



# AGENDA

For the Council meeting to be held on  
Wednesday 28 February 2018.

Timothy Wheadon, Chief Executive



## **NOTICE OF MEETING**

### **Council**

**Wednesday 28 February 2018, 7.30 pm**

**Council Chamber, Fourth Floor, Easthampstead House, Town Square, Bracknell - Easthampstead House, Town Square, Bracknell, RG12 1AQ**

### **To: The Council**

Councillor Mrs McKenzie-Boyle (Mayor), Councillor Finch (Deputy Mayor), Councillors Allen, Mrs Angell, Angell, Dr Barnard, Bettison OBE, D Birch, Mrs Birch, G Birch, Brossard, Brunel-Walker, Dudley, Finnie, Ms Gaw, Mrs Hamilton, Harrison, Mrs Hayes MBE, Ms Hayes, Heydon, Dr Hill, Mrs Ingham, Kennedy, Leake, McCracken, Mrs McCracken, Mrs McKenzie, McLean, Mrs Mattick, Ms Merry, Ms Miller, Peacey, Phillips, Porter, Skinner, Mrs Temperton, Thompson, Tullett, Turrell, Virgo, Wade and Worrall

TIMOTHY WHEADON  
Chief Executive

## **Council**

**Wednesday 28 February 2018, 7.30 pm**

**Council Chamber, Fourth Floor, Easthampstead House, Town Square, Bracknell - Easthampstead House, Town Square, Bracknell, RG12 1AQ**

Sound recording, photographing, filming and use of social media at meetings which are held in public are permitted. Those wishing to record proceedings at a meeting are however advised to contact the Democratic Services Officer named as the contact for further information on the front of this agenda as early as possible before the start of the meeting so that any special arrangements can be made.

## **AGENDA**

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### **The meeting will be opened with prayers by the Mayor's Chaplain**

#### **1. Apologies for Absence**

#### **2. Minutes of Previous Meeting**

To approve as a correct record the minutes of the meetings of the Council held on 17 January and 1 February 2018.

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#### **3. Declarations of Interest**

Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.

Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.

Any Member with an affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.

#### **4. Mayor's Announcements**

Including a presentation from the Mayor's Chaplain on the role of chaplaincy.

#### **5. Executive Report**

To receive the Leader's report on the work of the Executive since the Council meeting held on 17 January 2018.

17 - 20

Council is asked to note the Executive decisions detailed in the report.

**6. Independent Remuneration Panel Report**

To determine what action the Council wishes to take in response to the recommendations of the Independent Remuneration Panel.

21 - 46

**7. Financial Plans and Revenue Budgets**

To resolve recommendations in respect of:

47 - 56

- Capital Programme 2018/19 - 2020/21
- Revenue Budget 2018/19 (including Fees and Charges)
- Council Tax 2018/19

The supporting information has been circulated separately to this agenda and is available with the agenda at <http://democratic.bracknell-forest.gov.uk>

**8. Contract Standing Orders**

To approve the recommendation of the Governance & Audit Committee to amend the Contract Standing Orders to transform procurement processes in line with the approach taken to the Council Wide Support Services review e.g. make procurement practices and processes more streamlined and more commercial as well as make other minor changes.

57 - 78

**9. Establishment of Appointment Committee: Director of Public Health**

To inform Members of plans agreed by the Executive to create a Director of Public Health post and seek to establish a Committee to undertake an appointment to the post in conjunction with Public Health England and the Faculty of Public Health.

79 - 82

**10. Question Submitted Under Council Procedure Rule 10**

By Councillor Harrison to Councillor Turrell, Executive Member for Planning and Transport

*This Council has recently decided to consult on a Local Plan Draft which contains significant housing allocations in the Parish of Winkfield whose nearest railway station is Martins Heron. In light of this, will the Executive Member ensure that South Western Rail is engaged in the Local Plan consultation process to ensure that their passenger number projections and service plans for Martins Heron and Bracknell stations take full account of the new evidence in the form of the emerging Local Plan.*

*Additionally will the Executive Member stress to the Department of Transport that Bracknell Forest's growth plans, including the already delivered £250m regeneration of Bracknell Town Centre and commitment to clean air goals justify further investment in public transport links to Heathrow, the Elizabeth Line and Sandhurst and Crowthorne to Gatwick via Wokingham and Guildford?*

**COUNCIL**  
**17 JANUARY 2018**  
**7.30 - 8.40 PM**



**Present:**

The Mayor (Councillor Mrs Tina McKenzie-Boyle), Councillors Finch (Deputy Mayor), Allen, Mrs Angell, Angell, Dr Barnard, Bettison OBE, D Birch, Mrs Birch, Brossard, Brunel-Walker, Dudley, Finnie, Ms Gaw, Mrs Hamilton, Harrison, Mrs Hayes MBE, Ms Hayes, Dr Hill, Mrs Ingham, Kennedy, Leake, McCracken, Mrs McCracken, McLean, Mrs Mattick, Ms Merry, Ms Miller, Peacey, Porter, Mrs Temperton, Thompson, Tullett, Turrell, Virgo, Wade and Worrall

**Apologies for absence were received from:**

Councillors G Birch, Heydon, Mrs McKenzie, Phillips and Skinner

**36. Minutes of Previous Meeting**

**RESOLVED** that the minutes of the Council meeting held on 29 November 2017 be approved, and signed by the Mayor as a correct record.

**37. Declarations of Interest**

There were no declarations of interest.

**38. Mayor's Announcements**

Presentation from Power of Parenting

The Mayor welcomed Paul Adams, Founder and Trustee of Power of Parenting, who had been invited to the meeting to talk to the Members present about the charity.

Mr Adams advised the meeting of his own personal fostering journey and explained that he was passionate that 'Life as it should be' for looked after children (LAC) should be improved.

He explained the charity's objectives were:

- to provide financial and moral support for LAC to fulfil their academic/sporting achievements in the form of a bursary
- to raise the profile of all foster carers especially in Bracknell Forest in relation to the invaluable work they do with young people
- help recruit more foster carers

He described the successful fundraising in the charity's first two years which had achieved £20k to date and had enabled the first £12,000 bursary to be available.

His long-term objective for the charity was to own a building in Bracknell called the "POP" building which would be a place of safety, where looked after children would be always be welcome, with an area of accommodation and learning and development, run and maintained by the charity.

In response to Members' queries, Mr Adams made the following points:

- The charity had no overheads as Mr Adams was able to cover the costs through his work as a safeguarding consultant.
- He reported that his plan to recruit more foster carers was focused on using his network of retired police officers who he believed had the skills of public protection and understanding of behavioural science.
- He was working with Red Snapper Plc to market the opportunities of fostering to their database of police officers.
- He hoped that he could develop the model of Power of Parenting at a local level and that the model could be repeated elsewhere in the country.

The Mayor thanked Mr Adams for attending the meeting.

#### Mayoral Charity Collection days

The Mayor thanked everyone who had supported the two collection days and announced that over £2,000 had been raised for her charity, the Firefighter's Charity.

#### Naming Waste Truck Raffle

The Mayor reported that due to her illness she had needed to delay the official naming ceremony for the two trucks until 14 February.

#### Thanks to Past Mayors

The Mayor thanked the Immediate Past Mayor and Past Mayors who had attended events to represent the Council in December on her and the Deputy Mayor's behalf while she was unwell.

#### Team working on recycling

Councillor Mrs Hayes MBE, Executive Member for the Environment shared with the meeting an image of a large amount of glass which had been left around recycling bins obstructing access. Working with partners Councillor Ms Merry had helped remove 40 trolleys worth of glass and was thanked for her efforts with a gift by Councillor Mrs Hayes MBE.

The Mayor in turn gave Councillor Mrs Hayes MBE a gift in recognition of her support in organising the naming of the waste truck raffle. Councillor Mrs Hayes MBE replied that she thoroughly enjoyed working on her portfolio especially working with the Council's officers and its waste partners.

#### Mayor's Business Forum

The Mayor advised the meeting that the invitation would be sent out imminently for the Mayor's Business Forum which was being held on 23 February 2018 with a focus on Apprenticeships and that there would be no cost to attend.

#### End of Year Celebration

The Mayor announced that she would be holding an end of year celebration event on 11 May 2018 at the Coppid Beech Hotel and asked Members to note the date, however a Save The Date would be sent out within the next two weeks.

### Bracknell Town Mayor's Valentine's Ball

The Mayor invited the Bracknell Town Council's Mayor, Councillor Harrison, to promote his Valentine's Ball event which was taking place on 16 February 2018 in aid of Ascot Area Alzheimer's and Keep Mobile.

### Cancellation of event

Unfortunately due to her illness the Mayor was sad to announce that she had cancelled her next scheduled charity event, a Nepalese Curry Night, which was due to be held at Bracknell Fire Station on 27 January 2018.

### Executive Member for Adult Services, Health and Housing

Councillor D Birch reported that the Public Health team had successfully promoted Self Care Week between 13 – 23 November 2017. There had been 42 events across the borough with 17 student volunteers. 95,000 people had taken part including social media interactions with 16,000 views of the videos produced. Events included a 42 people strong walking group and park runs.

Councillor D Birch added that a hugely successful Junior Park Run had been held on 14 January 2018 with young people taking part in a 2K run in Great Hollands Recreation Ground. He thanked Bracknell Town Council's Mayor who had opened the event.

The Public Health team had been nominated for the Young People's Mental Health Awards. The team had reached the final three for their work on mental health awareness lessons in schools including a session at Reading Football Club attended by 400 people. He asked the Director to pass on the Council's congratulations to Lisa McNally and her team.

### Executive Member for Children, Young People and Learning

Councillor Dr Barnard thanked everyone involved in the annual School's Carol Concert event especially James Baker from Berkshire Maestros who had organized the event and the Corelli Orchestra. He reported that Students from 20 primary schools had attended the event.

He also reported that Ofsted had judged the Community Learning Service as 'Good' across all services. He was pleased that a service which reached out to the whole community was being recognised. He asked the director to pass on the Council's thanks to Jeremy Saunders, Head Of Service, Information & Knowledge Management and Georgina Hayward, Community Learning Manager.

## **39. Executive Report**

The Leader of the Council, Councillor Bettison OBE, presented his report on the work of the Executive since that reported at the Council meeting on 29 November 2017. The Executive had met once on 19 December 2017.

The Council noted the Executive decisions detailed in the report. The Leader highlighted the following matters that had been considered:

- The Capital Programme & Revenue Budget proposals were agreed. The six week consultation with Overview & Scrutiny and the public had begun. A full debate would be held at the February Council meeting.

- The Rights of Way Improvement Plan had been agreed which built on the plan published in 2016 and incorporated consultation feedback.
- The consultation for the Thames Basin Heath SPA Supplementary Planning Document was launched on 8 January running until 19 February 2018. The document would provide greater clarity on regulations, buffer zones and SANG's.
- The Corporate Performance Overview Report for Quarter Two was reviewed and performance was largely back on track. Highlights included the opening of the Lexicon, the re-opening of Coral Reef, positive Care Quality Commission Local Area Review and the launch of the new Resources Directorate. He noted that other achievements in 2017 were the Ofsted inspection, launch of "Help Yourself" digital platform, introduction of Family Safeguarding Model, successful NPIF bid for dualling of Downshire Way and delivery of £7m+ of transformation programme savings.

In relation to the Revenue Budget 2018/19 Councillor Mrs Temperton asked why it was stated in the report at paragraph 5.2.3 that the Commercial Investment Strategy was providing £1m of income when it had been previously reported at the November Council meeting that it was generating £2million. Councillor Bettison confirmed that this was an error in the report and the amount of income being delivered by the strategy was £2m per annum.

In relation to the Council Plan Overview Report Councillor Mrs Temperton enquired why vacancies and staff illness rates had not been included in the second quarter Quarterly Service Reports. She stated that she found the data a useful indicator of wellbeing of the Council's staff. Councillor Bettison agreed to respond after the meeting once he had investigated the omission.

#### 40. **Pay Policy Statement**

The Council considered a report regarding the Council's Pay Policy Statement which it is required to publish in accordance with the 2011 Localism Act and aligned with the requirements of the Transparency Regulations.

On the proposition of Councillor McLean, Chairman of Employment Committee and seconded by Councillor Allen it was:

**RESOLVED** that the Pay Policy Statement for 2018/19 be agreed.

#### 41. **Question Submitted Under Council Procedure Rule 10**

Councillor Mrs Temperton asked Councillor D Birch, Executive Member for Adult Social Care, Health and Housing the following published question:

*Universal Credit is coming to Bracknell in February. What preparations are in place to advise and support claimants especially during any five/six week wait for receipt of their money?*

In response Councillor D Birch stated that the question was not accurate as the Autumn budget had revised the implementation date to May 2018. He added that Universal Credit for single people had been operating in Bracknell Forest since September 2015. Officers were monitoring and supporting single people on universal credit and 52 people moved onto it so far in 2017-18. The Council was contracted by



Department for Work and Pensions to provide budgeting support for people referred to them by Job Centre and would continue to help couples and families with this life skill. The Autumn budget also proposed that new applicants would also get housing benefit for two weeks after their initial claim which would provide a financial buffer. Bracknell Forest officers were advising residents of the changes and there was the ability to ask for advance payments if they were in demonstrable hardship. He stated that the Council's administration cared about its residents and offered means tested financial support.

Councillor Mrs Temperton stated that she was pleased that the implementation date had been delayed, enquired what ICT support was available and whether residents were being offered support to complete the complicated forms. In reply to the supplementary question Councillor D Birch said that the Council had introduced 'My benefits', use of the site was increasing and it assisted claimants to assess benefits claims. He described the support system options that were available as officers were giving advice to residents who visited the offices, going out to sheltered housing schemes to provide advice as well as training appropriate onsite staff such as wardens or attending people's homes to provide direct advice or assisting family members. He concluded that support would be established and increased by April 2018 for people in the most need of support.

**MAYOR**

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**EXTRAORDINARY COUNCIL  
1 FEBRUARY 2018  
7.30 - 8.20 PM**



**Present:**

The Mayor (Councillor Mrs Tina McKenzie-Boyle), Councillors Finch (Deputy Mayor), Mrs Angell, Angell, Dr Barnard, Bettison OBE, D Birch, Mrs Birch, Brossard, Brunel-Walker, Dudley, Ms Gaw, Mrs Hamilton, Harrison, Mrs Hayes MBE, Ms Hayes, Heydon, Dr Hill, Mrs Ingham, Leake, McCracken, Mrs McCracken, Mrs McKenzie, McLean, Mrs Mattick, Ms Merry, Peacey, Phillips, Porter, Skinner, Mrs Temperton, Thompson, Tullett, Turrell, Virgo, Wade and Worrall

**Apologies for absence were received from:**

Councillors Allen, G Birch, Finnie, Kennedy and Ms Miller

**42. Declarations of Interest**

Councillor Harrison declared that he had an Affected Interest in agenda item three, Bracknell Forest Local Plan - Consultation on Draft Local Plan, by virtue of two of the possible site identified in the plan being close to his home.

Councillor Peacey declared that she had an Affected Interest in agenda item three, Bracknell Forest Local Plan - Consultation on Draft Local Plan, by virtue of one of the proposed sites identified in the plan abutting her property.

Councillor Phillips declared that she had an Affected Interest in agenda item three, Bracknell Forest Local Plan - Consultation on Draft Local Plan, by virtue of one of the proposed sites identified in the plan abutting her property.

**43. Bracknell Forest Local Plan - Consultation on Draft Local Plan**

The Council considered a report seeking approval to consult upon the draft Bracknell Forest Local Plan (Appendix A of the agenda report) and the Consultation Strategy (Appendix B) for a period of public consultation between Thursday 8 February and Monday 26 March 2018. Approval was also being sought to update and publish the Local Development Scheme.

Andrew Hunter, Chief Officer: Planning, Transport and Countryside updated the meeting on the key elements of the Local Plan consultation which would set out a planning framework for the Borough, including vision, objectives, new planning policies and the allocation of sites for the period up to 2034. He explained that it was important for the Council to have an up to date plan to help provide certainty and set out the council's framework for development. The draft plan had been developed over a period of time and had involved evidence gathering, member engagement, site assessment, discussions with infrastructure providers and regular reporting through the Local Plan working group. The next stage was to seek public comment on the draft plan.

In response to Members questions the Chief Officer made the following points:

- It would not be detrimental if the proposed timetable was not strictly adhered to but any delay was a delay to the Council establishing up to date planning policies and being able to demonstrate future housing land supply.
- Consultation exhibitions were being run in areas where development sites were proposed and the policy team were working with Parish & Town Council offices and libraries to schedule these exhibitions. The team would be available to answer questions at sessions at varying times including weekends.
- No sites had been submitted for traveller sites but as the plan developed they may be put forward. If no sites were received then the Council would rely upon the policy in the plan relating to that determination.
- All of the evidence base which had been used would be available on the Council's website as part of the consultation.
- The proposed Local Plan would be updated and amended as a result of the consultation responses.
- If a site was deemed unsuitable, due to contamination for example, it may be withdrawn from the list of proposed sites but would not be substituted as there was some flexibility within the list of sites as the proposed sites could deliver 3,600 houses above the required 3,200.
- Delivering 3,200 houses would just be meeting housing need requirement therefore sites were proposed which could deliver an over allocation of 3,600 houses and give flexibility for the final plan if any sites needed to be ruled out or the numbers on the site changed.
- Every consultation response would be assessed by officers and responded to. At the end of the consultation each comment would be detailed including what response had been made and what impact this had, if any. This itemised list would be appended to the final proposed Local Plan report. The Council would then decide if it agreed with the officer's assessment as part of approving the final version of the Plan.
- The Policy team were working with water supply companies in preparing a water cycle study to confirm that there was sufficient water supply for the proposed sites. To date no issues had been identified.
- It had been recognised that there was not currently sufficient capacity for waste water to be taken away from the proposed sites and the team was working with providers to explore solutions. Development had the right to connect to existing waste water infrastructure and measures were being considered with suppliers being kept informed.
- It was acknowledged that some of the proposed sites may have previously been rejected through the planning application process. It was a consequence of having to look at growth within the policy environment that sites needed to be revisited for consideration as demands on the area evolved.
- The proposed Local Plan increased the percentage of affordable housing to be achieved on qualifying sites with over ten units to 35%. It was noted however that viability assessments impacted on the deliverability of this figure.

On the proposition of Councillor Turrell, Executive Member for Planning and Transport and seconded by Councillor D Birch it was:

**RESOLVED** that

- (i) the draft Local Plan (Appendix A) be agreed for consultation and Consultation Strategy (Appendix B) be agreed;

- (ii) the draft Local Plan (Appendix A) and other supporting consultation material be published for a period of public consultation starting on Thursday 8 February and ending on Monday 26 March 2018;
- (iii) minor changes to the draft Local Plan and other supporting material produced prior to the consultation be agreed with the Chief Officer: Planning, Transport and Countryside in consultation with the Executive Member for Planning and Transport; and
- (iv) the Local Development Scheme be updated and published to reflect the timescales set out in the agenda paper.

**44. Questions Submitted Under Council Procedure Rule 10**

Councillor Mrs Temperton asked Councillor Dr Barnard, Executive Member for Children, Young People and Learning the following published question:

*Five years ago, a consultation with the young people of Bracknell Forest resulted in a promise to provide for them a State of the Art provision in the centre of Bracknell. Coopers Hill was discussed as the location at one time. What has happened to these plans and when will the promise be fulfilled?*

In response Councillor Dr Barnard stated that the Council was committed to delivering a modern, viable youth provision in a central location which would offer a range of opportunities. The original consultation had investigated the options viable at the Copper's Hill site as it has a covenant in place for youth services. He stated that ultimately the negotiations did not get to a position where something could be delivered which was also sustainable.

He advised that the 'My Space' projects put in place elsewhere in the country had failed to thrive as they weren't sustainable. He considered it was key to develop in locations where young people would come therefore they were looking at opportunities in the new Town Centre. Whatever was developed needed to be adaptable, accessible, flexible and complement what was offered in the new Town centre. He added that Cooper's Hill was now in the wrong direction as it took young people out of the new Town Centre. Looking forward he hoped to be able to provide an update to Members soon.

Councillor Mrs Temperton asked a supplementary question about delivery timescales as she considered this needed to be delivered in 2019/2020 because Bracknell's young people had been waiting a long time. In response Councillor Dr Barnard agreed that they had been waiting too long but wanted to get the provision and location right. He added he was excited and optimistic now that the Town Centre was developed that this could progress. He reiterated that the Council had a good track record for delivering the infrastructure required and were committed to youth provision for example supporting Children's Centres. He stated that the Council would provide this and would do it right.

**MAYOR**

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To: **COUNCIL**  
**28 February 2018**

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## **EXECUTIVE REPORT TO COUNCIL** **The Leader**

### **1 PURPOSE OF REPORT**

- 1.1 Since the Council meeting on 17 January 2017, the Executive has met twice, on the 23 January 2018 and the 13 February 2018. This report summarises decisions taken by reference to the relevant portfolio within which they fall.
- 1.2 Updated Forward Plans are published every Friday and can be viewed online at [www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk). Full details on the decisions taken by individual portfolio holders can also be accessed online through the Council's website.

### **2 RECOMMENDATION**

- 2.1 **Council is asked to note the report.**

### **3 REASONS FOR RECOMMENDATIONS**

- 3.1 The reasons for recommendations to the Executive were set out in the supporting information of the reports considered by the Executive.

### **4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 Alternative options are discussed in the relevant individual reports considered by the Executive

### **5 SUPPORTING INFORMATION**

#### **Transformation and Finance**

#### **5.1 Bracknell Forest Lottery**

- 5.1.1 The Executive agreed to support the creation of a local lottery for Bracknell Forest, with the core purpose of raising funds for local charities, voluntary organisations and good causes in the Borough and agreed initial set up costs of just under £4k, to be funded from the current year's Contingency. If the lottery proceeds, the on-going £698 annual license fees will be met from on-going lottery income streams.
- 5.1.2 The Executive also agreed to establish a Working Group, chaired by the Chairman of Overview and Scrutiny, involving the Executive Member for Transformation and Finance and three other Members nominated by the Leader, to engage with Gatherwell, (the external lottery management company behind many local authority supported lotteries) and with local voluntary sector organisations on potential arrangements for the lottery.

Subject to the viability being proved, through these mechanisms, the Executive agreed to receive a further report prior to the lottery going live that would propose a policy and process for agreeing which types of voluntary groups could put themselves forward for lottery support and for the allocation of the good causes central pot.

## **5.2 Procurement Plan For Internal Audit Services**

- 5.2.1 The Executive approved the Procurement Plan for the tendering of the internal audit services and that the award of contract be delegated to the Director of Resources.
- 5.2.2 The Council is required under the Accounts and Audit (England) Regulations 2015 to “undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes”. Hence there is a statutory requirement to have arrangements in place for internal audit services.
- 5.2.3 The procurement is restricted by the limited number of providers in the market and as a result the council is proposing to utilise the newly re-tendered London Borough of Croydon framework agreement to achieve the most favourable rates.

## **5.3 Capital Programme 2018/19 – 2020/21 and Revenue Budget 2018/19**

A separate report on the agenda deals with these items.

## **Council Strategy & Community Cohesion**

## **5.4 Management Arrangement for Public Health**

- 5.4.1 The Executive agreed to create a new post of Director of Public Health reporting to the Director, Adult Social Care, Health & Housing.
- 5.4.2 The Berkshire Shared Public Health Agreement created a Strategic Director of Public Health covering all six unitary authorities supported by a shared core team in order to ensure a ‘safe landing’ for each of the Council’s new Public Health responsibilities when they were transferred to local government in 2013. The shared team have been hosted by Bracknell Forest since 2013. The original arrangement also established a local team within each Council, led by a Consultant in Public Health who would report to a local Director and to the Strategic Director of Public Health as appropriate. In the case of Bracknell Forest the local direct reporting for the Consultant has been to the Director, Adult Social Care, Health & Housing.
- 5.4.3 The arrangements worked well initially and delivered a safe and smooth transition when public health became a local authority responsibility. However, increasingly, individual local authorities had pulled back from the areas of shared responsibility as budgets have come under pressure.
- 5.4.4 It is proposed that Bracknell Forest continue to participate in the Shared Team work on Health Protection (which includes support to commission and clinically manage sexual and reproductive health service contracts). However, to increase the local effectiveness the Executive agreed to appoint a dedicated Public Health post holder to fulfil their statutory responsibilities in relation to health protection as set out in the relevant legislation. The Bracknell Forest Director of Public Health will be supported



by a new part-time local Bracknell Forest Public Health Consultant in fulfilling these duties.

- 5.4.5 The proposal will deliver a saving of £50,000 from April 2018, rising to £59,000 in April 2019.

## **Planning & Transport**

### **5.5 Bracknell Forest Local Plan – Consultation on Draft Local Plan**

- 5.5.1 The Executive recommended to Council that they agree the draft Local Plan and Consultation Strategy. This subsequently occurred at a Special Council meeting on 1 February. The public consultation is now underway, starting on 8 February and ending on 26 March.

## **Children, Young People & Learning**

### **5.6 School Places Plan and School Capacity Strategy**

- 5.6.1 The Executive approved the School Places Plan 2018-23 and the School Capacity Strategy 2018-23 noting the potential impact on school place requirements of the proposed level of housing growth set out in the Draft Local Plan.

- 5.6.2 Bracknell Forest has experienced a period of sustained growth in pupil numbers across the Borough having risen over the last eight years between 2009 to 2017 by:

- Primary 1,762 or 21%
- Secondary 585 or 9%

- 5.6.3 Sufficient pupil places have been provided over this period through a sustained programme of capital investment across the whole Borough, with £125m invested in creating additional capacity (including £27m spent so far on constructing Kings Academy Binfield). The funding has been drawn from a combination of Council funding, developer contributions and external (mostly DfE) grants.

- 5.6.4 Looking forward pupil numbers are forecast to rise between 2017 to 2023 by up to:

- Primary 1,441 or 14%
- Secondary 1,523 or 22%

Future housing development remains the greatest factor in the growth in pupil numbers.

- 5.6.5 The current proposed school expansion projects and new schools will provide sufficient new places to meet the forecasted demand. A plan to deliver the necessary places to September 2019 is also in place subject to Council approval of the 2018/19 capital programme proposals on tonight's agenda.

## **6 NOTIFICATION OF APPOINTMENTS MADE BY THE LEADER**

- 6.1** Councillor Mrs Gill Birch has been appointed by the Leader as a Member of the School Improvement Accountability Board.

## **7 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

- 7.1 The Borough Solicitor's comments have been addressed in the reports to the Executive.

### Borough Treasurer

- 7.2 The Borough Treasurer's comments have been addressed in the reports to the Executive.

### Equalities Impact Assessment

- 7.3 Equalities issues, where appropriate, have been addressed in the reports to the Executive.

### Strategic Risk Management Issues

- 7.4 Any strategic risks have been identified in the reports to the Executive.

### Background Papers

Executive Agenda – 23 January 2018 & 13 February 2018

### Contact for further information

Hannah Stevenson, Resources - 01344 352308

Hannah.stevenson@bracknell-forest.gov.uk

**TO: COUNCIL**  
**28 FEBRUARY 2018**

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**MEMBERS' ALLOWANCES SCHEME**  
**REPORT OF THE INDEPENDENT REMUNERATION PANEL**  
**Director of Resources – Democratic & Registration Services**

**1 PURPOSE OF REPORT**

- 1.1 The Local Authorities (Members Allowances) (England) Regulations 2003 require councils to establish and maintain an Independent Remuneration Panel (IRP) which will broadly have the functions of providing the local authority with advice on its scheme and the amounts to be paid. Local authorities must have regard to this advice.
- 1.2 The Independent Remuneration Panel appointed by the Council met in February and September 2017 at the Council's invitation. The Panel's report and recommendations are appended to this report at Annex B. The Council is asked to consider the Panel's recommendations and to decide whether to make any changes to the current Scheme.

**2 RECOMMENDATIONS**

- 2.1 **That Members consider their response to the recommendations of the Independent Remuneration Panel, summarised in section 5 below and set out in full in the Panel's report and Executive Summary.**
- 2.2 **That the list of approved conferences, set out in Annex A, is approved for insertion in the Scheme.**
- 2.3 **That the Council notes that Neil McGregor has resigned from the Panel and thanks him for the contribution he has made.**

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 The Council must have regard to the recommendations of an Independent Remuneration Panel in respect of the Members' Allowances Scheme. The Panel's reasons for their recommendations are set out in their report.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 Not applicable.

**5 PANEL REPORT AND RECOMMENDATIONS**

- 5.1 The Panel's report, including its findings and recommendations is appended to this report as Annex B. The recommendations are set out in bold in that report and summarised in the Executive Summary (i) to (iv). The information reviewed by the Panel, listed in Appendix 1 to the Panel's report, is available from Member Services.

The main findings and recommendations of the Panel are:

(i) **Co-optees' Allowances**

That the following additional Co-optees' Allowances are paid:

- Governance & Audit Committee Co-optee:
  - £291 per year
- Co-optee preparing for and attending a Code of Conduct Panel meeting:
  - £30.14 for meetings not exceeding 4 hours
  - £59.10 for meetings over 4 hours

(ii) **Dependants' Carers' Allowance (DCA)**

- That the DCA is amended to change the age of carer from "18 or over" to "16 or over"
- That a clarification is made to the maximum amount claimable per approved duty, which currently reads "*The total Dependants' Carers' Allowance is capped at £51.52 per approved duty and at a maximum of 40 hours per week*" **to add** "*regardless of the number of dependants a Councillor may have. The DCA is a contribution to the care of dependants it is not designed to reimburse the cost of all dependants' care for all approved duties.*"
- That under paragraph 10.2 (1) Childcare, the following is inserted at the end of the second sentence: "*subject to the cap set out* ".

(iii) **Indexation of allowances**

That allowances are indexed as follows:

- Basic Allowance, Special Responsibility Allowances, Co-optees' Allowance, DCA, Subsistence & Overnight Accommodation Allowances
  - will be adjusted for inflation by the amount of the percentage increase in the nationally agreed pay increase for local government employees (linked to Spinal Column Point 49 of the NJC Scheme) on 1 April (commencing 2018)
  - rounded up to the nearest pound (£).
- Travel Allowance – Out of Borough Mileage Rates
  - continue to be indexed to HMRC AMAP mileage rates

(iv) **Implementation of recommendations**

That the recommendations are implemented from 1 April 2018 with the exception of the proposed changes to the Co-optees and Dependants' Carer's Allowances which should be implemented from the date Council agrees the changes.

## **6 SUPPORTING INFORMATION**

### Statutory Guidance

- 6.1 In its deliberations the Independent Remuneration Panel has had regard to the Members Allowances Statutory Guidance 2006.

### Background

- 6.2 This review arose out of the requirement under paragraph 10.5 of the 2003 Regulations that Panels must convene at least every four years (known as the '4 year rule') to renew authority for any allowances that have an automatic index applied to them and/or reconsider whether it is applicable to recommend indexing the main allowances. In addition the Panel considered the overall level of allowances; the remuneration package as a whole; and any other issues that had been drawn to their

attention by councillors. The terms of reference for the review are set out in paragraph 5 of the Panel's report.

#### Panel Membership

- 6.3 Since the Panel last convened in 2014 two new Panel members were appointed in January 2017 to fill vacancies that had arisen; John Murtagh, an Immigration Enforcement Officer and Bracknell Forest resident, and Andrew Stone, a local businessman and resident.
- 6.4 Neil McGregor, the longest serving member of the IRP advised the Panel of his intention to stand down once the review was concluded. Neil's contribution has been highly regarded and the skills, knowledge and expertise he has brought to the role will be difficult to replace.
- 6.5 A training and refresher session was held in February 2017 and the full review was undertaken in September 2017. The final report was received by the Council in January 2018. This meeting is the first opportunity that Council has had to consider the IRP's proposals.

#### Publicity Arrangements

- 6.6 In accordance with the Regulations, copies of the Panel's report are available at the Council's offices and via the Council's website. In addition a notice has been published in a local newspaper stating that the Council has received recommendations from an Independent Remuneration Panel about its scheme of allowances and describing the main features of the Panel's recommendations. Another notice will be published after the Council has considered the Panel's recommendations, setting out the changes to the Scheme.

#### Approved Conferences

- 6.7 The list of approved conferences which Members are able to attend has been reviewed and updated where the name of the conference has changed or no longer takes place. Members are asked to confirm the current list for inclusion in the Scheme as set out in Annex A to this report.

## **7 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

#### Borough Solicitor

- 7.1 The legal considerations arising from the recommendations are set out in the Independent Remuneration Panel report.

#### Borough Treasurer

- 7.2 No specific provision has been made at this stage in the Council's proposed budget being considered elsewhere on the agenda for any change in the current levels of Member allowances. Should the Panel's recommendation to increase allowances to allow for indexation be supported, the additional cost would be £11k which could be accommodated within the overall 2018/19 budget by allocating this sum from the Corporate Contingency.

Equalities Impact Assessment

- 7.3 One of the purposes of reviewing the Members' Allowances Scheme is to ensure that financial considerations are not a barrier to any person entering public office or assuming a particular role on the Council. By the same token the levels of allowances should be such that financial gain is not seen as an incentive for taking up public office.

Strategic Risk Management Issues

- 7.4 There are no strategic risk management issues relevant to this report.

Other Officers

- 7.5 None

**8 CONSULTATION**

Principal Groups Consulted

- 8.1 Not applicable

Method of Consultation

- 8.2 Not applicable

Representations Received

- 8.3 Not applicable

Background Papers

None

Contact for further information

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[Ann.moore@bracknell-forest.gov.uk](mailto:Ann.moore@bracknell-forest.gov.uk)

**APPROVED CONFERENCES**

| <u>Conference</u>   | <u>Delegate</u>  |
|---|--|
| Centre for Public Scrutiny Annual Conference                            | Chair of the Overview & Scrutiny Commission  |
| Chartered Institute of Housing South East Region Conference             | Relevant Executive Member  |
| CIPFA   | Leader or relevant Executive Member  |
| Institute of Licensing Conference                                       | Licensing & Safety Committee Chair   |
| LACORS Environmental Health and Trading Standards Year Ahead Conference | Relevant Executive Member  |
| LGA Annual Conference   | Leader, Leader of the Opposition and one other majority group Member   |
| LGA / ADASS – the National Children's and Adult Services Conference     | Executive Members for Adult and Children's Services and Chairmen of Adult Social Care, Health and Housing and Children, Young People and Learning Overview and Scrutiny Panels |
| LGA Annual Culture, Tourism and Sport Conference                        | Relevant Executive Member  |
| LGA Group Improvement and Innovation Conference and Exhibition          | Relevant Executive Member  |
| Regional Health & Safety Partnership Conference                         | Relevant Executive Member  |
| SOCITM annual IT conference   | Relevant Executive Member  |

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**A Review  
Of  
Members' Allowances  
For  
Bracknell Forest Council**

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**The Ninth Report  
By the  
Independent Remuneration Panel**

**Dr Declan Hall (Chair)  
Hilda Johnston  
Neil MacGregor  
John Murtagh  
Andrew Stone**

**December 2017**

## Foreword

This is the ninth review by the Independent Remuneration Panel (or Panel) for Bracknell Forest Council. The first review (see January 2001 Report) was undertaken as part of the wider implementation of the modernisation agenda arising out of the Local Government Act 2000, which in turn brought in new roles and responsibilities for Members. The first report made recommendations, which the Council broadly accepted. The 2001 review largely set the framework for the present allowances scheme.

The second review was required under the *Local Authorities (Members' Allowances) (England) Regulations 2003*<sup>1</sup> and subsequent amendments. These Regulations mandated all local authorities to establish and convene an advisory Independent Members' Allowances Remuneration Panel to make recommendations on certain associated allowances such as travel and subsistence, Co-optees' allowances, and pensions for Councillors before 31 December 2003. The 2003 review also tasked a new Panel to review the range and levels of the Basic Allowance and Special Responsibility Allowances (SRAs) in light of experience of the new system of local government.

The third review was of a minor nature, prompted by an invitation by the Council to conduct a post-implementation review of the scheme to consider certain changes in roles of some Members and give further guidance on an issue surrounding the claiming of Members expenses. The fourth review arose out of issues the Panel was not in a position to address in its previous review due to lack of experience of two posts, namely Executive Support Members' and Chairs of the Licensing Panels, with a further consideration on conditions surrounding the mileage allowance. The fifth review arose out of the need to review the indices applied to the various allowances and further minor issues emerging as part of the annual review programme.

The sixth review arose out of the recommendation of the previous review to take the opportunity by the end of 2009 to undertake a fundamental review of the whole scheme in light of emerging legislation that might have affected Members' roles and responsibilities and as it not been thoroughly reviewed for a number of years. Again, it did not result in any significant changes in the Members' Allowances scheme – it was felt that the scheme was still broadly fit for purpose. The seventh review in late 2011 arose of the need for a fresh authority for another four years to extend the right to join the Pension Scheme to review a number of specific posts and associated allowances and provide advice to the Council on whether the Council should continue with indexation provision. The eighth review (January 2014) arose out of a number of issues raised by an audit report that require guidance and clarification mainly in relation to Members' expenses that addressed anomalies arising rather than undertaking a fundamental review as the broad framework of allowances in Bracknell Forest Council was still deemed broadly fit for purpose.

This the ninth review arises out of the requirement of 2003 Regulations to review allowances scheme at least once every four years to ensure that there is periodic public scrutiny of Members' Allowances. The conclusions of this review were that the scheme has stood the test of time and the main task was to address minor issues arising rather than undertaking a fundamental review. In reaching these conclusions the Panel, as always, has been mindful of its guiding principle that it has sought to

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<sup>1</sup> See Statutory Instruments 2003 Nos. 1021, 1022 and 1692 for further details.

reduce financial barriers to being an elected Member while ensuring that the remuneration and expenses received by Members represents value for money.

Finally, this is the last review in which Neil McGregor will be taking part. Neil is the longest serving member of the Panel and has provided stellar service and made a very valuable contribution over the years. I take this opportunity on behalf of the Panel to thank Neil and wish him all the best for the future.

Dr Declan Hall  
Chair of the Bracknell Forest Council Independent Remuneration Panel

December 2017

# Executive Summary

## **Recommendations for change**

### **(i) Co-optees' Allowances**

The Panel recommends that following Co-optees' Allowances are paid:

- Governance & Audit Co-optee:
  - £291 per year
- Co-optee preparing for and attending a Code of Conduct Panel meeting:
  - £30.14 for meetings not exceeding 4 hours
  - £59.10 for meetings over 4 hours

### **(ii) The Dependants' Carers' Allowance**

The Panel recommends that the DCA is amended to change the age of carer from "18 or over" to "16 or over" in paragraph 10.2 fourth paragraph.

The Panel further recommends that under paragraph 10.2 Conditions and amount payable (third paragraph) a clarification is made to the maximum amount claimable per approved duty, which currently reads "The total Dependants' Carers' Allowance is capped at £51.52 per approved duty and at a maximum of 40 hours per week."

The Panel recommends that under paragraph 10.2 Conditions and amount payable (third paragraph) of the DCA that a clarification is added at the end of the sentence

"The total Dependants' Carers' Allowance is capped at £51.52 per approved duty and at a maximum of 40 hours per week."

Namely;

"regardless of the number of dependants a Councillor may have. The DCA is a contribution to the care of dependants it is not designed to reimburse the cost of all dependants' care for all approved duties."

For further clarification, the Panel also recommends that under paragraph 10.2 (1) Childcare, second sentence ("The hourly rate payable ...") the following is inserted at the end of the sentence: "*subject to the cap set out above.*"

### **(iii) Indexation of Allowances**

The Panel recommends that the Bracknell Forest Council Members Allowances are indexed as follows:

- Basic Allowance, SRAs, Co-optees', DCA, Subsistence & Overnight Accommodation Allowances:
  - Will be adjusted for inflation by the amount of the percentage increase in the nationally agreed pay increase for local government employees (linked to Spinal Column Point 49 of the NJC Scheme) on 1 April (commencing 2018)
  - Rounded up to the nearest pound (£).
- Travel Allowance – Out of Borough Mileage Rates:
  - Continue to be indexed to H2018 AMAP mileage rates

**(iv) Implementation of Recommendations**

As permitted by the 2003 Members' Allowances Regulations (paragraph 10.6) the Panel recommends that the new Members' Allowances scheme as recommended in this report are implemented from 1 April 2018 with the following exceptions:

- Implementation of the Co-optees' Allowances
- Changes to the DCA
  - From date when council agrees contents of report

**Issues given consideration but no change recommended**

The Panel gave a great deal of consideration to the following SRAs:

- I. Community Champions (SRA £2,201)
- II. All Committee Vice Chairmen
- III. The Chairman of the Governance & Audit Committee (SRA £2,201)

However, the Panel is not recommending altering these SRAs either in scope or level.

**Travel and Subsistence Allowances**

Similarly, the Panel specifically reviewed terms and conditions for which travel and subsistence allowances may be claimed but is not recommending any change.

## **A Review of Members' Allowances**

**For**

**Bracknell Forest Council**

**By the**

**Independent Remuneration Panel**

**The Ninth Report**

**December 2017**

### **Introduction: The Regulatory Context**

1. This report is a synopsis of the deliberations and recommendations made by the Independent Remuneration Panel (the Panel) for Bracknell Forest Council to advise the Council on its Members' Allowances scheme. The Panel is established under *The Local Authorities' (Members' Allowances) (England) Regulations 2003 (SI 1021)* ("the 2003 Regulations"). These regulations, which arise out of the relevant provisions contained in the Local Government Act 2000, require all local authorities to establish and maintain an advisory Independent [Members] Remuneration Panel to review and provide advice on Members' allowances on a periodic basis. All Councils are required to convene their Panel and seek its advice before they make any changes or amendments to their members' allowances scheme. They must 'pay regard' to their Panel's recommendations before setting a new or amended Members' Allowances Scheme.
2. On this particular occasion, the Panel has been reconvened under the paragraph 10.5 of the 2003 Regulations that requires Panels to convene at least every four years (known as the '4 year rule') to renew authority for any allowances that have an automatic index applied to them and/or reconsider whether it is applicable to recommend indexing the main allowances. This mechanism also provides an opportunity for Panels to publicly scrutinise their Councils allowances schemes and enhance public accountability in the context whereby Councils retain ultimate decision making for their own remuneration.

### **The Panel**

3. Bracknell Forest Council reconvened its Independent Remuneration Panel, constituted of the following members:

- Declan Hall PhD (Chair):  
A former lecturer at the Institute of Local Government The University of Birmingham and a political scientist by training. Declan is currently an independent consultant specialising in members' allowances. He has taught politics in Illinois and Indiana and worked as political lobbyist in the Chicago area. As a UK academic he was involved in the development of governance structures for ODPM.
- Hilda Johnston:  
A retired teacher, who has taught young people and adults in England, Scotland, and Singapore in both the state and private sector; Hilda is a local resident.
- Neil MacGregor:  
A former magistrate in East Berkshire; Neil is a local businessperson and a local resident.
- John Murtagh:  
An Immigration Enforcement Officer with the South Central ICE Team and a local resident; John is a new Panel Member, appointed in January 2017.
- Andrew Stone:  
A local businessperson and resident; Andrew is a new Panel Member, appointed in January 2017.

4. The Panel was supported by:

- Ann Moore: Head of Democratic and Registration Services  
Ann acted as the 'Panellists' Friend' by providing factual briefings to the Panel.
- Kirsty Hunt: Principal Democratic Services Officer (Governance)  
Kirsty took the organisational lead in facilitating the work of the Panel

## Terms of Reference

5. The Terms of Reference<sup>2</sup> of the Panel are to make recommendations to the Council that will be applicable from the date of April 2018 on:-
- I. The amount of basic allowance that should be payable to its elected members and the expenses that it is deemed to include
  - II. The responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount of such an allowance
  - III. The duties for which a travelling and subsistence allowance can be paid and as to the amount of this allowance

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<sup>2</sup> Terms of reference based on those laid out in 2003 Statutory Guidance paragraph 61

- IV. The co-optees to be paid a co-optees' allowance and the amount
- V. Whether the authority's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependants and if it does make such a recommendation, the amount of this allowance and the means by which it is determined
- VI. Whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended
- VII. Whether annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should run
- VIII. Additional expenses and support received by Members
- IX. Any matters that are brought to the attention of the Panel in their consultation with Members and briefings from Officers

In arriving at their recommendations, the Panel shall also take into account:

- A. The issues raised in initial briefing session for the IRP on 10 February 2017
- B. The views of Members both written and oral
- C. Allowances paid in comparable councils, namely the other Berkshire and South East unitary councils

## **Process and Methodology**

- 6. As there were two new appointments to the Panel, (January 2017) the review was approached via a two-step process. Firstly, a training and refresher session, held at Easthampstead House on 10 February 2017, for all Panel members. At this initial meeting the Panel received briefings from relevant Officers outlining recent changes in the Council's governance arrangements and generally responding to questions of fact on how the Council and its' committees operate. This initial meeting of the reconfigured Panel also identified potential issues to feed into the review.
- 7. Secondly, the Panel further met at Easthampstead House, on 22 September 2017 to review the scheme of allowances in accordance with the terms of reference. For this second meeting the Panel invited a representative range of Members to attend discursive interviews. All other Members who wished to meet with the Panel were given the opportunity to discuss their issues with the Panel in person.
- 8. Although the Panel did not specifically invite Council Officers to meet with the Panel on 22 September 2017 relevant Officers were asked to meet the Panel to provide further information and clarifications where required. The Panel meetings were in private session to enable the Panel to meet with Members and Officers and conduct deliberations in confidence.



9. To ensure that all elected Members had more than one opportunity to make their voice heard in the course of the review all Members were sent a questionnaire, with 18 replies received. The questionnaire also had the methodological advantage of ensuring all Members who met with the Panel were asked a common set of questions.
10. In arriving at its recommendations, the Panel took into account a wide range of information. The details of representations and evidence received and considered by the Panel are in the following appendices:
  - Appendix 1: Written evidence and data reviewed by the Panel
  - Appendix 2: Members who met with and Officers who briefed the Panel
11. In accordance with the terms of reference, the Panel undertook benchmarking. The principal benchmarking group utilised by the Panel was Bracknell's 10 'Nearest Neighbours' as defined by CIPFA<sup>3</sup> with Slough added to include all the Berkshire unitary councils (2017/18 allowances schemes). The Panel also had secondary benchmarking group, the 12 unitary councils that responded to the 2016/17 annual survey of allowances by the South East Employers (SEEMP) but the only mean value that survey produced was for the Basic Allowance.

### **Key Message – only marginal changes required**

12. Although the main allowances paid under the Bracknell Forest Council Members' Allowances scheme have remained unaltered since 2010 all the evidence indicates they are still broadly fit for purpose. There have been limited changes in governance arrangements and Member roles since the last review meaning that the allowances payable are still in line with the situation at the time of the last review. Benchmarking supports this conclusion, which shows that the remuneration of Bracknell Forest Members is on a par with their peers in Berkshire and the South East. Moreover, the questionnaire responses further back up the conclusion that the allowances' scheme does not require fundamental change.
13. This is not to say there was no disquiet over the fundamentals or no case to make more extensive changes than is being recommended here. Nevertheless, the disquiet was not widespread and the case for any extensive change was limited.
14. There were a number of issues raised that fall outside the remit of the Panel. The Panel cannot interfere in what is strictly council business and political management issues whether it be:
  - The number of elected Members on the Council
  - The efficacy of executive arrangements
  - Perceived variance in the workloads undertaken by Members
15. The Panel recognises that it continues to be an economically tough climate for both the Council and the residents of Bracknell Forest - a key message

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<sup>3</sup> Chartered Institute of Public Finance & Accountancy - ranks all councils by statistical distance based on a standard set of demographic and economic criteria.

reiterated by all the interviewees and questionnaire responses – and that the Council was unlikely to accept an overall increase in the current total spend on Members' Allowances. The Panel cannot ignore the current economic context. There is little point in the Panel making recommendations that bear no relationship to economic constraints within which the Council has to operate; otherwise, the review would simply make aspirational recommendations for a future date rather than supporting Members in the present.

16. Ideally, the purpose of any review is to make recommendations based on knowledge of the current governance structures, an analysis of the evidence and representations and the levels and scope of allowances paid in comparator councils - thus arriving at an evidenced-based judgement on the monetary worth of the roles under consideration. On the other hand, the logic of having an independent Panel is *inter alia* to ensure public accountability vis-à-vis allowances.<sup>4</sup> Bearing in mind the requirement to balance these two competing imperatives the Panel concluded that at this stage the main task is to address anomalies where they have arisen.

### The Panel's Recommendations – the Basic Allowance

17. The Panel did receive representation that the Basic Allowance was no longer sufficient but it was not overwhelming; seven out of the 18 responses to questionnaire made that argument. Indeed the wider evidence does show that the original time estimation (the equivalent of two days per weeks) on which the Basic Allowance is based is now probably on the low side. Yet, the representations to the Panel stressed that while a cognisant argument can be made to increase the Basic Allowance, it is still not the right time to do so bearing in mind the on-going squeeze on public finances.
18. Moreover, benchmarking shows that the Bracknell Forest Basic Allowance is in line with peer authorities when compared to the mean:
  - CIPFA 10 Nearest Neighbours + Slough (17/18) BA: £8,568
  - SEEMP Allowances Survey (Unitary Councils 16/17) BA: £8,978
19. **Consequently, the Panel concluded that at this stage the current Basic Allowance (£8,687) does not need revising.**

### Expenses deemed included within the Basic Allowance

20. In its previous review, the Panel recommended and the Council accepted that the allowances scheme be amended to specify that the Basic Allowance “is inclusive of broadband provision, in-borough travel, in-borough parking, occasional taxis and all incidental expenses not otherwise specified in the Scheme.”<sup>5</sup>
21. This change has resulted in savings to the Council; both in terms of direct costs and Officer support. In the main, Members have accepted the extension of costs deemed as included in the Basic Allowance. The success of this

<sup>4</sup> See 2006 Statutory Guidance paragraph 4

<sup>5</sup> See 8<sup>th</sup> Report by the Independent Remuneration Panel, January 2014, executive summary

policy is lent further support by the latest Internal Audit Report on Members Expenses. This audit shows significant improvements in the claiming and processing of Member's expenses, no small part being due to clarifications, limitations and simplifications put in place since the last review. It does not suggest any further changes are required.

22. A handful of representations were received that argued greater provision should be made to meet out of pocket expenses such as telephone, broadband and printer paper costs but no real evidence beyond that was received to suggest the Panel should change the current approach.
23. **The Panel recommends no change to costs deemed to be included within the Basic Allowance.**

### Special Responsibility Allowances

24. Benchmarking shows that the senior SRAs in Bracknell Forest are somewhat or discernably above the mean. For instance, the mean SRA for Leaders (CIPFA 10 Nearest Neighbours + Slough)<sup>6</sup> is £28,020 while the Bracknell Leader's SRA is £28,954. This difference is not significant enough to cause the Panel concern particularly considering that the post of Bracknell Forest Council Leader requires a full time commitment that precludes employment or paid work in the normal sense, which may not be the case in the comparator councils..
25. While benchmarking shows that most SRAs payable in Bracknell Forest Council fall within the third quartile, they are not the highest in any instance. Moreover, the numbers of SRAs payable in Bracknell Forest Council are not as extensive as in authorities that tend to have lower SRAs.
26. The Panel received some representation to alter the scope and levels of SRAs payable but it was not overwhelming. Out of the 18 questionnaire responses, only five indicated that SRAs were in need of reform. However, they all either queried specific SRAs or why all posts in the same category received the same SRA.
27. In regards to the latter, it was questioned why all Portfolio Holders (£15,926) and Scrutiny Panel Chairmen (£5,791) receive the same SRA when it appears that some remits are larger than are others. This may be the case and to an extent, it is inevitable that some Portfolio Holders and Scrutiny Panel Chairmen may have differential workloads but it is partially a reflection of the government's legislative agenda and the Council's priorities. Moreover, it is also largely a political management issue – it is within the power of the Leader and Council to reassign executive and scrutiny remits if it was felt they have become unbalanced. Finally, even if the Panel could accurately do so it would require constant monitoring by the Panel to assess variance in executive and scrutiny remits. Benchmarking shows that the vast majority of other IRPs take the same view in that they treat Executive posts and Scrutiny Panel Chairmen equally.

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<sup>6</sup> In benchmarking executive SRAs Reading was removed; it has a committee governance model and therefore does not have any executive Councillors.

28. While the Panel concluded not to revise any SRAs at this juncture because a number of specific posts were raised in representations the Panel has laid out its rationale regarding the following posts:

II. Community Champions (SRA £2,201)

Queries were raised questioning the validity of paying the four Community Champions largely on the grounds it was not always clear what they do or always particularly visible. Indeed, benchmarking shows that this specific post does not receive an SRA in any other South East unitary council although three of the 12 that replied to the SEEMP allowance survey paid 'deputy' executive posts a role that is akin to Member Champions.

Nonetheless, the Panel is content with the current SRA paid to Member Champions as

- a. They have constitutional recognition through having role profiles that can be summed up as representing their community to the Council and vice versa
- b. While accepting that the role of Community Champions may not be as visible as other posts it is partly inherent in their role and need to work informally
- c. Their remits reflect the priorities of the Council and are generally seen to add value to living in the borough

III. Vice Chairman's SRAs

Currently only two Committee Vice Chairmen receive an SRA:

- Planning Committee: £723
- Licensing & Safety Committee: £626

There was a view that it would be more equitable if all the Vice Chairmen get an SRA or no Vice Chairmen paid an SRA. Yet, no evidence was received to conclude that all committee Vice Chairmen merit an SRA as

- a) They have no role profiles
- b) They are not required to attend chairman's briefings and
- c) On the data supplied to the Panel, since the 2013/14 to date there had been 12 occasions across all council committees when a Vice Chairman has had to stand in for their respective Chairman, which equates to 5.7% of meetings held.
- d) Benchmarking shows that it is not typical practice to remunerate all committee Vice Chairmen.

Conversely, the small SRA for the Vice Chairmen of Planning and Licensing & Safety Committees relate to the two statutory regulatory committees, which make decisions that are quasi-judicial in nature. In the case of Planning, the Vice Chairman has to be able stand in for their Chairman, as planning meetings cannot usually be postponed. In the case of Licensing, the Vice Chairman is expected to, and does, chair Licensing Sub Panels when the Chairman of Licensing is not available.

There was a further subsidiary issue on why the actual amount paid to the Vice Chairmen of Planning and Licensing was not higher and that their differentials should be reviewed. The Panel recognises that there may be a case to review the level and differentials for these two SRAs. On the other hand, the Panel notes that it is too early to know the impact of the Transformation programme on the number of planning applications considered by Planning Committee and subsequent impacts on workloads of the Chairman and Vice Chairman. It also notes that the decrease in the number of Licensing Sub Panels over the years.

Consequently, the Panel was not convinced this was the right time to review the SRAs for the Vice Chairmen of the Planning and Licensing Committees, it would be better to do so when a more wide ranging reform of the scheme is required.

#### IV. The Chairman of the Governance & Audit Committee (SRA £2,201)

The only change in governance arrangements of any significance since the previous review was the disestablishment of the Standards Committee (it is no longer a statutory committee) and the assignment of residual functions not assigned elsewhere (namely to the statutory Independent Person and Monitoring Officer) to the Governance and Audit Committee.

The main extra responsibilities for the Governance and Audit Committee is for the Council's Code of Conduct and when required to convene Code of Conduct Panels to consider allegations of misconduct against Members (and Co-opted Members) of the Council, pursuant to the Council's Code of Conduct and to impose appropriate sanctions in the case of a breach being found.

Each Panel comprises of three councillors one of whom is expected to be the Chairman if available, drawn from the Governance & Audit Committee based on their availability, and one nonvoting co-opted member who is not a Bracknell councillor.

While this governance change raises issues in relation to co-opted Members (see below) thus far it has limited impact on the remit of the Governance and Audit Committee. There have been no significant changes to the Code of Conduct and no Code of Conduct Panels since the reassignment of the standards functions. Thus, the Panel was not convinced that the assignment of the Standards functions to the Governance and Audit Committee is significant enough at present to merit an increase in the Chairman's SRA.

29. **The Panel recommends that the current level and scope of SRAs payable remains unaltered.**

#### **Maintaining the 'One SRA only' Rule**

30. Currently the Council maintains a 'One SRA only' rule in that regardless of the number of remunerated posts held by an elected Member they can be paid

'One SRA only'. This practice was questioned; the argument being that if a Member has more than one remunerated post then they should be paid all their eligible SRAs.

31. While the 2003 Members' Allowances Regulations do not prohibit a Member receiving more than one SRA or all Members receiving multiple SRAs come to that, the one SRA only rule is a policy followed by most Councils. It helps to ensure that allowances schemes are transparent and the real remuneration of senior Members is not obscured by listing for instance a low SRA for Leader where the Leader is also paid another SRA for being an executive member and/or Leader of largest group on council. It also helps prevent concentration of remuneration.
32. **The Panel recommends that the One SRA only rule be maintained.**

### **Co-optees' Allowances**

33. The reassignment of the residual standards function to the Governance and Audit Committee means there is one permanent independent "co-optee" on the committee who is not in receipt of a Co-optees' Allowance. The co-opted members on the Overview and Scrutiny Commission, namely the two diocesan and two parent governor co-optees, receive an annual Co-optees' Allowance of £291. It is only equitable that the co-opted Member of the Governance and Audit Committee receive the same allowance.
34. In addition, when a Code of Conduct Panel is required, it has to include at least one co-opted Member drawn from a panel of five (three independent co-optees and two Parish/Town Council co-optees for complaints against Parish/Town Councillors. While no such Panel has been convened under the new arrangements it could occur and if so then there should be a Co-optees' Allowance available. As the requirement to attend such Panels are only when required and the workload of each co-optee in the pool is unknown the Panel has decided that the best way to pay this allowance is on a per meetings basis and has been guided by the allowance payable to Education Appeals Panel Members for each meeting they attend.
35. **The Panel recommends that following Co-optees' Allowances are paid:**
  - **Governance & Audit Co-optee:**
    - **£291 per year**
  - **Co-optee preparing for and attending a Code of Conduct Panel meeting:**
    - **£30.14 for meetings not exceeding 4 hours**
    - **£59.10 for meetings over 4 hours**
36. The One SRA only rule does not apply to Co-optees.

### **The Dependents' Carers' Allowance**

37. There was general support to maintain a Dependents' Carers' Allowance (DCA) on the principle that it helps to reduce a barrier to becoming and

remaining an elected Member. The DCA is in place in the vast majority of English councils.

38. The only issue arising was that the way the DCA scheme is worded in that it restricts any Carer reimbursed through the DCA scheme to be over the age of 18. It was pointed out that this rules out informal carers, in effect baby sitters who simply need to be present rather than provide high-level care for any elected Members children.
39. **As such the Panel recommends that the DCA is amended to change the age of carer from “18 or over” to “16 or over” in paragraph 10.2 fourth paragraph.**
40. **The Panel further recommends that under paragraph 10.2 Conditions and amount payable (third paragraph) a clarification is made to the maximum amount claimable per approved duty, which currently reads “The total Dependants’ Carers’ Allowance is capped at £51.52 per approved duty and at a maximum of 40 hours per week.”**
41. **The Panel recommends that at the end of this sentence the following clarification is added: “regardless of the number of dependants a Councillor may have. The DCA is a contribution to the care of dependants it is not designed to reimburse the cost of all dependants’ care for all approved duties.”**
42. **For further clarification, the Panel also recommends that under paragraph 10.2 (1) Childcare, second sentence (“The hourly rate payable ...) the following is inserted at the end of the sentence: “*subject to the cap set out above.*”**

### **Subsistence Allowances – maximums for overnight stays**

43. In its last review the Panel substantially revised the terms and conditions for which subsistence and travel allowances may be claimed in response to an internal audit report that highlighted some grey areas and unclear demarcation of what can and cannot be claimed for reimbursement. The latest internal audit report shows that these deficiencies have been addressed, it is also a view supported by a large majority of the representations made to the Panel.
44. However a couple of representations maintained that the maximum rates that Members can reclaim when they seek reimbursement for staying overnight while attending approved duties may be somewhat restrictive at the current caps which are
  - London: £154.55
  - Outside London: £97.88
45. In particular where a Member is required to attend an approved conference the current maximums reclaimable do not always meet the full cost of staying at the approved conference hotel.
46. The Panel notes that the allowances scheme provides a degree of flexibility in that paragraph 10 (5) first bullet point states

- Wherever possible Member Services will organise meals and accommodation on behalf of the Councillor, in advance
47. This provides Members flexibility to obtain suitable conference overnight accommodation as on most occasions conferences are in relevant Councillors diaries well in advance.
48. Nonetheless, to take into account the odd occasion a Member is not able to organise subsistence and accommodation in advance via Member Services the Panel was provided with information on the cost of a range of 2-4 star hotels in London and Manchester in the week following the Panel meeting on 22 September. In the majority of cases reasonable accommodation could be obtained that did not exceed the current maximums when seeking reimbursement for overnight accommodation.
49. **The Panel is not recommending any change to the current terms, conditions and maximum rates for reimbursement of accommodation expenses.**

### Travel Allowances

50. The main issue raised regarding travel allowances was that the scheme was too restrictive and not flexible enough to meet all circumstances for when Members attend approved duties outside the Borough, largely on the basis that the travel scheme assumes that any eligible journey will be the most cost efficient possible taking into account marginal costs of time and distance.
51. As per the previous review, the Panel requested additional legal advice relating to the reimbursement of travel costs incurred by a third party by conveying a Member in their own car. Again the advice received by the Panel was that the allowance must be payable to the Member in respect of expenses incurred by the Member. However, it would be open for the scheme to allow for payment to be made to a Member in respect of a payment which they had made to a third party for travel or subsistence.
52. The Panel undertook a mapping exercise that laid out options and alternatives and exemptions at different decision points and concluded that ample flexibility was built into the travel allowances scheme to meet the vast majority of circumstances. No travel or subsistence scheme can take into account all personal circumstances all of the time for all councillors – that fact that it provides for the vast majority of the Members, for the vast majority of the time for travel to the vast majority of approved duties outwith the Borough is an indication of its robustness.
53. **The Panel recommends that the terms and conditions under which Members may claim travel allowances should remain as they are.**

### Indexation of Allowances

54. The Basic Allowance and SRAs have remained static since 2011 – no annual cost of living increases have been applied on the recommendation of the



Panel. The rationale behind this recommendation was to show that by freezing Members' allowances it demonstrated to staff and the electorate that Members were sensitive to the adverse economic conditions. Times have changed somewhat and since 2014/15 local government staff have had an annual 1 per cent increase applied to their salaries as part of the national negotiation arrangements. The Panel now feels that the same should be applicable to the Basic Allowance and SRAs going forward. A similar indexation provision for the Basic Allowance and SRAs is now common throughout English councils.

55. The Panel points out that if these allowances are not indexed the Council is not able to apply an annual cost of living increase without coming back to the Panel for advice after this year. However, where a Council has adopted indices they are under no obligation to apply them each year. Councils retain the right not to apply an index to their allowances even though the provision may have been adopted. In other words by adopting indexation the choice to apply or not still lies with the Council.
56. **The Panel recommends that the Bracknell Forest Council Members Allowances are indexed as follows:**
- **Basic Allowance, SRAs, Co-optees', DCA, Subsistence & Overnight Accommodation Allowances:**
    - Will be adjusted for inflation by the amount of the percentage increase in the nationally agreed pay increase for local government employees (linked to Spinal Column Point 49 of the NJC Scheme) on 1 April (commencing 2018)
    - Rounded up to the nearest pound (£).
  - **Travel Allowance – Out of Borough Mileage Rates:**
    - Continue to be indexed to HMRC AMAP mileage rates

### **Implementation of Recommendations**

57. **As permitted by the 2003 Members' Allowances Regulations (paragraph 10.6) the Panel recommends that the new Members' Allowances scheme as recommended in this report are implemented from 1 April 2018 with the following exceptions.**
- **Implementation of the Co-optees' Allowances**
  - **Changes to the DCA**
    - From date when council agrees contents of report

## **Appendix 1: Papers and other Written Material Received by the Panel**

1. Itinerary 10 February 2017
2. Copy of Power point Presentation by IRP Chair
3. Bracknell Forest Council Members' Allowances scheme 2016/17
4. Statutory publication of Members' allowances & expenses, including sub totals, 2015/16
5. February 2014 Report
  - including minutes recording Council decision
6. Diagram of Bracknell Forest Council Committee Structure
7. Schedule of Council Meetings 2016/17
8. Schedule of Council Meetings 2017/18
9. Membership of Executive, Committees & who Chairs them
10. Member role profiles
11. Copy of proposed aide memoir to be sent to all Councillors
12. 2003 Members' Allowances Regulations
13. Summary of hours worked (mean per week) by Councillors (Census of Councillors 2013)
14. Pay increase: National Joint Council for Local Government Services LGS Pay 14-16 @ 2.2%
15. Pay Offer: National Joint Council for Local Government Services LGS Pay 2016 and 2017 @ 1% per year
16. Paper showing what BA and main SRAs would be if indexed had been applied since 2014 review
17. Bracknell median & mean weekly pay (all full time jobs excluding overtime), Annual Survey of Hours & Earnings (ASHE), ONS 2016 Table 7.2a work geography
18. Summary of allowances schemes from benchmarking councils
19. Benchmarking spend totals and spend per head
20. Bracknell Forest SRA schedule and current ratios 2016/17
21. Itinerary for 22 September 2017

22.IRP Terms of Reference

23.Survey results report

- Combined report
- Individual responses

24.Terms of Reference for Committees, Panels etc.

25.Spread sheet comparing allowances schemes

26.Support comparison chart

27.Recent newspaper article – Bracknell Forest News

28.Data on Vice Chairman chairing Committees

29.Data on Licensing Panel meetings and chairing

30.Dependants' Carer's Allowances claim breakdown

31.LGA Allowances Scheme

32.Constitution changes since December 2013

33.Members Allowances Statutory Guidance 2006

34.Councillor Census 2013 data

35.Internal audit report (restricted)

36.Summary of survey responses

37.Flowcharts showing Travel and Subsistence Allowances claiming process

38.Research into London and Manchester accommodation rates

39.Member Allowances Schemes – comparison on indexing in the scheme

40.Other Berkshire Councils Member Allowances Schemes – available for reference at the meetings

## **Appendix 2: Members and Officers who met with the Panel**

### **Elected Members:**

|                       |   |
|-----------------------|---|
| Cllr P. Bettison OBE: | Leader of the Council and Conservative Group and Chairman of the Executive and Executive Member for Council Strategy and Community Cohesion |
| Cllr M. Brossard:     | Vice Chairman of the Planning Committee and Children, Young People & Learning Overview & Scrutiny Panel                                     |
| Cllr Ms M. Gaw:       | A community Councillor  |
| Cllr I. McCracken:    | Executive Member for Culture, Corporate Services & Public Protection  |
| Cllr C. Thompson:     | Older People's Champion, Vice Chairman of the Licensing and the Governance & Audit Committees   |

### **Officers:**

|              |  |
|--------------|--|
| Kirsty Hunt: | Principal Democratic Services Officer (Governance) |
| Ann Moore:   | Head of Democratic & Registration Services         |

**TO: COUNCIL**  
**28 FEBRUARY 2018**

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## **FINANCIAL PLANS AND REVENUE BUDGETS 2018/19**

### **Borough Treasurer**

#### **1 PURPOSE OF REPORT**

- 1.1 At its meeting on 13 February 2018, the Executive considered the 2018/19 proposals for the revenue and capital budgets. The recommendations on these proposals are submitted to the Council by the Executive and are included in section 2 covering all planned spending, service developments and expenditure reductions for next year.
- 1.2 A separate document presents an overview of the Council's spending plans for 2018/19 and detailed budgets for the General Fund and capital programme. The document reflects the Executive's recommendations and includes the reports considered by it.
- 1.3 In order to set a legal budget the full Council must make a formal Council Tax resolution. The Localism Act 2011 has made a number of changes to the Local Government Finance Act 1992, and now requires the Council to calculate a council tax requirement for the year rather than a budget requirement. The appropriate resolution to give effect to the proposals contained in the separate budget report is included in section 3.
- 1.4 The Council Tax Resolution also refers to the Council's capital programme. The revenue budget proposals allow for a council funded capital programme of £40.741m recommended by the Executive.
- 1.5 The resolution in Section 3 also includes reference to the Council Tax for the Police and Crime Commissioner for the Thames Valley, the Royal Berkshire Fire Authority (RBFA) and all Parish Councils as the precepts of these bodies must be included in this Council's formal Council Tax Resolution. The precept for the RBFA will be agreed at its meeting on 27 February 2018. The Council Tax Resolution assumes a 2.99% increase in the RBFA precept; however should this prove to be incorrect paragraphs 3.5 and 3.6 of the Council Tax Resolution will be revised and re-issued once the precept is agreed.
- 1.6 The Final Local Government Finance Settlement was announced by the Secretary of State for Housing, Communities and Local Government on Tuesday 6 February, after the report to the Council's Executive was published. As part of his statement on the Settlement, the Secretary of State announced that an additional £150m Adult Social Care Support Grant was being made available, of which Bracknell Forest's share is £0.226m. It is proposed that the grant is used locally to invest in prevention services aimed at reducing longer-term needs of adults with Mental Health issues, which is a key local priority for social care and health partners. Apart from minor adjustments to the initial New Homes Bonus grant figures, there were no other changes from the Provisional Settlement announced in December. As the additional income is matched by expenditure, there was no impact on the overall budget figures.

## **2 RECOMMENDATIONS SUBMITTED BY THE EXECUTIVE**

### **2.1 Capital Programme 2018/19 - 2020/21**

#### **RECOMMENDED that:**

- i) General Fund capital funding of £58.221m for 2018/19 in respect of those schemes listed on pages 181 to 185, including £30m previously approved by Council on 29 November 2017 for commercial property investments to be made available in the current financial year, be recommended to the Council;
- ii) The inclusion of an additional budget of £1m for 'Invest to Save' schemes be recommended to the Council;
- iii) The inclusion of £3.480m of expenditure to be funded from S106 as outlined in the summary report for Council (page 179) and included on pages 181 to 185;
- iv) That those schemes that attract external grant funding be recommended to the Council for inclusion within the 2018/19 capital programme at the level of funding received;

### **2.2 Revenue Budget 2018/19**

#### **RECOMMENDED that:**

- i) The budget proposals set out in Table 1 (page 4) of the summary report for Council, subject to the changes identified in sections 3.2 (page 5), 3.3 (pages 6 and 7), 3.5 (pages 8 and 9), 3.6 (page 9), 3.9 (pages 10 to 11), 7.2 (page 20) and 7.4 (page 20) of the report, be agreed;
- ii) Fees and charges as set out in Annexe G (pages 83 to 165) be approved;
- iii) A provision for inflation of £2.422m be approved;
- iv) The commitment budget as set out in Annexe A be approved (pages 23 to 24);
- v) The Schools Budget be funded at the level set out in section 4.1 (page 12) of the summary report for Council, subject to any amendments agreed by the Executive Member for Children, Young People and Learning;
- vi) A contingency of £2.500m be included, use of which is authorised by the Chief Executive in consultation with the Borough Treasurer in accordance with the delegations included in the Council's constitution;
- vii) Subject to the above recommendations the revised draft budget proposals be agreed;
- viii) A contribution of £2.515m (after allowing for additional interest from the use of balances of £0.031m) be made from revenue balances to support revenue expenditure;
- ix) Total net expenditure (after use of balances) of £81.140m, be approved;
- x) The Council's Council Tax requirement, excluding Parish Council precepts, be set at £57.345m;

## Unrestricted

- xi) The Council Tax for the Council's services for each Valuation Band be set as follows:

| Band | Tax Level<br>Relative to<br>Band D | £        |
|------|------------------------------------|----------|
| A    | 6/9                                | 843.96   |
| B    | 7/9                                | 984.62   |
| C    | 8/9                                | 1,125.28 |
| D    | 9/9                                | 1,265.94 |
| E    | 11/9                               | 1,547.26 |
| F    | 13/9                               | 1,828.58 |
| G    | 15/9                               | 2,109.90 |
| H    | 18/9                               | 2,531.88 |

At the meeting on 13 February 2018 the Executive recommended the 2018/19 Treasury Management Strategy Statement and noted that strategy together with the Prudential Indicators and the Minimum Revenue Provision Policy Statement were matters which the Council needed to approve.

- xii) The Council approves the following indicators, limits, strategies and policies included in Annexe E (pages 55 to 74):
- The Prudential Indicators and Limits for 2018/19 to 2020/21 contained within Annexe E(i);
  - The Minimum Revenue Provision (MRP) Policy contained within Annexe E(ii);
  - The Treasury Management Strategy Statement, and the Treasury Prudential Indicators contained in Annexe E(iii);
  - The Authorised Limit Prudential Indicator in Annexe E(iii);
  - The Investment Strategy 2018/19 to 2020/21 and Treasury Management Limits on Activity contained in Annexe E(iv);
- xiii) The formal Council Tax Resolution contained in section 3 be approved.

### 3 COUNCIL TAX RESOLUTION

3.1 That the recommendations of the Executive outlined in sections 2.1 and 2.2 be agreed.

3.2 That it be noted that the amounts calculated for the year 2018/19 in accordance with Section 67 of the Local Government Finance Act 1992 are :-

(a) 45,298 **TAX BASE FOR THE WHOLE COUNCIL AREA**

*being the amount calculated by the Council, in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as amended, as its council tax base for the year*

(b) **TAX BASE FOR PART OF THE COUNCIL'S AREA**

#### **EACH PARISH AREA**

|            |        |
|------------|--------|
| Binfield   | 3,855  |
| Bracknell  | 19,209 |
| Crowthorne | 2,764  |
| Sandhurst  | 7,854  |
| Warfield   | 4,801  |
| Winkfield  | 6,815  |

*being the amounts calculated by the Council, in accordance with regulation 6 of the Regulations, as amended, as the amounts of its council tax base for the year for dwellings in those parts of its area to which one or more special items relate*

3.3 That the following amounts be now calculated by the Council for the year 2018/19 in accordance with Sections 31 to 36 of the Local Government and Finance Act 1992 as amended (the Act), noting that Bracknell Town Council's (BTC) precept is subject to confirmation by BTC on 27 February:-

(a) £294,955,070 **TOTAL EXPENDITURE INCLUDING GENERAL FUND, PARISH PRECEPTS AND THE COUNCIL'S SHARE OF ANY DEFICIT ON THE COLLECTION FUND**

*being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act*



- (b) £234,355,267 **TOTAL INCOME INCLUDING GOVERNMENT SUPPORT AND THE COUNCIL'S SHARE OF ANY SURPLUS ON THE COLLECTION FUND**

*being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act*

- (c) £60,599,803 **BOROUGH AND PARISH PRECEPTS NET EXPENDITURE TO BE FINANCED FROM COUNCIL TAX**

*being the amount by which the aggregate at 3.3(a) above exceeds the aggregate at 3.3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its council tax requirement for the year*

- (d) £1,337.80 **AVERAGE BAND "D" COUNCIL TAX FOR WHOLE BOROUGH**

*being the amount at 3.3(c) above, divided by the amount at 3.2(a) above, calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its council tax for the year (including Parish precepts)*

- (e) £3,255,253 **PARISH PRECEPTS**

*being the aggregate amount of all special items referred to in Section 34(1) of the Act*

- (f) £1,265.94 **BOROUGH COUNCIL TAX FOR BAND "D" PROPERTIES**

*being the amount at 3.3(d) above less the result given by dividing the amount at 3.3(e) above by the amount at 3.2(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year if there were an area of the Borough to which no special item relates*

(g) Part of the Council's area **BOROUGH AND PARISH COUNCIL TAX FOR EACH PARISH FOR BAND "D"**

|            |           |
|------------|-----------|
| Binfield   | £1,314.67 |
| Bracknell  | £1,349.60 |
| Crowthorne | £1,341.01 |
| Sandhurst  | £1,339.23 |
| Warfield   | £1,303.34 |
| Winkfield  | £1,338.97 |

*being the amounts given by adding to the amount at 3.3(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 3.2(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate*

(h) Part of the Council's area **BOROUGH AND PARISH COUNCIL TAX IN EACH PARISH FOR EACH VALUATION BAND**

| Parish     | A      | B        | C        | D        | E        | F        | G        | H        |
|------------|--------|----------|----------|----------|----------|----------|----------|----------|
|            | £      | £        | £        | £        | £        | £        | £        | £        |
| Binfield   | 876.45 | 1,022.52 | 1,168.60 | 1,314.67 | 1,606.82 | 1,898.97 | 2,191.12 | 2,629.34 |
| Bracknell  | 899.73 | 1,049.69 | 1,199.64 | 1,349.60 | 1,649.51 | 1,949.42 | 2,249.33 | 2,699.20 |
| Crowthorne | 894.01 | 1,043.01 | 1,192.01 | 1,341.01 | 1,639.01 | 1,937.01 | 2,235.02 | 2,682.02 |
| Sandhurst  | 892.82 | 1,041.62 | 1,190.43 | 1,339.23 | 1,636.84 | 1,934.44 | 2,232.05 | 2,678.46 |
| Warfield   | 868.89 | 1,013.71 | 1,158.52 | 1,303.34 | 1,592.97 | 1,882.60 | 2,172.23 | 2,606.68 |
| Winkfield  | 892.65 | 1,041.42 | 1,190.20 | 1,338.97 | 1,636.52 | 1,934.07 | 2,231.62 | 2,677.94 |

*being the amounts given by multiplying the amounts at 3.3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands*

# Unrestricted

- 3.4 That it be noted that for the year 2018/19 the Police and Crime Panel have stated the following amounts in precepts issued to the Council regarding the Police and Crime Commissioner for the Thames Valley, in accordance with Section 40 of the Act, for each of the categories of dwellings shown below:-

|   | <b>A</b> | <b>B</b> | <b>C</b> | <b>D</b> | <b>E</b> | <b>F</b> | <b>G</b> | <b>H</b> |
|---|----------|----------|----------|----------|----------|----------|----------|----------|
|   | £        | £        | £        | £        | £        | £        | £        | £        |
| Police and Crime Commissioner for the Thames Valley | 121.52   | 141.77   | 162.03   | 182.28   | 222.79   | 263.29   | 303.80   | 364.56   |

- 3.5 That it be noted that for the year 2018/19 the Royal Berkshire Fire Authority have stated the following amounts in precepts issued to the Council, subject to confirmation by the Fire Authority on 27 February, in accordance with Section 40 of the Act, for each of the categories of dwellings shown below:-

|                                | <b>A</b> | <b>B</b> | <b>C</b> | <b>D</b> | <b>E</b> | <b>F</b> | <b>G</b> | <b>H</b> |
|--------------------------------|----------|----------|----------|----------|----------|----------|----------|----------|
|                                | £        | £        | £        | £        | £        | £        | £        | £        |
| Royal Berkshire Fire Authority | 42.91    | 50.06    | 57.21    | 64.36    | 78.66    | 92.96    | 107.27   | 128.72   |

- 3.6 That, having calculated the aggregate in each case of the amounts at 3.3(h), 3.4 and 3.5 above, the Council, in accordance with Section 30(2) of the Act, hereby sets the following amounts as the amounts of council tax for the year 2018/19 for each of the categories of dwellings shown below:-

| (a) Part of the Council's area |          | <b>TOTAL COUNCIL TAX FOR EACH VALUATION BAND</b> |          |          |          |          |          |          |
|--------------------------------|----------|--|----------|----------|----------|----------|----------|----------|
| <b>Parish</b>                  | <b>A</b> | <b>B</b>   | <b>C</b> | <b>D</b> | <b>E</b> | <b>F</b> | <b>G</b> | <b>H</b> |
|                                | £        | £  | £        | £        | £        | £        | £        | £        |
| Binfield                       | 1,040.88 | 1,214.35   | 1,387.84 | 1,561.31 | 1,908.27 | 2,255.22 | 2,602.19 | 3,122.62 |
| Bracknell                      | 1,064.16 | 1,241.52   | 1,418.88 | 1,596.24 | 1,950.96 | 2,305.67 | 2,660.40 | 3,192.48 |
| Crowthorne                     | 1,058.44 | 1,234.84   | 1,411.25 | 1,587.65 | 1,940.46 | 2,293.26 | 2,646.09 | 3,175.30 |
| Sandhurst                      | 1,057.25 | 1,233.45   | 1,409.67 | 1,585.87 | 1,938.29 | 2,290.69 | 2,643.12 | 3,171.74 |
| Warfield                       | 1,033.32 | 1,205.54   | 1,377.76 | 1,549.98 | 1,894.42 | 2,238.85 | 2,583.30 | 3,099.96 |
| Winkfield                      | 1,057.08 | 1,233.25   | 1,409.44 | 1,585.61 | 1,937.97 | 2,290.32 | 2,642.69 | 3,171.22 |

#### **4 REASONS FOR RECOMMENDATIONS**

To enable the Council to make a formal Council Tax resolution by setting a revenue budget, Council Tax level and capital budget for 2018/19.

#### **5 ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 Background information relating to the options considered is included in the supporting information.

#### **6 SUPPORTING INFORMATION**

- 6.1 The attached 'Financial Plans and Budget Supporting Information 2018/19' presents an overview of the Council's spending plans for 2018/19 and detailed budgets for the General Fund and capital programme. The document reflects the Executive's recommendations and includes summaries of the reports considered by it.

#### **7 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

##### Borough Solicitor

- 7.1 Nothing to add to the report.

##### Borough Treasurer

- 7.2 The financial implications of this report are included in the supporting information.

##### Equalities Impact Assessment

- 7.3 The Council's budget proposals impact on a wide range of services. A detailed consultation was undertaken on the draft budget proposals published in December to provide individuals and groups the opportunity to provide comments.
- 7.4 None of the budget proposals require specific equality impact assessments to be carried out.

##### Strategic Risk Management Issues

- 7.5 The supporting information sets out the key risks facing the Council's budget and the arrangements in place to manage these risks, including maintaining an appropriate level of reserves and contingency.

#### **8 CONSULTATION**

- 8.1 Details of the consultation process and responses received are included in the supporting information.

Contact for further information

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[Arthur.parker@bracknell-forest.gov.uk](mailto:Arthur.parker@bracknell-forest.gov.uk)

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**TO: COUNCIL**  
**28 FEBRUARY 2018**

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## **CHANGES TO CONTRACT STANDING ORDERS**

### **Director of Resources**

#### **1 PURPOSE OF REPORT**

- 1.1 This report seeks Council approval of the recommendation of the Governance & Audit Committee agreed at its meeting on 31 January 2018 to amend the Contract Standing Orders set out in the Council's constitution. The changes are principally to reflect the need to transform procurement processes in line with the approach taken to the Council Wide Support Services review. Specifically, the aim is to make procurement practices and processes more streamlined and more commercial, though the opportunity has also been taken to make other minor changes.

#### **2 RECOMMENDATION**

- 2.1 **That the changes to the Constitution Part 4 Section 11 – Contract Standing Orders as set out in Appendices A and B to this report be adopted.**

#### **3 REASONS FOR RECOMMENDATION**

- 3.1 As part of the Transformation programme, and with the aim of making procurement more streamlined and commercial, the proposed changes to Contract Standing Orders reduce the decision points in the procurement process and increase the thresholds above which decisions must formally be taken to Executive Members and the Executive. This reduces the administrative effort in undertaking a procurement, thereby allowing procurements to be undertaken more quickly to seize opportunities in a dynamic market place. This will facilitate a move to more commercial practices including pre-market engagement, commissioning and contract management.
- 3.2 The changes are designed to ensure that members are still involved appropriately in decisions regarding the larger, more complex or more sensitive procurements and will retain visibility of procurements generally.

#### **4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 The Council may decide to retain Contract Standing Orders in their current form, or make only some of the variations proposed.

#### **5 SUPPORTING INFORMATION**

- 5.1 All local authorities include in their constitutions a set of rules regarding the approach to be taken to procurement activities, commonly referred to as Contract Standing Orders (CSOs). For large value purchases (contracts for services above around £160k, social services above around £590k and works above around £4.1m) the approach is standard and is dictated by Public Contract Regulations. For lower value items, local authorities are free to determine their own local rules.
- 5.2 The overall intent of the CSOs is to ensure that “officers always apply procedures that allow a fair and non-discriminatory competitive process and equal treatment of all potential suppliers and contracts”. Responsibility for ensuring compliance with CSO rest with directors, who are also responsible “for all purchase orders and contracts tendered and let by their directorates [and] accountable to the Executive for the performance of their duties in relation to contract letting and management”.
- 5.3 Larger value contracts above £400,000 represent “key decisions” under the constitution and therefore require Member approval at different stages. A range of other thresholds exist for lower value items and there are different requirements in terms of procurement planning, seeking quotes / tenders and awarding contracts dependent on the anticipated contract level.
- 5.4 With the exception of relatively minor amendments and updates to the EU procurement thresholds, the CSOs have been unchanged for many years. The thresholds have not been updated to account for inflationary increases and, at the lowest level in particular, are well below those used in many similar authorities. They were designed primarily to ensure compliance in procurement activity, rather than to promote innovative approaches to secure best value.
- 5.5 The Council's Transformation programme was established to undertake a fundamental review of all services and activities over time. Changes to the Procurement function were introduced as part of the Council Wide Support Services review, which secured a 10% reduction in staffing costs in all support services, including Procurement.
- 5.6 Another key element of the CWSS Transformation programme was to review and streamline processes in order to facilitate wider transformational change and reduce levels of bureaucracy. Officers across the Council have often identified CSOs as being overly onerous, unnecessarily complex and not conducive to securing best value in fast moving, competitive markets (e.g. social care placements). They have therefore been reviewed with a view to addressing those concerns, while continuing to ensure that they provide a clear framework and promote a consistent approach.
- 5.7 The proposed changes are described in detail in the appendices to this report. The main appendix is a copy of Contract Standing Orders with tracked changes evidencing the recommendations. The three charts, commonly known as the “tick sheets”, which form appendices to Contract Standing Orders and are the documents most officers refer to, are appended separately for clarity. Since it not possible to reflect track changes on spreadsheets, the current and proposed versions are attached.
- 5.8 The main areas of change proposed are as described in paragraphs 5.9 to 5.15 below.
- 5.9 The threshold above which a procurement plan must be approved is raised, aligning this threshold in most cases with the threshold required by regulation. The principal decision point for a procurement will be at procurement plan stage. It is at this stage



that key award criteria are defined, which cannot then be amended during the procurement. Procurement plans above the thresholds stated in the tick sheets must now be approved by the Executive, bringing greater visibility to this key stage.

- 5.10 Council requirements for advertising will be broader. Below the regulatory thresholds, advertising will be preferred but not compulsory. Officers deciding not to advertise must justify that decision.
- 5.11 The only options at the completion of a procurement are to award to the successful supplier, as evaluated by officers according to the pre-defined criteria, or not to award the contract. Given that the outline evaluation criteria are part of the procurement plan, which is approved by the Executive for significant value items, award of a contract will no longer normally be an Executive decision. Exceptions to this will be a) where the cost as defined in the procurement plan has been significantly exceeded or scope significantly altered or b) the procurement plan as approved specifically states that the award is to be approved by the Executive – typically for complex or sensitive matters.
- 5.12 This will reduce the number of awards presented to members or to Executive for decision, and reduce the often significant time period between tender evaluation and formal award due to the lengthy lead-in time for formal decision making . However, there will be a requirement that awards not so presented must be communicated to members by the responsible director.
- 5.13 Waivers, contract extensions and contract variations will be Director decisions, subject to advice from the Head of Procurement and Borough Solicitor if the resulting total contract value exceeds the regulatory threshold.
- 5.14 The Council must continue to comply with the Public Contract Regulations 2015 and the Concession Contract Regulations 2016. In many areas, these changes re-align Contract Standing Orders with the regulations, simplifying the procurement process.
- 5.15 The regulations apply in full above certain financial thresholds. These thresholds are fixed in sterling by the European Commission every two years on January 1<sup>st</sup>, and have changed in January 2018. The new values are incorporated for clarity. The Euro values do not have any relevance and have been removed.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

- 6.1 The proposed amendments reflect the Authority's need to provide a more commercially relevant procurement framework whilst recognising and adhering to the requirements of EU procurement law where applicable. For sub threshold procurements, the amendments remain faithful to the principles of transparency proportionality and non discrimination.

### Borough Treasurer

- 6.2 There are no direct financial implications arising from the proposals in this report, however the proposed changes will both reduce the administrative cost of supporting procurements and help ensure that savings identified through procurement processes can be realised sooner.

Equalities Impact Assessment

6.3 None

Strategic Risk Management Issues

6.4 None

**7 CONSULTATION**

Principal Groups Consulted

7.1 Council Wide Support Services Board, Corporate Management Team, Executive Briefing and Governance and Audit Committee.

Background Papers

None.

Contact for further information

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## **PROPOSED AMENDMENTS TO CONTRACT STANDING ORDERS**

### **SECTION 11 – CONTRACT STANDING ORDERS**

These Contract Standing Orders are made under section 135 of the Local Government Act 1972.

Guidance regarding the use of these Standing Orders and further explanation as to how they operate can be found in the Procurement Manual.

#### **DEFINITIONS**

In these Standing Orders, the following expressions have the following meanings:

|                            |  |
|----------------------------|--|
| “Category Manager”         | The officer of the Council to whom the Corporate Management Team has allocated responsibility for the delivery and management of a Category Strategy for a defined category of works, goods or services  |
| “Category Strategy”        | The written strategy for a defined Category, which has been formally approved by the Executive in accordance with these Standing Orders.   |
| “Corporate Contract”       | A contract relating to the procurement of supplies, works or services that has been tendered and managed by the Council  |
| “Corporate Finance System” | Agresso or its replacement   |
| “Director”                 | The Chief Executive or the most senior officer in a department of the Council or the Governing Body of a school with delegated responsibilities under the Local Management of Schools Regulations  |
| “Executive Member”         | Means the Member of the Executive with responsibility for the service for which a procurement is being carried out   |
| “Executive”                | Means a meeting to which the Leader and all those Members that are serving as Executive Members have been invited, or in the case of non-executive functions references to “the Executive” are deemed to be references to the Council or the committee or sub-committee to which the Council has |

|                                 |  |
|---------------------------------|--|
|                                 | delegated responsibility for that function   |
| “Framework Agreement”           | Means an agreement or other arrangement between one or more contracting authorities and one or more suppliers which establishes the terms (in particular as to price and, where appropriate, quantity) under which suppliers will enter into one or more contracts with the Council in the period during which the framework agreement applies   |
| “Grant”                         | Means a grant as defined and described in paragraph 2.4 of these Contract Standing Orders  |
| “Non Commercial Considerations” | <ol style="list-style-type: none"> <li>1. whether contractors employ self-employed individuals,</li> <li>2. any involvement of the business activities or interests of the contractor with irrelevant fields of Government policy,</li> <li>3. the conduct of the contractor in industrial disputes,</li> <li>4. the country of origin or location of suppliers,</li> <li>5. any political, industrial or sectarian interest of the contractor,</li> <li>6. financial support or lack of financial support by the contractor for any institution,</li> <li>7. use or non use by a contractor of technical or professional services provided by the Council under the Building Act 1984.</li> </ol> |
| “Procurement Plan“              | Means the Procurement Plan available from the Procurement pages on the Council’s intranet  |
| “Procurement Manual”            | The manual containing guidance and mandatory rules on the procurement of all supplies services and works and any further matters referred to in these Contract Standing Orders   |
| “Public Contracts Regulations”  | The Public Contracts Regulations 2015 (SI 2015 No 102) as amended <a href="#">or the Concession Contracts Regulations 2016 (SI 2016 No 273) as amended.</a>  |
| “Responsible Officer”           | The Director or a person to whom the Director has given clear written delegated responsibility to exercise a   |

|  |   |
|--|---|
|  | function which these Contract Standing Orders identify  |
| “Social and Other Specific Services Threshold” | <b>£589,148,615,278</b> ( <del>€750,000</del> ) as at 1 <sup>st</sup> January 201 <u>8</u> or any different figure that may be substituted by European Commission Regulations from time to time     |
| “Supplies and Services Threshold”              | <b>£181,302,164,176</b> ( <del>€209,000</del> ) as at 1 January 201 <u>8</u> or any different figure that may be substituted by European Commission Regulations from time to time                   |
| “Total Contract Value”                         | The whole of the estimated value net of value added tax which the Council expects to give under the contract, calculated according to the valuation rules set out in the Procurement Manual         |
| “Threshold”                                    | Means the Supplies and Services Threshold or the Social and Other Specific Services Threshold or the Works Threshold as the case may be   |
| “Works Threshold”                              | <b>£4,551,413,104,394</b> ( <del>€5,225,000</del> ) as at 1 <sup>st</sup> January 201 <u>8</u> or any different figure that may be substituted by European Commission Regulations from time to time |

## **1. Introduction and application of Standing Orders**

These Contract Standing Orders set out the framework for the procurement of supplies, works and services. They are an essential set of rules and compliance with them will ensure that officers both seek and obtain good value for money and that public money is properly spent and accounted for. **These Standing Orders apply to all contracts for the procurement of supplies, the provision of services (including adults and children's care services) or the execution of works by the Council or on its behalf.**

- 1.1 In any procurement where quotations or tenders are required no matter what the value may be, officers must always apply procedures that allow a fair and non-discriminatory competitive process, and equal treatment of all potential suppliers and contractors.
- 1.2 Contracts must not be artificially split to avoid the application of the key thresholds contained in these Standing Orders.
- 1.3 Officers dealing with the procurement of standard or repetitive supplies and services should always consider the use of Framework Agreements and corporate contracts and should seek guidance from the Head of Procurement or from the Borough Solicitor.
- 1.4 These Contract Standing Orders do not apply to the following:
  - A contract for service for the employment of staff by the Council
  - The engagement of Counsel
  - The acquisition disposal or transfer of land or an interest in land and property
  - Hire of premises
  - Grants made by the Council
  - Direct payments to individuals for social care services or services brokered on behalf of individuals in receipt of an individual budget.

## **2. Roles and responsibilities**

- 2.1 Directors are responsible for ensuring that chief officers and all staff with procurement responsibilities within their directorates fully understand and comply with these Standing Orders.
- 2.2 Directors are responsible for all purchase orders and contracts tendered and let by their directorates, are accountable to the Executive for the performance of their duties in relation to contract letting and management and must ensure that all council officers comply with these Standing Orders. The duties set out in paragraph 2.3 also apply to a Responsible Officer (except for paragraphs 2.3.5, and paragraphs 2.3.13 to .15 which are duties to be complied with by a Director personally)
- 2.3 Their duties are as follows:
  - 2.3.1 To seek and obtain value for money and secure continuous improvement in all procurements.
  - 2.3.2 To ensure no contract is entered into by their Directorate without there being adequate and agreed budget provision.

- 2.3.3 To ensure compliance with all applicable UK and EU legislation, seeking advice from the Borough Solicitor or the Head of Procurement at an early stage in the process whenever appropriate.
- 2.3.4 To ensure that Non Commercial Considerations do not influence any decision to seek quotations or tenders or to enter into any contract.
- 2.3.5 To ensure all staff (including any agents or consultants acting on their behalf) dealing with procurement for their directorate are fully aware of and comply with these Standing Orders and those parts of the Procurement Manual which are stated therein as compulsory in accordance with these Standing Orders and to arrange adequate training on their operation.
- 2.3.6 To declare to the council any pecuniary interest whether direct or indirect they personally have in any contract to be let, and to make that declaration in writing to the Borough Solicitor.
- 2.3.7 In the event of any breach of these Standing Orders to take immediate action and report it to the Borough Solicitor and/or the Borough Treasurer.
- 2.3.8 To ensure every contract over ~~£100,000~~ [the Supplies and Services threshold](#) has a named officer with responsibility for it.
- 2.3.9 To keep securely proper records of all purchase orders, signed contracts and copies of all relevant documentation so as to provide a full audit trail of actions taken.
- 2.3.10 To comply with the Council's arrangements for the obtaining and opening of quotations and tenders as set out in the Procurement Manual.
- 2.3.11 To ensure that the council's seal is affixed to any contract where this is required to give the contract legal efficacy or to reflect established industry practice and to ensure that all other contracts are signed by a Director or by a person authorised under delegated powers to act on his or her behalf or placed through the Corporate Finance System.
- 2.3.12 To keep a record of any waivers of these Standing Orders.
- 2.3.13 To keep a written record of any delegations they make of their powers under these Standing Orders and ensure these are published on the Council's Intranet.
- 2.3.14 To ensure that records are kept in a manner that ensures reviews of contracts are undertaken in good time ideally at least one year in advance of termination dates and that appropriate action is taken.
- 2.3.15 To make arrangements for the publication of tenders and of contracts awarded as the Council may require from time to time.
- 2.3.16 To assist and support Category Managers in the preparation of Category Strategies and to comply with the provisions of Category Strategies approved by the Executive in accordance with these Contract Standing Orders
- 2.3.17 To ensure that all reports recommending the award of a contract for the procurement of works, supplies or services within a category, which are the subject of an approved Category Strategy, contain the comments of the relevant Category Manager.

- 2.4 These Standing Orders do not apply to grants awarded by the Council. A grant is an arrangement where money is given for the benefit of all or for a section of the local community for a stated purpose other than for the procurement of services whether the services are to be given to the Council or to third parties. An arrangement where payments are made to secure the provision of services whether to the Council or to some third party is a contract for services to which these Contract Standing Orders apply.

### **3. Consultation and approvals prior to advertising a procurement**

- 3.1 Officers must take advice from the Head of Procurement or the Borough Solicitor on the relevance of the Public Contract Regulations for any procurement where the Total Contract Value is estimated to be more than ~~£100,000~~[the Supplies and Services Threshold](#), including advice on the classification of a procurement as Supplies and Services, Works or Social and Other Specific Services [or as a concession](#).
- 3.2 When it can reasonably be anticipated that the Total Contract Value might exceed ~~£100,000~~[the Supplies and Services Threshold](#) the Director must ensure that an estimate of the anticipated Total Contract Value is prepared and recorded in writing. The estimate should not be more than twelve months old when tenders or quotations are invited and is to be exclusive of Value Added Tax.
- 3.3 For all procurements of supplies and services with an estimated Total Contract Value in excess of ~~£100,000~~[the Supplies and Services Threshold](#), and procurement of works with an estimated Total Contract Value in excess of £400,000, a Procurement Plan in the form set out in the Procurement Manual and incorporating comments from the Borough Treasurer, Borough Solicitor and Head of Procurement, must be prepared for the approval of the Director and, if appropriate, the Executive Member [or the Executive](#) (see Appendices 1, 2 and 3). In all cases the Procurement Plan must be approved before the contract is advertised.
- [3.4 The Council's Constitution defines Executive Decisions and Key Decisions and the procedure for making these, for example publication for 28 days before decision and call-in for 5 days afterwards. Planning of a procurement must take into account these procedures in consultation with Democratic Services.](#)

### **4. Obtaining quotations and tenders**

- 4.1 (a) Subject to paragraph 4.1(b) below, for any procurement of supplies or services the required number of quotations or tenders must be sought in accordance with the financial limits and procedures set out in the Procurement Manual and Appendix 1 or Appendix 3 as the case may be.
- (b) Procurements of residential care placements, care and or support provided in the person's home or for the special educational or other needs of younger people (including fostering) shall be carried out in accordance with procedures authorised by the relevant Director in consultation with the Executive Member with the advice of the Borough Treasurer, the Borough Solicitor and the Head of Procurement and published in the Procurement Manual

[4.X Where advertising is preferred, but not required by these Contract Standing Orders, officers choosing not to advertise must record the reasons for their decision.](#)



- 4.2 Where any works contract is to be let the required number of quotations or tenders must be sought in accordance with the financial limits and procedures set out in Appendix 2.
- 4.3 The Responsible Officer must ensure that the selection of suppliers from whom tenders or quotations are sought is carried out openly, fairly and transparently. The requirements for advertising, which are made to ensure compliance with legal requirements for transparency and freedom from discrimination, are set out in Appendices, 1, 2 and 3 and must always be followed.

## 5. **Contract documentation and standard contract conditions**

- 5.1 The provisions of any Statute, Regulation, ~~Treaty or Directive of the European Union~~ take precedence over anything said in these Standing Orders, and all contracts entered into by the Council must comply with all of those requirements.

- 5.2 The Council's standard conditions of contract shall always be employed unless,

- (1a) Leasing arrangements are involved, or
- (1b) the requirement is particularly complex and the use of the standard conditions is inappropriate

AND in each such case the formal advice of the Borough Solicitor has been given, or

- (2) the supplier requires the Council to contract on terms supplied by it, and the total value is no more than £35,000.

In all cases where the Total Contract Value is expected to exceed the Threshold, the advice of the Borough Solicitor must be sought on any appropriate additions to the Council's standard terms.

## 6. **Approval and acceptance of quotations and tenders**

- 6.1 All requests for quotations and tenders for works, services or supplies must be carried out according to the procedures set out in the Procurement Manual.
- 6.2 The evaluation of written quotations and tenders and any pre-qualification of bidders must be carried out according to the procedures set out in the Procurement Manual, clearly documented and, if above the Threshold, advice must be sought from the Head of Procurement.
- 6.3 Where the estimated Total Contract Value is more than ~~£100,000~~ [the Supplies and Services Threshold](#) and only one tender is received the Director must take advice from the Head of Procurement and the Borough Solicitor on the appropriate action.
- 6.4 The Responsible Officer may accept a tender or quotation for **works, supplies or services** where the Total Contract Value is not more than £400,000. Where the tender is above ~~£100,000~~ [the Supplies and Services Threshold](#), a report should be submitted by officers to the Director, but if a Director has not delegated power to a Responsible Officer to accept a quotation the Director must prepare a report on the acceptance of the tender or quotation -and keep it available for auditing.

6.5 The Director shall not accept tenders for supplies, services or works where the Total Contract Value is more than £400,000 ~~and less than £1,000,000~~ without securing the written agreement of the Executive Member.

6.X Where a procurement has been the subject of an approved procurement plan, further approval at contract award stage is only required

- a) where cost as defined in the procurement plan has been significantly exceeded or scope significantly altered,
- b) the procurement plan as approved specifically states that the award is to be approved by the Executive – for complex or sensitive matters

Except in these circumstances, no further approval is required, clause 6.5 does not apply, and the Responsible Officer may accept a tender or quotation. The result should be recorded and communicated to the Director and Executive Member.

~~6.6 For all contracts where the Total Contract Value is greater than £1,000,000 acceptance of the tender must be approved by the Executive upon a report by the Director.~~

6.7 Where the Director wishes to accept a tender other than the lowest acceptable tender, full supporting documentation must be kept to evidence why the lowest acceptable tender was not accepted. If the tender is one to which paragraphs 6.5 or 6.6-X applies, the Director shall report the values of all tenders received and the reasons for selecting the preferred tender.

6.8 All contracts entered into by the Council shall be completed (subject to delegated financial limits) in accordance with the following requirements.

| Total Value  | Method of Completion  | Signed By   |
|--|---|---|
| Up to and including £5,000   | <del>Council's official written order</del> <u>Purchase order or oral</u>   | Responsible Officer   |
| £5,000 to <del>£100,000</del> <u>the Supplies and Services Threshold</u> | <del>Acceptance Letter or Council's official order</del> <u>Purchase order or contract</u>  | Responsible Officer   |
| Over <del>£100,000</del> <u>the Supplies and Services Threshold</u>      | Signed contract or execution under seal if required to give the contract legal efficacy or to reflect established industry practice | Responsible Officer or executed under seal by Borough Solicitor |

6.9 It is advised that all contracts should as a matter of good practice be signed or sealed before the supply, service or ~~construction~~ work begins.

## 7. Waiver of Contract Standing Orders

7.1 If there are special circumstances to waive or suspend any section or sections of Contract Standing Orders, the following approvals must be obtained depending on contract value:

1. for all contracts up to ~~and including £35,000~~the relevant Threshold, the Director may approve.

2. for contracts in excess of ~~£35,000~~ the relevant Threshold ~~but up to and including contracts for £400,000~~ the Borough Solicitor and the ~~Chief Executive~~ Director (taking advice from the Head of Procurement) may approve.
3. ~~for contracts over £400,000 a report must be made to the Executive, incorporating advice from the Head of Procurement, for approval save that where the Borough Solicitor and Chief Executive have confirmed that there is genuine urgency and it is not possible to obtain approval from the Executive in time, the Leader may approve, but shall report his decision to the next meeting of the Executive for information~~

7.2 The standard Waiver form is to be used ~~unless reporting to the Executive in accordance with 7.1 above and the approval must be retained by the Director.~~

7.3 The Director must ensure that a record of all cases where Contract Standing Orders have been waived is sent to the Head of Procurement, ~~including those authorised under the Director's own delegated powers~~, recording the reasons for waiver and the approvals obtained. The Head of Procurement shall maintain a full record, sequentially numbered, of all Waivers granted.

## 8. **Contract extensions and variations**

8.1 ~~Where a contract, which was not required to be advertised by the Public Contracts Regulations or any preceding Regulations, does not have any provision for an extension, one extension, where similar terms and conditions will apply, may be agreed for a maximum period of one year, but the written approval of the Director, who must consult with the Borough Solicitor and the Treasurer, must be given.~~

8.2 ~~Any extension specifically provided for in the contract may be implemented, subject to the prior written approval of the Director being given.~~

8.3 ~~If a contract has been extended in accordance with 8.1 or 8.2 above any further request for an extension must be approved by the Executive Member on a written report, with advice from the Borough Solicitor and the Treasurer.~~

~~Any contract may be extended or varied by the prior written approval of the Director.~~

~~Where an extension or variation is not clearly provided for in the original contract and, once the extension or variation is included, the contract has a total contract value which exceeds the relevant Threshold, advice must be taken from the Borough Solicitor.~~

~~Subject to the above, any contract may be extended or varied by the prior written approval of the Director.~~

### **Contract variations**

8.4 ~~A contract variation can be only be approved where the proposed variation does not materially alter the terms of the contract. Guidance on what constitutes a material alteration is given in the Procurement manual. The Director must obtain advice from the Borough Solicitor before proceeding to agree to a variation and must ensure there is an adequate budget for the variation.~~

## **9. Framework Agreements**

- 9.1 Framework Agreements let by other contracting authorities may only be used in accordance with the requirements set out in the Procurement Manual.

## **10. Category Management**

- 10.1 The Council has adopted the principles of category management in order to provide a more strategic approach to procurement and to help increase efficiencies and value for money through better coordination and aggregation of requirements across the Council.
- 10.2 A Category Manager shall be responsible for the preparation of a Category Strategy for the commissioning and procurement of any works, supplies or services relevant to the category in consultation with any Director who holds a budget that will be affected by the Category Strategy.
- 10.3 A Category Strategy shall identify responsibility for contract awards for contracts of up to £1 million that are in compliance with the strategy, but if no responsibility for such contract award is allocated, the Director to whom the Category Manager usually reports shall be responsible for making the decision. Corporate Contracts which are not within a Category Strategy shall be the responsibility of the Director of Resources.

**PROPOSED CHANGES TO CONTRACT STANDING ORDERS 'TICK SHEETS'**

## Services – current

| Appendix 1  |  |   |                      |               |                |                              |               |      |
|---|--|---|----------------------|---------------|----------------|------------------------------|---------------|------|
| Supplies and Services                             |  |   | Minimum Requirements |               |                | ✓                            | = Mandatory   |      |
|   |  |   |                      |               |                |                              |               |      |
|   | Total Contract Value                                       | Up to £5K   | >£5K to £10K         | >£10K to £35K | >£35K to £100K | >£100K to £400K              | >£400K to £1m | >£1m |
| Procurement Plan                                  | Director* to approve, with advice from Head of Procurement |   |                      |               |                | ✓                            | ✓             | ✓    |
|   | Executive Member to approve                                |   |                      |               |                |                              | ✓             | ✓    |
| Format  | Request for Quotation (RFQ)                                | ✓ oral  | ✓                    | ✓             | ✓              |                              |               |      |
|   | Invitation to Tender (ITT)                                 |   |                      |               | Optional       | ✓                            | ✓             | ✓    |
| Specification                                     |  | ✓ oral  | ✓ outline            | ✓ outline     | ✓              | ✓                            | ✓             | ✓    |
| Terms   | BFC terms and conditions                                   | Preferred   | Preferred            | Preferred     | ✓              |                              |               |      |
|   | Special terms - contact Legal Services                     |   |                      |               | Optional       | ✓                            | ✓             | ✓    |
| Competition                                       | Minimum 1 quote  | ✓ oral  | ✓                    |               |                |                              |               |      |
|   | Seek a minimum of 3 quotes                                 |   |                      | ✓             | ✓              |                              |               |      |
|   | Formal Tender - seek a minimum of 5 tenders                |   |                      |               |                | ✓                            | ✓             | ✓    |
|   | Order under a Framework Agreement                          | Mini competition of all suppliers able to meet the requirement - or otherwise as defined in the Framework Agreement |                      |               |                |                              |               |      |
| Advertising                                       | SE Business Portal and Contracts Finder**                  |   |                      |               | ✓              | ✓                            | ✓             | ✓    |
|   | European website (TED)                                     |   |                      |               |                | Mandatory above Threshold*** | ✓             | ✓    |
| Contract SO Waiver                                | Director to record reasons on file                         | ✓   | ✓                    | ✓             |                |                              |               |      |
|   | Chief Executive and Borough Solicitor to approve           |   |                      |               | ✓              | ✓                            |               |      |
|   | The Executive to approve                                   |   |                      |               |                |                              | ✓             | ✓    |
| Contract Award                                    | Director*  | ✓   | ✓                    | ✓             | ✓              |                              |               |      |
|   | Report to Director* for approval                           |   |                      |               |                | ✓                            |               |      |
|   | Report to Director and Executive Member for approval       |   |                      |               |                |                              | ✓             |      |
|   | Report to the Executive for approval                       |   |                      |               |                |                              |               | ✓    |
| Contract Award Notice                             | SE Business Portal and Contracts Finder**                  |   |                      |               | ✓              | ✓                            | ✓             | ✓    |
|   | European website (TED)                                     |   |                      |               |                | Mandatory above Threshold*** | ✓             | ✓    |
| Form of Contract                                  | Purchase Order   | ✓ oral  | ✓                    | ✓             | ✓              |                              |               |      |
|   | Contract signed by Director*                               |   |                      |               |                | ✓                            | ✓             | ✓    |
|   | Deed signed under seal by Borough Solicitor                | Where required to give the contract legal efficacy or if requested, for example to comply with industry practice.   |                      |               |                |                              |               |      |
| * Or as delegated, or Governing Body for Schools  |  |   |                      |               |                |                              |               |      |
| ** Schools don't have to use Contracts Finder     |  |   |                      |               |                |                              |               |      |
| *** Threshold is £164,176 as of 1st January 2016. |  |   |                      |               |                |                              |               |      |

## Services – proposed

| Appendix 1  |   |   |                      |                   |                          |               |               |
|---|---|---|----------------------|-------------------|--------------------------|---------------|---------------|
| Supplies and Services   |   |   | Minimum Requirements |                   |                          |               | ✓ = Mandatory |
|   | Total Contract Value  | Up to £5K   | >£5K to £35K         | >£35K to £181K**  | >£181K** to £400K        | >£400K to £1m | >£1m          |
| Strategic Procurement Plan  | Director* to approve  |   |                      |                   | ✓                        | ✓             | ✓             |
|   | Executive Member to approve   |   |                      |                   |                          | ✓             | ✓             |
|   | Executive to approve  |   |                      |                   |                          |               | ✓             |
| Format  | Request for Quotation (RFQ)   | ✓ oral  | ✓                    | ✓                 |                          |               |               |
|   | Invitation to Tender (ITT)  |   |                      | Optional          | ✓                        | ✓             | ✓             |
| Specification   |   | ✓ oral  | ✓ outline            | ✓                 | ✓                        | ✓             | ✓             |
| Terms   | BFC terms and conditions  | Preferred   | Preferred            | ✓                 |                          |               |               |
|   | Special terms - contact Legal Services  |   |                      | Optional          | ✓                        | ✓             | ✓             |
| Competition   | Seek a minimum of 3 quotes  | Preferred.  | ✓                    | ✓                 |                          |               |               |
|   | Formal Tender - seek a minimum of 5 tenders   |   |                      |                   | ✓                        | ✓             | ✓             |
|   | Order under a Framework Agreement   | Mini competition of all suppliers able to meet the requirement - or otherwise as defined in the Framework Agreement |                      |                   |                          |               |               |
| Advertising   | SE Business Portal (or equivalent) and Contracts Finder (except schools)  |   |                      | Preferred.        | ✓                        | ✓             | ✓             |
|   | European website (TED)  |   |                      |                   | ✓                        | ✓             | ✓             |
| Approval of Contract Award  | Director*   | ✓   | ✓                    | ✓                 |                          |               |               |
|   | Where a procurement has been the subject of an approved procurement plan, further approval at contract award stage is only required where cost and scope as stated in the procurement plan are not met or where the procurement plan states that such approval is required. |   |                      |                   |                          |               |               |
|   | Report to Director*   |   |                      |                   | ✓                        |               |               |
|   | Report to Director and Exec Member  |   |                      |                   |                          | ✓             | ✓             |
| Contract Award Notice   | SE Business Portal and Contracts Finder   |   |                      | Where advertised. | ✓                        | ✓             | ✓             |
|   | European website (TED)  |   |                      |                   | Where advertised on TED. |               |               |
| Form of Contract  | Purchase Order  | ✓ oral  | ✓                    | ✓                 |                          |               |               |
|   | Contract signed by Director*  |   |                      |                   | ✓                        | ✓             | ✓             |
|   | Deed signed under seal by Borough Solicitor   | Where required to give the contract legal efficacy or if requested, for example to comply with industry practice.   |                      |                   |                          |               |               |
| Waivers and extensions beyond those written into the contract. Based on total resulting contract value. | Director* to approve  | ✓   | ✓                    | ✓                 |                          |               |               |
|   | Specific action to be agreed with Borough Solicitor.  |   |                      |                   | ✓                        | ✓             | ✓             |
| * Or as delegated   |   |   |                      |                   |                          |               |               |
| ** Threshold is £181,302 as of 1st January 2018.  |   |   |                      |                   |                          |               |               |

## Works – current

| Appendix 2  |  |   |                      |               |                |                 |               |                              |
|---|--|---|----------------------|---------------|----------------|-----------------|---------------|------------------------------|
| Works   |  |   | Minimum Requirements |               |                | ✓               | = Mandatory   |                              |
|   |  |   |                      |               |                |                 |               |                              |
|   | Total Contract Value                                       | Up to £5K   | >£5K to £10K         | >£10K to £35K | >£35K to £100K | >£100K to £400K | >£400K to £1m | >£1m                         |
| Procurement Plan                                    | Director* to approve, with advice from Head of Procurement |   |                      |               |                |                 | ✓             | ✓                            |
|   | Executive Member to approve                                |   |                      |               |                |                 | ✓             | ✓                            |
| Format  | Request for Quotation (RFQ)                                | ✓ oral  | ✓                    | ✓             | ✓              |                 |               |                              |
|   | Invitation to Tender (ITT)                                 |   |                      |               |                | ✓               | ✓             | ✓                            |
| Specification                                       |  | ✓ oral  | ✓ outline            | ✓ outline     | ✓              | ✓               | ✓             | ✓                            |
| Terms   | BFC terms and conditions                                   | Preferred   | Preferred            | Preferred     | ✓              |                 |               |                              |
|   | Special terms - contact Legal Services                     |   |                      |               | Optional       | ✓               | ✓             | ✓                            |
| Competition   | Minimum 1 quote  | ✓ oral  | ✓                    |               |                |                 |               |                              |
|   | Seek a minimum of 3 quotes                                 |   |                      | ✓             | ✓              |                 |               |                              |
|   | Formal Tender - seek a minimum of 5 tenders                |   |                      |               |                | ✓               | ✓             | ✓                            |
|   | Order under a Framework Agreement                          | Mini competition of all suppliers able to meet the requirement - or otherwise as defined in the Framework Agreement |                      |               |                |                 |               |                              |
| Advertising   | SE Business Portal and Contracts Finder**                  |   |                      |               |                |                 | ✓             | ✓                            |
|   | European website (TED)                                     |   |                      |               |                |                 |               | Mandatory above Threshold*** |
| Contract SO Waiver                                  | Director to record reasons on file                         | ✓   | ✓                    | ✓             |                |                 |               |                              |
|   | Chief Executive and Borough Solicitor to approve           |   |                      |               | ✓              | ✓               |               |                              |
|   | The Executive to approve                                   |   |                      |               |                |                 | ✓             | ✓                            |
| Contract Award                                      | Director*  | ✓   | ✓                    | ✓             | ✓              |                 |               |                              |
|   | Report to Director* for approval                           |   |                      |               |                | ✓               |               |                              |
|   | Report to Director and Executive Member for approval       |   |                      |               |                |                 | ✓             |                              |
|   | Report to the Executive for approval                       |   |                      |               |                |                 |               | ✓                            |
| Contract Award Notice                               | SE Business Portal and Contracts Finder**                  |   |                      |               | ✓              | ✓               | ✓             | ✓                            |
|   | European website (TED)                                     |   |                      |               |                |                 |               | Mandatory above Threshold*** |
| Form of Contract                                    | Purchase Order   | ✓ oral  | ✓                    | ✓             | ✓              |                 |               |                              |
|   | Contract signed by Director*                               |   |                      |               |                | ✓               | ✓             | ✓                            |
|   | Deed signed under seal by Borough Solicitor                | Where required to give the contract legal efficacy or if requested, for example to comply with industry practice.   |                      |               |                |                 |               |                              |
| * Or as delegated, or Governing Body for Schools    |  |   |                      |               |                |                 |               |                              |
| ** Schools don't have to use Contracts Finder       |  |   |                      |               |                |                 |               |                              |
| *** Threshold is £4,104,394 as of 1st January 2016. |  |   |                      |               |                |                 |               |                              |



## Works – proposed

| Appendix 2  |   |   |              |                  |                   |                   |                              |
|---|---|---|--------------|------------------|-------------------|-------------------|------------------------------|
| Works   |   | Minimum Requirements  |              |                  |                   |                   | ✓ = Mandatory                |
|   | Total Contract Value  | Up to £5K   | >£5K to £35K | >£35K to £181K** | >£181K** to £400K | >£400K to £1m     | >£1m                         |
| Strategic Procurement Plan  | Director* to approve  |   |              |                  |                   | ✓                 | ✓                            |
|   | Executive Member to approve   |   |              |                  |                   | ✓                 | ✓                            |
|   | Executive to approve  |   |              |                  |                   |                   | ✓                            |
| Format  | Request for Quotation (RFQ)   | ✓ oral  | ✓            | ✓                |                   |                   |                              |
|   | Invitation to Tender (ITT)  |   |              |                  | ✓                 | ✓                 | ✓                            |
| Specification   |   | ✓ oral  | ✓ outline    | ✓                | ✓                 | ✓                 | ✓                            |
| Terms   | BFC terms and conditions  | Preferred   | Preferred    | ✓                |                   |                   |                              |
|   | Special terms - contact Legal Services  |   |              | Optional         | ✓                 | ✓                 | ✓                            |
| Competition   | Seek a minimum of 3 quotes  | Preferred.  | ✓            | ✓                |                   |                   |                              |
|   | Formal Tender - seek a minimum of 5 tenders   |   |              |                  | ✓                 | ✓                 | ✓                            |
|   | Order under a Framework Agreement   | Mini competition of all suppliers able to meet the requirement - or otherwise as defined in the Framework Agreement |              |                  |                   |                   |                              |
| Advertising   | SE Business Portal (or equivalent) and Contracts Finder (except schools)  |   |              |                  |                   | Preferred         | ✓                            |
|   | European website (TED)  |   |              |                  |                   |                   | Mandatory above Threshold*** |
| Approval of Contract Award  | Director*   | ✓   | ✓            | ✓                |                   |                   |                              |
|   | Report to Director*   |   |              |                  | ✓                 |                   |                              |
|   | Where a procurement has been the subject of an approved procurement plan, further approval at contract award stage is only required where cost and scope as stated in the procurement plan are not met or where the procurement plan states that such approval is required. |   |              |                  |                   |                   |                              |
|   | Report to Director and Exec Member  |   |              |                  |                   | ✓                 | ✓                            |
| Contract Award Notice   | SE Business Portal and Contracts Finder   |   |              |                  |                   | Where advertised. | ✓                            |
|   | European website (TED)  |   |              |                  |                   |                   | Where advertised on TED.     |
| Form of Contract  | Purchase Order  | ✓ oral  | ✓            | ✓                |                   |                   |                              |
|   | Contract signed by Director*  |   |              |                  | ✓                 | ✓                 | ✓                            |
|   | Deed signed under seal by Borough Solicitor   | Where required to give the contract legal efficacy or if requested, for example to comply with industry practice.   |              |                  |                   |                   |                              |
| Waivers and extensions beyond those written into the contract. Based on total resulting contract value. | Director* to approve  | ✓   | ✓            | ✓                | ✓                 | ✓                 |                              |
|   | Specific action to be agreed with Borough Solicitor.  |   |              |                  |                   |                   | Mandatory above Threshold*** |
| * Or as delegated   |   |   |              |                  |                   |                   |                              |
| ** Threshold is £181,302 as of 1st January 2018.  |   |   |              |                  |                   |                   |                              |
| *** Threshold is £4,551,413 as of 1st January 2018  |   |   |              |                  |                   |                   |                              |

## Social and Other Specific Services – current

| Appendix 3  |  |   |                      |               |                |                 |                              |      |
|---|--|---|----------------------|---------------|----------------|-----------------|------------------------------|------|
| Social and Other Specific Services                |  |   | Minimum Requirements |               |                | ✓               | = Mandatory                  |      |
|   |  |   |                      |               |                |                 |                              |      |
|   | Total Contract Value                                       | Up to £5K   | >£5K to £10K         | >£10K to £35K | >£35K to £100K | >£100K to £400K | >£400K to £1m                | >£1m |
| Procurement Plan                                  | Director* to approve, with advice from Head of Procurement |   |                      |               |                | ✓               | ✓                            | ✓    |
|   | Executive Member to approve                                |   |                      |               |                |                 | ✓                            | ✓    |
| Format  | Request for Quotation (RFQ)                                | ✓ oral  | ✓                    | ✓             | ✓              |                 |                              |      |
|   | Invitation to Tender (ITT)                                 |   |                      |               | Optional       | ✓               | ✓                            | ✓    |
| Specification                                     |  | ✓ oral  | ✓ outline            | ✓ outline     | ✓              | ✓               | ✓                            | ✓    |
| Terms   | BFC terms and conditions                                   | Preferred   | Preferred            | Preferred     | ✓              |                 |                              |      |
|   | Special terms - contact Legal Services                     |   |                      |               | Optional       | ✓               | ✓                            | ✓    |
| Competition                                       | Minimum 1 quote  | ✓ oral  | ✓                    |               |                |                 |                              |      |
|   | Seek a minimum of 3 quotes                                 |   |                      | ✓             | ✓              |                 |                              |      |
|   | Formal Tender - seek a minimum of 5 tenders                |   |                      |               |                | ✓               | ✓                            | ✓    |
|   | Order under a Framework Agreement                          | Mini competition of all suppliers able to meet the requirement - or otherwise as defined in the Framework Agreement |                      |               |                |                 |                              |      |
| Advertising                                       | SE Business Portal and Contracts Finder**                  |   |                      |               | ✓              | ✓               | ✓                            | ✓    |
|   | European website (TED)                                     |   |                      |               |                |                 | Mandatory above Threshold*** | ✓    |
| Contract SO Waiver                                | Director to record reasons on file                         | ✓   | ✓                    | ✓             |                |                 |                              |      |
|   | Chief Executive and Borough Solicitor to approve           |   |                      |               | ✓              | ✓               |                              |      |
|   | The Executive to approve                                   |   |                      |               |                |                 | ✓                            | ✓    |
| Contract Award                                    | Director*  | ✓   | ✓                    | ✓             | ✓              |                 |                              |      |
|   | Report to Director* for approval                           |   |                      |               |                | ✓               |                              |      |
|   | Report to Director and Executive Member for approval       |   |                      |               |                |                 | ✓                            |      |
|   | Report to the Executive for approval                       |   |                      |               |                |                 |                              | ✓    |
| Contract Award Notice                             | SE Business Portal and Contracts Finder**                  |   |                      |               | ✓              | ✓               | ✓                            | ✓    |
|   | European website (TED)                                     |   |                      |               |                |                 | Mandatory above Threshold*** | ✓    |
| Form of Contract                                  | Purchase Order   | ✓ oral  | ✓                    | ✓             | ✓              |                 |                              |      |
|   | Contract signed by Director*                               |   |                      |               |                | ✓               | ✓                            | ✓    |
|   | Deed signed under seal by Borough Solicitor                | Where required to give the contract legal efficacy or if requested, for example to comply with industry practice.   |                      |               |                |                 |                              |      |
| * Or as delegated, or Governing Body for Schools  |  |   |                      |               |                |                 |                              |      |
| ** Schools don't have to use Contracts Finder     |  |   |                      |               |                |                 |                              |      |
| *** Threshold is £589,148 as of 1st January 2016. |  |   |                      |               |                |                 |                              |      |

## Social and Other Specific Services – proposed

| Appendix 3  |   |   |                      |                   |                   |                              |      |
|---|---|---|----------------------|-------------------|-------------------|------------------------------|------|
| Social and Other Specific Services  |   |   | Minimum Requirements |                   |                   | ✓ = Mandatory                |      |
|   |   |   |                      |                   |                   |                              |      |
|   | Total Contract Value  | Up to £5K   | >£5K to £35K         | >£35K to £181K**  | >£181K** to £400K | >£400K to £1m                | >£1m |
| Strategic Procurement Plan  | Director* to approve  |   |                      |                   | ✓                 | ✓                            | ✓    |
|   | Executive Member to approve   |   |                      |                   |                   | ✓                            | ✓    |
|   | Executive to approve  |   |                      |                   |                   |                              | ✓    |
| Format  | Request for Quotation (RFQ)   | ✓ oral  | ✓                    | ✓                 |                   |                              |      |
|   | Invitation to Tender (ITT)  |   |                      | Optional          | ✓                 | ✓                            | ✓    |
| Specification   |   | ✓ oral  | ✓ outline            | ✓                 | ✓                 | ✓                            | ✓    |
| Terms   | BFC terms and conditions  | Preferred   | Preferred            | ✓                 |                   |                              |      |
|   | Special terms - contact Legal Services  |   |                      | Optional          | ✓                 | ✓                            | ✓    |
| Competition   | Seek a minimum of 3 quotes  | Preferred.  | ✓                    | ✓                 |                   |                              |      |
|   | Formal Tender - seek a minimum of 5 tenders   |   |                      |                   | ✓                 | ✓                            | ✓    |
|   | Order under a Framework Agreement   | Mini competition of all suppliers able to meet the requirement - or otherwise as defined in the Framework Agreement |                      |                   |                   |                              |      |
| Advertising   | SE Business Portal (or equivalent) and Contracts Finder (except schools)  |   |                      | Preferred.        | Preferred         | ✓                            | ✓    |
|   | European website (TED)  |   |                      |                   |                   | Mandatory above Threshold*** | ✓    |
| Approval of Contract Award  | Director*   | ✓   | ✓                    | ✓                 |                   |                              |      |
|   | Where a procurement has been the subject of an approved procurement plan, further approval at contract award stage is only required where cost and scope as stated in the procurement plan are not met or where the procurement plan states that such approval is required. |   |                      |                   |                   |                              |      |
|   | Report to Director*   |   |                      |                   | ✓                 |                              |      |
|   | Report to Director and Exec Member  |   |                      |                   |                   | ✓                            | ✓    |
| Contract Award Notice   | SE Business Portal and Contracts Finder   |   |                      | Where advertised. | Where advertised. | ✓                            | ✓    |
|   | European website (TED)  |   |                      |                   |                   | Where advertised on TED.     |      |
| Form of Contract  | Purchase Order  | ✓ oral  | ✓                    | ✓                 |                   |                              |      |
|   | Contract signed by Director*  |   |                      |                   | ✓                 | ✓                            | ✓    |
|   | Deed signed under seal by Borough Solicitor   | Where required to give the contract legal efficacy or if requested, for example to comply with industry practice.   |                      |                   |                   |                              |      |
| Waivers and extensions beyond those written into the contract. Based on total resulting contract value. | Director* to approve  | ✓   | ✓                    | ✓                 | ✓                 |                              |      |
|   | Specific action to be agreed with Borough Solicitor.  |   |                      |                   |                   | ✓                            | ✓    |
| * Or as delegated   |   |   |                      |                   |                   |                              |      |
| ** Threshold is £181,302 as of 1st January 2018.  |   |   |                      |                   |                   |                              |      |
| *** Threshold is £615,278 as of 1st January 2018.   |   |   |                      |                   |                   |                              |      |

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**TO: COUNCIL**  
**28 FEBRUARY 2018**

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## **ESTABLISHMENT OF AN APPOINTMENT COMMITTEE (Chief Executive)**

### **1 PURPOSE OF DECISION**

This report informs Members of plans agreed by the Executive to create a Director of Public Health post and seeks to establish a Committee to undertake an appointment to the post in conjunction with Public Health England and the Faculty of Public Health.

### **2 RECOMMENDATIONS**

The Council is asked to agree:

- 2.1 That a Committee of the Council of four members (3:1), (plus up to three substitute members) be appointed, augmented by representatives of Public Health England and the Faculty of Public Health with the following terms of reference:**

**“To interview and appoint on behalf of the Council and Public Health England to the Director of Public Health post”.**

- 2.2 That the nominated Members are to be confirmed.**

- 2.3 That the substitute Members are to be confirmed.**

### **3 REASONS FOR RECOMMENDATIONS**

- 3.1 To ensure that the appointment process for a Director of Public Health is carried in accordance with the Council’s Constitution and the requirements of Public Health England, encapsulated in national guidance in as timely manner as possible.**

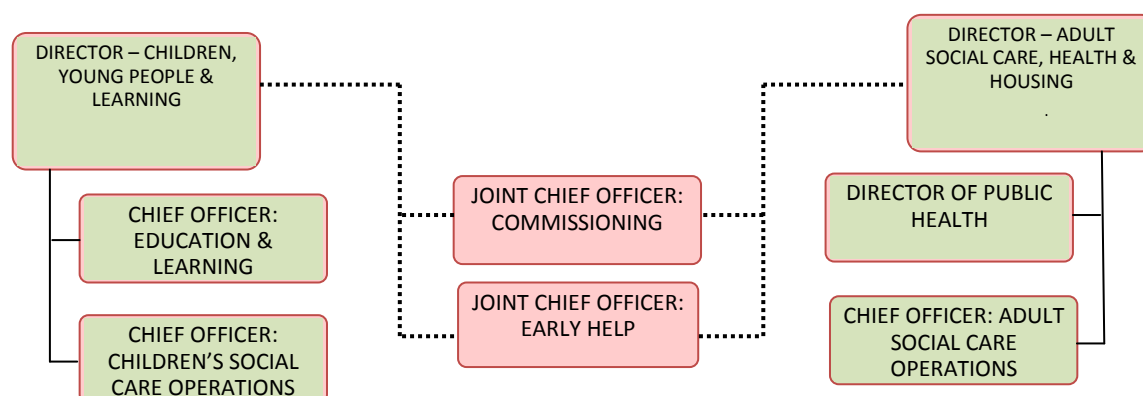
### **4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 Any recruitment exercise requires the establishment of an appointment committee.**

### **5 SUPPORTING INFORMATION**

- 5.1 The Executive agreed in January 2018 that a local Director of Public Health (DPH) for Bracknell Forest should be created to lead the local Public Health function in place of the previous pan-Berkshire arrangement. The post will take lead responsibility for Public Health as well as the Council’s corporate business intelligence function and will report to the Director, Adult Social Care, Health & Housing (DASCHH).**

- 5.2 The new Director of Public Health needs to be recruited in accordance with guidance published by Public Health England (2013)<sup>1</sup>. The role will include all of the statutory functions of the Directors of Public Health as defined in the NHS Act 2006 and the Health and Social Care Act 2012 - and related regulations<sup>2</sup>.
- 5.3 The chart below shows where the Director of Public Health post will fit in to the recently agreed proposals to create a “People Services” Directorate.



### Appointment Committee

- 5.4 The Council’s Officer Employment Procedure Rules, which form Part 4, Section 12 of the Constitution, deal with the arrangements for the appointment of officers at director and chief officer level. These require that where a committee is to be established for the purposes of making an appointment it should include at least one Member of the Executive. In the case of a Director of Public Health, the Public Health England guidelines also require the involvement of a representative from Public Health England and the Faculty of Public Health.
- 5.5 Whilst it is a matter for the political groups to make their own nominations to the Council places on the Appointment Committee, in this instance it would be appropriate for the Executive Member responsible for Adult Social Care, Health & Housing along with the Chairs of the Health Scrutiny Panel and Employment Committee to serve, or be represented, with the remaining Member being the Labour Councillor. Accordingly, nominations have been sought from the Leader and will be announced at the Council meeting.

## 6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

### Borough Treasurer

- 6.1 There are no financial implications arising from the establishment of the Appointment Committee.

### Borough Solicitor

- 6.2 The Appointment Committee process accords with the Council’s constitution particularly section 12 part 4 and S151 Local Government Act 1972 and the Public Health England guidelines.

<sup>1</sup> PHE (2013) Guidance on appointing directors of public health. [http://www.fph.org.uk/uploads/DsPH\\_in\\_LG\\_guidance\\_on\\_appointments.pdf](http://www.fph.org.uk/uploads/DsPH_in_LG_guidance_on_appointments.pdf)

<sup>2</sup> Dept of Health (2013) Directors of Public Health in Local Government [http://www.fph.org.uk/uploads/DPH\\_Guidance\\_Final\\_v6.pdf](http://www.fph.org.uk/uploads/DPH_Guidance_Final_v6.pdf)

#### Equalities Impact Assessment

- 6.3 The recruitment process will be conducted in accordance with the Council's employment policies.

#### Strategic Risk Management

- 6.4 Not to recruit to the post would expose the Council to risk as the functions identified in paragraph 5.1 could not be carried out effectively.

### **7 CONSULTATION**

#### Principal Groups Consulted

- 7.1 Group Leaders regarding composition of the Committee.

#### Method of Consultation

- 7.2 Discussion and email.

#### Representations Received

- 7.3 Not applicable

#### Background Papers

None

#### Contact for further information

Timothy Wheadon, Chief Executive - 01344 355601

[timothy.wheadon@bracknell-forest.gov.uk](mailto:timothy.wheadon@bracknell-forest.gov.uk)

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