planning and Capital Monitoring Panel for determination. 'Significant' will be defined by the Executive Leader and Chief Executive or their nominees;

Therefore, in accordance with the Constitution the Godley Green Planning application falls to be determined by Strategic Planning and Capital Monitoring Panel unless determined otherwise by Full Council. This report makes a recommendation to Panel to invite Council to refer the matter for determination by Speakers Panel Planning to avoid allegations of bias or predetermination as the application is being promoted by the Council and Strategic Planning and Capital Monitoring Panel has a number of members who are

part of the Executive Cabinet.

Recommendations:

- (i) That the Council's Speakers Panel (Planning) consider the Godley Green planning application instead of Strategic Planning and Capital Monitoring because the Council is promoting the application and it would be preferable to have a separation of roles to avoid either an appearance or challenge of bias and/or predetermination.
- (ii) That the meeting of Speakers Panel (Planning) scheduled for 14 December 2022 be moved to 21 December 2022

Policy Implications:

In line with the constitution.

Financial Implications:

(Authorised by the Section 151 Officer & Chief Finance Officer)

There are no additional financial implications as a consequence of Speakers Panel considering the application as opposed to Strategic Planning and Capital Monitoring.

Legal Implications:

(Authorised by the Borough Solicitor)

The constitution sets out how the Council has delegated its functions and the Council has the authority to make alternative delegations

Risk Management:

To avoid legal challenge and ensure openness and transparency of decision making.

Background Papers:



Background papers relating to this report can be inspected by contacting Sandra Stewart, Chief executive and Proper officer:



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Report to:	COUNCIL
Date:	4 October 2022
Executive Member:	Cllr Gerald Cooney - Executive Leader
Reporting Officer:	Sandra Stewart Chief Executive
Subject:	ESTABLISHMENT OF THE GREATER MANCHESTER INTEGRATED CARE PARTNERSHIP BOARD
Report Summary:	To establish the Greater Manchester Integrated Care Partnership as a joint committee and to agree the terms of reference for the Greater Manchester Integrated Care Partnership.
Recommendations:	<p>Members are requested to agree:</p> <ul style="list-style-type: none">(a) To establish the GM Integrated Care Partnership as a joint committee of the Greater Manchester Integrated Care Board and ten local authorities.(b) To appoint The Executive Leader and The Executive Member for Health as substitute member of the authority as members of the GM Greater Manchester Integrated Care Partnership.(c) To note the proposed Terms of Reference of the GM Greater Manchester Integrated Care Partnership as set out at Appendix B.
Corporate Plan:	Helps meet various strands of the Corporate Plan
Policy Implications:	Aligns with the current policy.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	There are no direct financial implications arising from this report.
Legal Implications: (Authorised by the Borough Solicitor)	As set out in the report and more particularly at Appendix A.
Risk Management:	To avoid legal challenge and ensure openness and transparency of decision making.
Background Information:	<p>Background papers relating to this report can be inspected by contacting Sandra Stewart, Chief Executive:</p> <p> Telephone: 0161 342 3502</p> <p> e-mail: sandra.stewart@tameside.gov.uk</p>

1. WHAT IS AN INTEGRATED CARE PARTNERSHIP?

- 1.1 An Greater Manchester Integrated Care Partnership is one of two statutory components of an Integrated Care System, alongside the Integrated Care Board (Greater Manchester Integrated Care Board). Section 26 Health and Care Act 2022 inserts s.116ZA into the Local Government and Public Involvement in Health Act 2007.

116ZA Integrated care partnerships

- (1) *An integrated care board and each responsible local authority whose area coincides with or falls wholly or partly within the board's area must establish a joint committee for the board's area (an 'integrated care partnership')*
- (2) *The integrated care partnership for an area is to consist of –*
- (a) one member appointed by the integrated care board*
 - (b) one member appointed by each of the responsible local authorities*
 - (c) any members appointed by the integrated care partnership*
- (3) *An integrated care partnership may determine its own procedure (including quorum)*
- 1.2 The minimum core membership of the Greater Manchester Integrated Care Partnership will consist of 10 representatives from the 10 districts and a member of Greater Manchester Integrated Care Board.

2. PURPOSE AND FUNCTION

- 2.1 Integrated Care Partnerships have a **statutory duty to create an integrated care strategy** to address the assessed needs, such as health and care needs of the population within the Greater Manchester Integrated Care Board's area, including determinants of health and wellbeing such as employment, environment, and housing. In preparing the integrated care strategy each integrated care partnership must have regard to guidance issued by the Secretary of State.
- 2.2 Statutory guidance has now been issued by Government:
<https://www.gov.uk/government/publications/guidance-on-the-preparation-of-integrated-care-strategies/guidance-on-the-preparation-of-integrated-care-strategies>
- 2.3 The legal duties of the Greater Manchester Integrated Care Partnership are set out in **Appendix A** references are to the guidance itself.

3. FURTHER RELEVANT GUIDANCE

Scrutiny

- 3.1 Further guidance issued by Government confirms that the Greater Manchester Integrated Care Partnership will be subject to local government Health Scrutiny arrangements and that the Care Quality Commission will review Integrated Care systems including the functioning of the system as a whole, which will include the role of the Greater Manchester Integrated Care Partnership. It is proposed that the GM Integrated Care System is scrutinised by the GM Joint Health Scrutiny Committee and at place level, as appropriate.

Health and Well Being Boards

- 3.2 It is expected that all Health and Wellbeing Boards in an area will be involved in the preparation of the Greater Manchester Integrated Care Partnership Strategy. Integrated Care Partnerships need to ensure that there are mechanisms in place to ensure collective input into their strategic priorities. Guidance also states that Integrated Care Partnerships will need to be aware of the work already undertaken at Place and build upon it. They should not override or replace existing place-based plans.

Principles

- 3.3. This is more clearly delineated in the Greater Manchester Integrated Care Partnership engagement summary. Government has summarised responses to the Greater Manchester Integrated Care Partnership engagement document published in September 2021 and set out five expectations:
- (i) Integrated Care Partnerships will drive the direction and policies of the ICS
 - (ii) Integrated Care Partnerships will be rooted in the needs of people, communities and places
 - (iii) Integrated Care Partnerships create a space to develop and oversee population health strategies to improve health outcomes and experiences
 - (iv) Integrated Care Partnerships will support integrated approaches and subsidiarity
 - (v) Integrated Care Partnerships should take an open and inclusive approach to strategy development and leadership, involving communities and partners to utilise local data and insights and develop plans
- 3.4 More recent guidance has referred to adopting a set of principles for all partners to develop good relationships including:
- Building from the bottom up
 - Following the principles of subsidiarity
 - Having clear governance
 - Ensuring leadership is collaborative
 - Avoiding duplication of existing governance arrangements
- 3.5 Whilst not specified in the guidance it is anticipated in Greater Manchester that Locality Boards will input into the Greater Manchester Strategy.

4. FORM OF INTEGRATED CARE PARTNERSHIP

- 4.1 A paper was circulated to local authorities and NHS Bodies on the role and potential makeup of the Greater Manchester Integrated Care Partnership earlier this year. There were a number of responses, which included a concern to ensure that the Greater Manchester Integrated Care Partnership fully represented all areas of expertise and in particular mental health; that lessons were learnt from the operation of the Health and Care Partnership Board meetings, in that it should not develop into a large and unwieldy meeting; and that it needed to be inclusive and harness the passion and enthusiasm of a wide range of the public, private and voluntary sector on a regular basis without them necessarily being members of the Greater Manchester Integrated Care Partnership .
- 4.2 The paper was refined and the following issues on the form of the Greater Manchester Integrated Care Partnership have been further considered by the wider local authority and NHS system through a paper circulated to Place-Based Leads, NHS Provider Forum, NHS Primary Care Board and the Greater Manchester Integrated Care Board through their governance officers.
- 4.3 Responses to the paper were considered by a meeting of the Shadow Greater Manchester Integrated Care Partnership who have agreed the membership as set out below -
- Greater Manchester Integrated Care Board Chair
 - Greater Manchester Integrated Care Board CEO
 - 10x LA representatives (political)
 - GMCA Mayor
 - At least one Healthwatch rep
 - One Director of Public Health (LA) as nominated by DPHs
 - One DASS (LA) as nominated by DASSs
 - One Director of Children's Services (LA) as nominated by DCSs
 - One LA Chief Executive – Chief Executives health lead
 - GMCA Chief Executive

- Two Provider Federation representatives: one mental health, one physical as nominated by PFB
- Four Primary Care representatives, one from each discipline
- Health Innovation Manchester representative
- One Trade Union representative
- One VCS representative
- One housing representative as nominated by GM Social Housing providers
- One Work and Skills representative.

This would result in an Greater Manchester Integrated Care Partnership of 30 members if it is possible to have one representative from the housing sector and work and skills, with others invited as required e.g. GMP

5. SUB-COMMITTEES AND WORKING GROUPS

- 5.1 The engagement summary envisages that the Greater Manchester Integrated Care Partnership will convene and coordinate the activities of sub-committees, working groups or other forums as its role develops.

6. FREQUENCY OF MEETINGS

- 6.1 This is not specified in the guidance but it has been suggested that it meets three or more times a year. It is suggested that it meets at least quarterly on the same day as the GMCA meeting.

7. SECRETARIAT

- 7.1 The guidance says that no additional money will be available to local authorities. It is proposed that the Greater Manchester Integrated Care Partnership secretariat is provided by the GMCA governance team.

8. RECOMMENDATIONS

- 8.1 As set out at the front of the report.

APPENDIX A

Legal duties and powers - where to find more information in this guidance

Statutory requirements

Further detail in this guidance

The integrated care strategy must set out how the 'assessed needs' from the joint strategic needs assessments in relation to its area are to be met by the functions of integrated care boards for its area, NHSE, or partner local authorities.

See 'Evidence of need and the integrated care strategy' for detail on evidence of need. See 'Content of the integrated care strategy' for a non-exhaustive selection of topics for the integrated care partnership to consider, including: shared outcomes; quality improvement, joint working and section 75 of the NHS Act 2006; personalised care; disparities in health and social care; population health and prevention; health protection; babies, children, young people, and their families, and health ageing; workforce; research and innovation; 'health-related services'; data and information sharing.

In preparing the integrated care strategy, the integrated care partnership must, in particular, consider whether the needs could be more effectively met with an arrangement under section 75 of the NHS Act 2006.

See 'Joint working and Section 75 of the NHS Act 2006' in this document for further detail on this requirement.

The integrated care partnership may include a statement on better integration of health or social care services with 'health-related' services in the integrated care strategy.

See 'Health-related services' in this document for further detail on this power.

The integrated care partnership must have regard to the NHS mandate in preparing the integrated care strategy.

See the section in this document on the 'NHS mandate' for further detail on this requirement.

The integrated care partnership must involve in the preparation of the integrated care strategy: local Healthwatch organisations whose areas coincide with or fall wholly or partly within the integrated care partnership's area; and people who live and work in the area.

See the section on 'Involving people and organisations in the strategy' for further detail on involving people and groups for the integrated care partnership to consider, including: local Healthwatch; people and communities; providers of health and social care services; the VCSE sector; local authority and integrated care board leaders; wider organisations; other partnerships and fora.

The integrated care partnership must publish the integrated care strategy and give a copy to each partner local authority and each integrated care board that is a partner to one of those local authorities.

See the section on 'Publication and review' for further detail on this requirement.

Integrated care partnerships must consider revising the integrated care strategy whenever they receive a joint strategic needs assessment.

See the section on 'Publication and review' for further detail on this requirement.

NHS mandate

The government sets objectives for NHSE through a statutory mandate. The integrated care partnership must have regard to the mandate, alongside the guidance from the Secretary of State, when preparing their integrated care strategy.

For integrated care partnerships, having regard to the mandate means following the mandate unless there are compelling or exceptional reasons not to do so. In practical terms, integrated care partnerships should ensure they act in accordance with the mandate, where its content is applicable to their context. The mandate will also be reflected in NHSE's own strategic documents and planning guidance

ICBs and LAs will be required by law to have regard to the integrated care strategy when exercising any of their functions. NHS England (NHSE) must have regard to the integrated care strategy when 'exercising any functions in arranging for the provision of health services in relation to the area of a responsible LA'.

The guidance goes on to set out the requirements of the Integrated Care Strategy and how it may be developed with partners and states that Healthwatch must be involved in its production.

APPENDIX B

TERMS OF REFERENCE FOR GM GREATER MANCHESTER INTEGRATED CARE PARTNERSHIP

The Greater Manchester Integrated Care Partnership is a joint committee created by the ten Greater Manchester local authorities (“the Constituent Authorities”) and the Greater Manchester Integrated Care Board under s.116ZA into the Local Government and Public Involvement in Health Act 2007.

Membership of the Committee

The membership of the committee shall be

- one member appointed by the integrated care board
- one member appointed by each of the responsible local authorities
- any members appointed by the integrated care partnership

The Constituent Authorities and the GMCA shall also each nominate a substitute executive member/assistant portfolio holder to attend and vote in their stead.

Role of the Committee

To enable the discharge of the Greater Manchester Integrated Care Partnership’s functions under the Local Government and Public Involvement in Health Act 2007 and any related guidance concerning the role of integrated care partnerships.

Powers to be discharged by the Committee



The Committee shall have the power to discharge jointly the functions of the Greater Manchester Integrated Care Partnership .

The discharge of such functions includes the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions

Operation of the Greater Manchester Integrated Care Partnership

- ✓ The Greater Manchester Integrated Care Partnership shall appoint a chair at its first meeting;
- ✓ The Quorum of the Greater Manchester Integrated Care Partnership shall be [15] members;
- ✓ Each member shall have one vote;
- ✓ The Chair shall not have a casting vote;
- ✓ Unless required by law, decisions shall be made by a simple majority.

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Report to:	COUNCIL
Date:	4 October 2022
Executive Member:	Cllr Gerald Cooney - Executive Leader
Reporting Officer:	Sandra Stewart Chief Executive
Subject:	ESTABLISHMENT OF GREATER MANCHESTER CLEAN AIR JOINT SCRUTINY COMMITTEE
Report Summary:	To establish a Greater Manchester Joint Scrutiny Committee to scrutinise decisions of the Clean Air Charging Authorities Committee and the Clean Air Administration Committee.
Recommendations:	<p>Members are requested to:</p> <ul style="list-style-type: none">(a) Agree to the establishment of a GM Clean Air Joint Scrutiny Committee;(b) Agree the Terms of Reference of the Committee as set out in Appendix A(c) Appoint a member and substitute member to the Committee.
Corporate Plan:	Helps meet various strands of the Corporate Plan
Policy Implications:	Aligns with the current policy.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	There are no direct financial implications arising from this report.
Legal Implications: (Authorised by the Borough Solicitor)	As set out in the report and more particularly at Appendix A.
Risk Management:	To avoid legal challenge and ensure openness and transparency of decision making.
Background Information:	<p>Background papers relating to this report can be inspected by contacting Sandra Stewart, Chief Executive:</p> <p> Telephone: 0161 342 3502</p> <p> e-mail: sandra.stewart@tameside.gov.uk</p>

1. PURPOSE OF REPORT

- 1.1 To establish a Greater Manchester Joint Scrutiny Committee to scrutinise decisions of the Clean Air Charging Authorities Committee and the Clean Air Administration Committee.

2. BACKGROUND

- 2.1 The ten Greater Manchester Districts and GMCA established the Clean Air Administration Committee in March 2021 and delegated to the committee -

- the GMCA's and the Constituent Authorities' functions under sections 82 to 84 of the Environment Act 1995
- the GMCA's functions in relation to the Greater Manchester Clean Air Plan (including the taking of action likely to promote or improve the economic, social or environmental well-being of Greater Manchester in connection with it and the use of grants made by the Secretary of State under section 31 of the Local Government Act 2003 to implement that plan).
- the Constituent Authorities functions under the Greater Manchester Clean Air Plan including those under Part 3 of, and Schedule 12 to, the Transport Act 2000 and regulations made thereunder (excluding any decision thereunder that must be taken jointly by charging authorities) including, but not limited to:
 - action required under the Environment Act 1995 (Greater Manchester) Air Quality Direction 2020 (other than the making of the joint local charging scheme);
 - the exercise of their powers under sections 176, 177 and 192 of the Transport Act 2000;
 - the application of the Constituent Authorities' shares of any net proceeds of a joint local charging scheme made by them.
- *The discharge of such functions includes the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.*

- 2.2 The Clean Air Charging Committee was established in October 2021 by the ten districts with the following functions:

The Committee shall have power to take all such decisions of the Constituent Authorities (as charging authorities) that must be taken jointly under Part 3 of, and Schedule 12 to, the Transport Act 2000 and any regulations made thereunder.

This includes, but is not limited to:

- *Making and varying a joint local charging scheme order;*
- *Decisions of the charging authority under such a joint local charging scheme and the Road User Charging Schemes (Penalty charges, Adjudication and Enforcement) (England) Regulations 2013.*

3. SCRUTINY

- 3.1 Decisions of both committees are currently subject to Scrutiny by each District. However, as the Committees are jointly exercising the functions of the authorities it is proposed that the Scrutiny arrangements are also exercised jointly. This will enable decisions to be scrutinised more effectively and efficiently and on a Greater Manchester basis and across both Committees.
- 3.2 Proposed Terms of Reference for the GM Scrutiny Committee are attached at Appendix A and recommendations are set out at the front of this report.

APPENDIX A

Clean Air Scrutiny Committee – Terms of Reference

General

The Clean Air Scrutiny Committee (“the Scrutiny Committee”) is a joint committee created by the ten Greater Manchester local authorities (“the Constituent Authorities”) under section 101(5) of the Local Government Act 1972.

Membership of the Scrutiny Committee

The membership of the Scrutiny Committee shall be ten, consisting of one member appointed by each of the Constituent Authorities and one member of the Greater Manchester Combined Authority. The Constituent Authorities shall also each nominate a substitute member to attend and vote in their stead. Membership must reflect (as far as reasonably practicable) the political balance of the whole GM area.

Role of the Committee

The Scrutiny Committee’s role and function is as follows:

1. To review or scrutinise decisions made, or other actions taken by the Clean Air Charging Authorities Committee, including decisions delegated by it to officers and sub-committees;
2. To review or scrutinise decisions made, or other actions taken, in relation to the Constituent Authorities’ functions, exercised by the Air Quality Administration Committee, including decisions delegated by it to officers and sub-committees;
3. To make reports or recommendations to the Clean Air Charging Authorities Committee or the Air Quality Administration Committee concerning the discharge of their functions;
4. To Call-In decisions made by the Clean Air Charging Authorities Committee, including decisions delegated by it to officers and sub-committees;
5. To Call-In decisions made, in relation to the Constituent Authorities’ functions, exercised by the Air Quality Administration Committee, including decisions delegated by it to officers and sub-committees;
6. Any three members of the Scrutiny Committee can call in a decision of the Clean Air Charging Authorities Committee or the Air Quality Administration Committee.
7. If the Scrutiny Committee does Call-In a decision it can:
 - (a) Direct that a decision is not to be implemented while it is under review or scrutiny by the Scrutiny Committee; and
 - (b) Recommend that the decision be reconsidered.
8. To establish formal sub committees or informal task and finish groups if they wish.
9. Attendance
 - Members of the Clean Air Charging Authorities Committee or the Air Quality Administration Committee;
 - Officers exercising delegated functions of the Clean Air Charging Authorities Committee or the Air Quality Administration Committee

must attend meetings of the Scrutiny Committee, if invited, to answer questions.
10. Other people may be invited to attend meetings of the Scrutiny Committee, but are not obliged to attend.

Operation of the Scrutiny Committee

11. The Committee shall appoint a Chair at its first meeting.
12. The Quorum of the Committee shall be two thirds of its members (7 members).
13. Each member shall have one vote.
14. The Chair shall not have a casting vote.
15. Unless required by law, decisions shall be made by a simple majority.
16. The Committee will meet as often as required.