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EPSOM & EWELL BOROUGH COUNCIL

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10 December 2021

SIR OR MADAM

I hereby summon you to attend a meeting of the Council of the Borough of Epsom and Ewell which will be held at the Council Chamber, Epsom Town Hall, Epsom on **TUESDAY, 7TH DECEMBER, 2021** at **7.30 pm**. The business to be transacted at the Meeting is set out on the Agenda overleaf. A link to the meeting is provided above.

Prayers will be said by the Mayor's Chaplain prior to the start of the meeting.

Chief Executive

Public information

Please note that this meeting will be held at the Town Hall, Epsom and will be available to observe live on the internet

This meeting will be open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection. A limited number of seats will also be available in the public gallery at the Town Hall. For further information please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

Information about the membership of the Council is available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for the Council are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at Democraticservices@epsom-ewell.gov.uk.

Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the below items or should the Mayor agree to discuss any other such matters on the grounds of urgency, the Council will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Questions from the Public

Questions from the public are not permitted at meetings of the Council. [Part 4 of the Council's Constitution](#) sets out which Committees are able to receive public questions, and the procedure for doing so.

COUNCIL

Tuesday 7 December 2021

7.30 pm

**Council Chamber - Epsom Town Hall,
<https://attendee.gotowebinar.com/register/897698886895721996>**

For further information, please contact Democratic Services, democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

AGENDA

1. DECLARATIONS OF INTEREST

To receive declarations of the existence and nature of any Disclosable Pecuniary Interests from Members in respect of any item to be considered at the meeting.

2. MINUTES (Pages 5 - 16)

To confirm the Minutes of the Meeting of the Council held on 19 June 2021 and Extraordinary Meeting of the Council held on 30 September 2021.

3. MAYORAL COMMUNICATIONS/BUSINESS

To receive such communications or deal with such business as the Mayor may decide to lay before the Council.

4. QUESTIONS (Pages 17 - 22)

This report sets out the questions submitted which have been accepted under FCR 12, Part 4 Rules of Procedure, of the Constitution.

5. CHAIRS' STATEMENTS (Pages 23 - 34)

To receive statements from the Chairs of the Council's Policy Committees, briefing Members on current events and issues relating to the relevant Committee's area of work.

6. REVIEW OF CONTRACT STANDING ORDERS (Pages 35 - 82)

The Contract Standing Orders set out the rules for procuring contracts on behalf of the Council. This report outlines the amendments to the Contract Standing Orders including changes to the level of threshold.

These amendments were approved by the Strategy and Resource Committee at its meeting on the 16th November 2021.

7. COUNCIL'S RESPONSE TO BOUNDARY COMMISSION CONSULTATION
(Pages 83 - 102)

To approve the Council's response to the Local Government Boundary Commission's consultation on council size and warding arrangements.

8. CALENDAR OF MEETINGS 2022-2023 (Pages 103 - 108)

Approval of the extended Municipal Calendar from May 2022 to July 2023.

9. MOTIONS (Pages 109 - 116)

This report sets out notices of motions ruled in order by the Mayor in consultation with the Legal Officer.

**EPSOM AND EWELL****Minutes of the Meeting of the COUNCIL of the BOROUGH OF EPSOM AND EWELL held at the Main Hall, Epsom Playhouse on 19 July 2021**

PRESENT -

The Mayor (Councillor Peter O'Donovan); The Deputy Mayor (Councillor Clive Woodbridge); Councillors Arthur Abdulin, John Beckett, Steve Bridger, Kate Chinn, Christine Cleveland, Monica Coleman, Alex Coley, Nigel Collin, Neil Dallen, Hannah Dalton, Chris Frost, Liz Frost, Bernice Froud, Rob Geleit, David Gulland, Previn Jagutpal, Eber Kington, Steven McCormick, Lucie McIntyre, Debbie Monksfield, Julie Morris, Bernie Muir, Barry Nash, Phil Neale, David Reeve, Humphrey Reynolds, Guy Robbins, Clive Smitheram and Alan Sursham

Absent: Councillors Robert Foote, Luke Giles, Christine Howells, Colin Keane, Jan Mason, Chris Webb and Peter Webb

The Meeting was preceded by prayers led by the Mayor's Chaplain

12 ACTIVE CITIZEN AWARD

Prior to the start of the meeting, former Mayor Councillor Humphrey Reynolds addressed the Council to announce that the Active Citizen of the Borough of Epsom and Ewell 2021 had been awarded to Mr Mike Reeves, in recognition of outstanding voluntary service to the community of Epsom and Ewell. Mr Reeves' exemplary actions and hard work had helped the charity Love Me, Love My Mind to keep serving the community during the challenges created by the Covid-19 pandemic.

13 DECLARATIONS OF INTEREST

The following declarations were made in relation to items on the agenda:

Motions

Councillor Neil Dallen, Other Interest: In the interests of openness and transparency, Councillor Neil Dallen declared that he is a trustee of the Epsom Repair Cafe.

Motions

Councillor Nigel Collin, Other Interest: In the interests of openness and transparency, Councillor Nigel Collin declared that he is a trustee of the Epsom Repair Cafe.

Motions

Councillor Phil Neale, Other Interest: In the interests of openness and transparency, Councillor Phil Neale declared that he is a trustee of the Epsom Repair Cafe.

14 MINUTES

The Minutes of the Meeting of the Council held on 18 May 2021 were agreed as a true record and the Mayor was authorised to sign them.

15 MAYORAL COMMUNICATIONS/BUSINESS

The Mayor announced the sad passing of Barbara Wood, who acted as consort to her brother former Councillor and Mayor David Wood during his year as Mayor.

The Mayor also announced the sad passing of Jane Mary Frazer, who was Mayoress to the former Councillor and Mayor Cyril Frazer during his year as Mayor.

The Council observed a minute's silence in remembrance.

The Mayor made a number of announcements relating to noteworthy virtual and in-person events which he had attended over the past 2 months.

16 QUESTIONS

One question (Question 1) had been addressed to the Chair of the Environment and Safe Communities Committee, and one question (Question 2) had been addressed to the Chairs of the Licensing and Planning Policy Committee and Environment and Safe Communities Committees. A written response to Question 1 had not been published in the agenda. A written answer to Question 2 had been published in the agenda.

As a written response to Question 1 had not been published in the agenda, the Mayor invited the Chair of the Environment and Safe Communities Committee to provide a verbal response at the meeting.

Councillor Neil Dallen, Chair of the Environment and Safe Communities Committee expressed apologies that there was not a written response to

Question 1 included in the published agenda, and explained that as the response to the question had related to 2 separate Council services, additional time had been required to provide the correct information. Councillor Dallen then provided a verbal response* to Question 1.

Two supplementary questions were asked at the meeting and answers were given by the relevant Committee Chair.

**note: a written response to question 1 was also published as a supplement to the agenda.*

17 CHAIR'S STATEMENTS

Council received written statements from the Chair of the Community and Wellbeing Committee and Chair of the Environment & Safe Communities Committee.

1 question was asked relating to the statements and responded to by the Committee Chair.

18 ANNUAL REPORT OF THE AUDIT, CRIME & DISORDER AND SCRUTINY COMMITTEE 2020/21

The Council received the Annual Report of the Audit, Crime & Disorder and Scrutiny Committee 2020/21 in accordance with the requirements of Article 6 of the Council's Constitution.

Councillor Steve Bridger MOVED the recommendation in the report.

Upon being put, the recommendation was **CARRIED** with a majority vote in favour.

Following consideration, it was resolved to:

- (1) receive the Annual Report of the Audit, Crime & Disorder and Scrutiny Committee 2020/21.**

19 SUBMISSION FOR BOROUGH WARDING ARRANGEMENTS

The Council received a report requesting it to approve the submission to the Local Government Boundary Commission for England consultation, on Warding Arrangements in the Borough.

Councillor Hannah Dalton MOVED the recommendations in the report.

Upon being put the recommendation was carried with a majority vote in favour.

Accordingly, it was resolved to:

- (1) Approve the submission on Warding Arrangements, as set out in Appendix 1 and 3 to the report;**

- (2) Delegate to the Chief Legal Officer in consultation with the Chair and Vice Chair of Strategy and Resources and the Chair of the Electoral Review Task & Finish Group, any changes to the Warding Arrangements submission (Appendix 3 to the report) as may be necessary;
- (3) Authorise the Chief Executive to submit the Council's Submission on Warding Arrangements (Appendix 3 to the report) to the Local Government Boundary Commission for England.

20 MOTIONS

Council received two Motions submitted under FCR 14 of Part 4 of the Council's Constitution.

Motion 1: "Support the Climate and Ecological Emergency (CEE) Bill"

The Council resolved by a majority vote to consider this Motion at the meeting. In pursuance of the Council's Rules of Procedure, Councillor Neil Dallen **MOVED** and Councillor Julie Morris **SECONDED** the following Motion:

"Humans have already caused irreversible climate change, the impacts of which are being felt in the UK and around the world. Global temperatures have increased by 1.2°C from pre-industrial levels and the natural world has reached crisis point, with 28% of plants and animals currently threatened with extinction.

Unless we drastically change course, the world is set to exceed the Paris Agreement's safe 1.5°C limit. Pledges like the Paris Agreement and updated emissions targets are not legally binding. The gap between pledges and policies leaves the world on course for catastrophic warming of near 3%. As the 2018 report by the Intergovernmental Panel on Climate Change (IPCC) made clear, every half a degree makes a world of difference: severe climate impacts with 1.5°C of warming, such as extreme weather patterns causing flooding and heat waves, get significantly worse with 2°C. According to the IPCC, limiting heating to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector and local communities.

The UK is one of the most nature-depleted countries in the world and more than one in seven of our plants and animals face extinction and more than 40% are in decline. We have lost 95% of our hedgehogs. The UK needs a legally-enforceable nature target so that by 2030 nature is visibly and measurably on the path of recovery, in line with the Global Goal for Nature and the Leaders' Pledge for Nature .

Council notes that:

Many local authorities are playing an important role in the UK taking action to achieve net zero carbon emissions, and to protect and revitalise local wildlife and natural habitats.

Parliament in May 2019 declared an Environment and Climate Emergency.

There is a Bill before Parliament—the Climate and Ecological Emergency Bill (published as the “Climate and Ecology Bill”), which, if it became law, would require the government to develop a strategy to address the emergency. For more information visit web site www.ceebill.uk.

Council therefore resolves to:

- 1. Support the Climate and Ecological Emergency Bill through the Council’s Climate Change Action Plan;*
- 2. Write an open letter to Chris Grayling MP (shared with our residents through local and social media) urging them to sign up to support the Bill, or thanking them for doing so; and*
- 3. Write to the CEE Bill Alliance, the organisers of the campaign for the Bill, expressing its support (joinus@ceebill.uk).”*

A correction to resolution 2 of the Motion was provided by Councillor Neil Dallen. This read as follows (corrections marked in bold):

- “2. Write an open letter to Chris Grayling MP (shared with our residents through local and social media) urging **him** to sign up to support the Bill, or thanking **him** for doing so; and”*

Upon being put the motion was **CARRIED** with a majority vote for it.

Accordingly the Council resolved:

Humans have already caused irreversible climate change, the impacts of which are being felt in the UK and around the world. Global temperatures have increased by 1.2°C from pre-industrial levels and the natural world has reached crisis point, with 28% of plants and animals currently threatened with extinction.

Unless we drastically change course, the world is set to exceed the Paris Agreement’s safe 1.5°C limit. Pledges like the Paris Agreement and updated emissions targets are not legally binding. The gap between pledges and policies leaves the world on course for catastrophic warming of near 3%. As the 2018 report by the Intergovernmental Panel on Climate Change (IPCC) made clear, every half a degree makes a world of difference: severe climate impacts with 1.5°C of warming, such as extreme weather patterns causing flooding and heat waves, get significantly worse with 2°C. According to the IPCC, limiting heating to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector and local communities.

The UK is one of the most nature-depleted countries in the world and more than one in seven of our plants and animals face extinction and more than 40% are in decline. We have lost 95% of our hedgehogs. The UK needs a legally-enforceable nature target so that by 2030 nature is visibly and

measurably on the path of recovery, in line with the Global Goal for Nature and the Leaders' Pledge for Nature .

Council notes that:

Many local authorities are playing an important role in the UK taking action to achieve net zero carbon emissions, and to protect and revitalise local wildlife and natural habitats.

Parliament in May 2019 declared an Environment and Climate Emergency.

There is a Bill before Parliament—the Climate and Ecological Emergency Bill (published as the “Climate and Ecology Bill”), which, if it became law, would require the government to develop a strategy to address the emergency. For more information visit web site www.cebill.uk.

Council therefore resolves to:

1. Support the Climate and Ecological Emergency Bill through the Council's Climate Change Action Plan;
2. Write an open letter to Chris Grayling MP (shared with our residents through local and social media) urging him to sign up to support the Bill, or thanking him for doing so; and
3. Write to the CEE Bill Alliance, the organisers of the campaign for the Bill, expressing its support (joinus@cebill.uk).

Motion 2: “Repair café”

The Council resolved by a majority vote to consider this Motion at the meeting. In pursuance of the Council's Rules of Procedure, Councillor Arthur Abdulin **MOVED** and Councillor Previn Jagutpal **SECONDED** the following Motion:

“Epsom Repair Café's purpose is to protect and safeguard the environment for the public benefit through the promotion of repair and re-use of products as a means of preventing and minimising waste disposal.

Epsom Repair Café was due to launch in January but Covid restrictions have delayed the launch. Repair cafes started in the Netherlands and have spread into many countries.

Their aim is to support reduction in waste by repairing items rather than seeing them thrown away. They are run entirely by keen volunteers who in many cases are also experienced and competent technicians.

Council notes that:

- a) Epsom Repair Café is a registered charity with the charity commission;
- b) Epsom Repair Café aims to be self-financing and has already been sponsored financially by both Go Epsom (the Epsom BID) and Suez (who run SCC waste disposal)

- c) *Epsom Repair café has over 30 volunteers and supporters from the local community.*

Council therefore resolves to:

- i. Recognise and encourage the Epsom Repair Café as a part of its climate change action plan;*
- ii. Endorse and approve the work of the Epsom Repair Café*

Upon being put the motion was **CARRIED** with a majority vote for it.

Accordingly the Council resolved:

Epsom Repair Café's purpose is to protect and safeguard the environment for the public benefit through the promotion of repair and re-use of products as a means of preventing and minimising waste disposal.

Epsom Repair Café was due to launch in January but Covid restrictions have delayed the launch. Repair cafes started in the Netherlands and have spread into many countries.

Their aim is to support reduction in waste by repairing items rather than seeing them thrown away. They are run entirely by keen volunteers who in many cases are also experienced and competent technicians.

Council notes that:

- a) **Epsom Repair Café is a registered charity with the charity commission;**
- b) **Epsom Repair Café aims to be self-financing and has already been sponsored financially by both Go Epsom (the Epsom BID) and Suez (who run SCC waste disposal)**
- c) **Epsom Repair café has over 30 volunteers and supporters from the local community.**

Council therefore resolves to:

- i. Recognise and encourage the Epsom Repair Café as a part of its climate change action plan;**
- ii. Endorse and approve the work of the Epsom Repair Café.**

Following the Council's resolutions with regard to the above Motions, Councillor Eber Kington raised a point of order relating to the procedure followed in response to a proposed amendment to Motion 1. Councillor Kington stated that the movement of an amendment to Motion 1 had not been permitted during debate as it had not been submitted in advance of the meeting in writing, but that there was not a requirement within the Constitution that amendments to Motions had to be submitted in such a manner. The Mayor noted Councillor Kington's comments.

The meeting began at 7.30 pm and ended at 8.35 pm

COUNCILLOR PETER O'DONOVAN
MAYOR



EPSOM AND EWELL

Minutes of the Meeting of the COUNCIL of the BOROUGH OF EPSOM AND EWELL held at the Council Chamber, Epsom Town Hall on 30 September 2021

PRESENT -

The Mayor (Councillor Peter O'Donovan); The Deputy Mayor (Councillor Clive Woodbridge); Councillors Arthur Abdulin, Kate Chinn, Christine Cleveland, Alex Coley, Nigel Collin, Neil Dallen, Rob Geleit, Luke Giles, David Gulland, Colin Keane, Eber Kington, Jan Mason, Debbie Monksfield, Julie Morris, Bernie Muir, Barry Nash, Phil Neale, David Reeve, Humphrey Reynolds, Clive Smitheram, Alan Sursham and Chris Webb

Absent: Councillors John Beckett, Steve Bridger, Monica Coleman, Hannah Dalton, Chris Frost, Liz Frost, Bernice Froud, Christine Howells, Previn Jagutpal, Graham Jones, Steven McCormick, Lucie McIntyre, Guy Robbins and Peter Webb

The Meeting was preceded by prayers led by the Mayor's Chaplain

21 DECLARATIONS OF INTEREST

No declarations of interest were made by Councillors regarding items on the agenda.

22 COUNCILLOR ROBERT FOOTE

It was with great sadness that the Mayor announced the sudden death of Councillor Robert Foote. The Mayor extended the Council's thoughts and best wishes to Councillor Foote's family and close friends.

Councillors Phil Neale, Jan Mason, Nigel Collin, Kate Chinn, Bernie Muir, Julie Morris and Neil Dallen paid tribute to Councillor Foote as a colleague, Ward Councillor and friend.

As a mark of respect, the Council stood in a minute's silence.

23 MAYORAL COMMUNICATIONS/BUSINESS

The Mayor made a number of announcements relating to noteworthy events over the past two months and to forthcoming charity events.

24 AFGAN LOCALLY EMPLOYED STAFF (LES) RELOCATION SCHEME

Council received a report setting out the issues associated with the Government's Afghan refugee Locally Employed Staff (LES) relocation scheme with a recommendation that the Council agrees to accommodate up to 2 Afghan households, using accommodation specifically made available for those arriving under this scheme.

Councillor Alex Coley **MOVED** and Councillor Luke Giles **SECONDED** the recommendations in the report.

An amendment to the motion was **MOVED** by Councillor Kate Chinn and **SECONDED** by Councillor Neil Dallen.

The proposed amendment was as follows:

~~(2) "Agree to offer to assist up to 2 Afghan households under that resettlement scheme by making use of the accommodation currently available to the Council."~~

(2) *Agree to offer to assist up to 5 households under that resettlement scheme by making use of accommodation sourced through the Epsom Refugee Network."*

Upon being put, the amendment was accepted by the proposer of the original motion and became part of the substantive motion. Accordingly, the substantive motion was amended to read as follows:

(1) *Agree that the Council will offer to participate in the Afghan Locally Employed Staff resettlement scheme as detailed in this report.*

(2) *Agree to offer to assist up to 5 households under that resettlement scheme by making use of accommodation sourced through the Epsom Refugee Network.*

Following the resolution of the amendment, the substantive motion was debated and put to a vote.

Upon being put the substantive motion was **CARRIED** unanimously.

Accordingly, it was resolved to:

(1) **Agree that the Council will offer to participate in the Afghan Locally Employed Staff resettlement scheme as detailed in this report.**

- (2) **Agree to offer to assist up to 5 households under that resettlement scheme by making use of accommodation sourced through the Epsom Refugee Network.**

25 ANNUAL PLAN 2021- 2022

Council received a report setting out the Annual Plan 2021- 2022 outlining the key objectives and performance indicators to support the delivery of the Council's Four Year Plan 2020- 2024.

Councillor Colin Keane **MOVED** the recommendations in the report.

Upon being put, the recommendations were **CARRIED** with a majority vote in favour.

Accordingly, it was resolved to:

- (1) **Agree the draft key objectives and performance indicators identified within the Annual Plan for 2021 – 2022.**
- (2) **Agree that the Annual Plan for 2021- 22 supersedes previously agreed action plans for 2021- 22.**

26 APPOINTMENT OF INTERIM MONITORING OFFICER

Council received a report seeks authority for the appointment of an Interim Monitoring Officer for twelve months.

Councillor Colin Keane **MOVED** and Councillor Alex Coley **SECONDED** the recommendations in the report.

Council was informed of a correction to paragraph 1.2 to the report to read as follows:

*“1.2 The current Monitoring Officer role is undertaken by the Chief Legal Officer, who leaves her employment with Epsom & Ewell Borough Council on **3 October 2021.**”*

Upon being put, the recommendations were **CARRIED** with a majority vote in favour.

Accordingly, it was resolved to:

- (1) **Approve the appointment of Olwen Brown of Anthony Collins Solicitors on an interim basis, as the Council's Monitoring Officer with effect from 1 October 2021.**
- (2) **Authorise the Director of Corporate Services in consultation with the Chair and Vice Chair of Strategy and Resources to agree terms of contract and/ or Service Level Agreement governing the appointment.**

The meeting began at 7.50 pm and ended at 8.53 pm

COUNCILLOR PETER O'DONOVAN
MAYOR

QUESTIONS

Head of Service: Gillian McTaggart, Head of Corporate Assurance

Wards affected: (All Wards);

Urgent Decision?(yes/no)

If yes, reason urgent decision required:

Appendices (attached): Appendix 1: Question 1

Summary

This report sets out the questions submitted which have been accepted under FCR 12, Part 4 Rules of Procedure, of the Constitution.

Recommendation (s)

The Council is asked to:

(1) consider the Question in accordance with Standing Orders.

1 Reason for Recommendation

- 1.1 The rules regarding the submission of questions to Council are set out in Part 4 of the Council's Constitution (Rules of Procedure).
- 1.2 Notice of a question must be given in writing and delivered to the Chief Legal Officer by no later than noon on the tenth clear working day before the date of the meeting at which it was intended to be considered.
- 1.3 Standing orders set out a process for questions to be put by its Members to the Mayor or the Chairman of any committee, sub-committee or advisory panel.
- 1.4 The question must be relevant to some matter on which the Council has statutory powers or duties, or which affects the Borough or its inhabitants.

2 Background

- 2.1 The process and procedure for debate is set out in Part 4 of the Constitution. FCR 12.8 sets 30 minutes and their replies. A member asking a Question is allowed to ask one supplementary question, which must arise from the reply given.
- 2.2 The table below sets out the questions submitted and accepted under FCR12, each Question will be taken in the order listed:

Question/ Appendix	Title	Member	Committee
1	Greenbelt Ltd land in Livingstone Park	Cllr B Muir	Strategy & Resources

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

3.1.1 No comments are provided on Questions.

3.2 Crime & Disorder

3.2.1 No comments are provided on Questions.

3.3 Safeguarding

3.3.1 No comments are provided on Questions.

3.4 Dependencies

3.4.1 No comments are provided on Questions.

3.5 Other

3.5.1 No comments are provided on Questions.

4 Financial Implications

4.1 No comments are provided on Questions.

4.2 **Section 151 Officer's comments:** No comments are provided on Questions.

5 Legal Implications

5.1 No comments are provided on Questions.

5.2 **Legal Officer's comments:** No comments are provided on Questions.

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged: No comments are provided on Questions.

6.2 **Service Plans:** No comments are provided on Questions.

6.3 **Climate & Environmental Impact of recommendations:** No comments are provided on Questions.

6.4 **Sustainability Policy & Community Safety Implications:** No comments are provided on Questions.

6.5 **Partnerships:** No comments are provided on Questions.

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

Other papers:

- Epsom and Ewell Borough Council Constitution

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Questions to Council Request Form

Proposed Title of Question	Greenbelt Ltd land in Livingstone Park
Question Set out question in full	Has the Council engaged in any discussions with Greenbelt Ltd about potentially taking over the management of its open spaces at Livingstone Park and is it willing in principle to do so, subject to negotiations?
Relevant Committee(s) Question might relate to	Strategy & Resources Committee

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CHAIRS' STATEMENTS

Head of Service:	Gillian McTaggart, Head of Corporate Assurance
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	n/a
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 –Statements from Committee Chairs

Summary

To receive statements from the Chairs of the Council's Policy Committees, briefing Members on current events and issues relating to the relevant Committee's area of work.

Recommendation (s)

The Council is asked to:

- (1) consider the Statements from the Chairs of the Policy Committees in accordance with Standing Orders.

1 Reason for Recommendation

- 1.1 Part 4 of the Council's Constitution (Rules of Procedure, FCR 11) sets out that the Chair/Chairman of each of the Policy Committees is able to submit a statement to be included as a standard item on the agenda for each meeting (excluding the Annual meeting and budget meeting). The statement will brief members on the current events and issues relating to the relevant committee's area of work.

2 Background

- 2.1 The following statements have been submitted for inclusion on the agenda for this meeting, and are attached at Appendix 1:
 - 2.1.1 Chair of the Community and Wellbeing Committee, Councillor Alex Coley

2.1.2 Chair of the Licensing and Planning Policy Committee, Councillor David Reeve

2.1.3 Chair of the Strategy and Resources Committee, Councillor Colin Keane

2.2 The procedure of questions on Chairs/Chairmen's Statements is as follows:

2.2.1 Each Chair/Chairman in the order listed on the agenda presents their Statements to the meeting;

2.3 At the conclusion of all the Chairs/ Chairmen's statements, 15 minutes will be set aside for Members to ask questions on the statement of any Chair/ Chairman.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

3.1.1 No comments are provided on Chairs/Chairmen's Statements.

3.2 Crime & Disorder

3.2.1 No comments are provided on Chairs/Chairmen's Statements.

3.3 Safeguarding

3.3.1 No comments are provided on Chairs/Chairmen's Statements.

3.4 Dependencies

3.4.1 No comments are provided on Chairs/Chairmen's Statements.

3.5 Other

3.5.1 No comments are provided on Chairs/Chairmen's Statements.

4 Financial Implications

4.1 No comments are provided on Chairs/Chairmen's Statements.

4.2 **Section 151 Officer's comments:** No comments are provided on Chairs/Chairmen's Statements.

5 Legal Implications

5.1 No comments are provided on Chairs/Chairmen's Statements.

- 5.2 **Legal Officer's comments:** No comments are provided on Chairs/Chairmen's Statements.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged: No comments are provided on Chairs/Chairmen's Statements.
- 6.2 **Service Plans:** No comments are provided on Chairs/Chairmen's Statements.
- 6.3 **Climate & Environmental Impact of recommendations:** No comments are provided on Chairs/Chairmen's Statements.
- 6.4 **Sustainability Policy & Community Safety Implications:** No comments are provided on Chairs/Chairmen's Statements.
- 6.5 **Partnerships:** No comments are provided on Chairs/Chairmen's Statements.

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

Other papers:

- Constitution of Epsom & Ewell Borough Council

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CHAIR'S STATEMENTS TO COUNCIL

Councillor Alex Coley
Chair of the Community and Wellbeing Committee

Mr Mayor.

The Community & Wellbeing Committee has much to celebrate this festive season.

This month we see the launch of the Epsom and Ewell Hub, grant funded by the Department for Work and Pensions and operated by Surrey Lifelong Learning Partnership with help from NESOT and other partners. The hub will give advice and support to 18-24 year olds in receipt of Universal Credit to assist in finding work and new skills.

Our Community & Wellbeing Centre will see fresh investment in the form of a new boiler system and walk in freezer, replacing the original facilities that came with the building. This will allow the Council to significantly reduce its carbon footprint on this site, while improving the comfort and convenience for members of the centre.

After a difficult start Defoe Court is occupied, reducing our temporary accommodation costs and keeping more of our residents inside the borough closer to family, friends, services and opportunities.

The human cost of families housed outside the borough, struggling to get children to school while holding down jobs or looking for work has not been lost on us. So I have asked the housing team to consider as part of their upcoming Homelessness and Rough Sleepers Strategy further innovative solutions with residential schemes that keep residents close to support networks, while pursuing our key objective of reducing homelessness..

We also have good news for sports, leisure and open spaces.

For the third year running we will embark on an expanded restoration of paths in Horton Country Park and the resurfacing of the car park, including LED lighting, to serve our largest open space in the borough. I'd like to pay tribute to my predecessor Cllr Barry Nash who had the foresight to pursue the business case for the car park works which will benefit the new ventures in Horton Country Park.

Following the success of outdoor gyms on Chessington Road and Court Rec the Council is now expanding these facilities to Bourne Hall park, while Auriol Park will see enhanced playground facilities, with a special focus on accessible play for toddlers and disabled children. After watching the extraordinary medal-winning success of Team GB at the Tokyo Olympics, we are also committing to the

replacement of fencing at BMX trails in Nonsuch Park. Thank you to Cllrs Reynolds, Cleveland, Webb and Jagutpal for sponsoring such worthy projects.

The last year has been one of the most overwhelming years in the borough's history. So a Covid memorial will be created with commemorative benches in borough parks thanks to Cllr Hannah Dalton whose Neighbourhood CIL bid ensures that every ward in the borough is touched by this enduring memory.

I haven't forgotten biodiversity. I applaud the simple elegance of a Swift Tower at Shadbolt Park to enhance the urban habitats of this borough thanks to a most thoughtful business case by Cllr Phil Neale.

Lastly, I believe I can also report record ticket sales for Beauty & The Beast at the Playhouse. I look forward to seeing members there on Friday where I hope you will be our guest!

Councillor David Reeve

Chair of the Licensing and Planning Policy Committee

Progress on the Local Plan continues with considerable work continuing or being completed on the Evidence Base for the new Local Plan as follows:

- **Surrey County Council Regulation 18 Transport Assessment** – revised draft report received on 21 October.
- **Opinion Research Services'** review of the population data which underlies the government's Standard Method for calculating the Borough's Local Housing Need figure of 577 homes per year indicates that this figure is significantly too high (577 homes vs. the ORS 'sensitivity analysis' figure of 361). An analysis of student population data is awaited.
- Submission of the draft **Gypsy & Traveller Accommodation Assessment** is overdue but expected soon.
- AECOM is developing some high-level strategic options as part of their preparation of the **Integrated Sustainability Appraisal** of the Local Plan. First Draft report expected before the end of the year.
- **Update of Spatial Economic Growth Strategy** – the final report has now been received.
- **Update of the Retail and Commercial Leisure Needs Assessment** – draft report from consultants received on 23 September.

The Planning Advisory Service Gateway Review recommended that a **Cross Party Local Plan Members' Group** be established. The Group, approved by the L&PP Committee met three times during the summer and consideration is being given to ask them to look at other areas of the Plan.

The work on examining the potential for the regeneration of the **Longmead and Kiln Lane employment areas** is progressing. The scale of this potential project has triggered the need to seek Counsel's advice on the appropriate timescale for delivery and whether this may impact on the timescale for the Local Plan as a whole.

- **Counsel's conference was held on 4 November 2021**
 - Counsel's written advice has not yet been received.
 - We now anticipate that more work will be needed before we will be ready go out to a Regulation 18 part 2 consultation on our draft Local Plan.
 - There will be a requirement to secure a robust evidence base to support up to date policies on Climate Change in the new Local Plan.

- Biodiversity Net Gain – we are advised not to depart from the government's 10% net gain target as now enshrined in the new Environment Act 2021 which came into force on 9 November 2021.
- I hope to receive written advice from Counsel prior to the meeting of Full Council on 7 December 2021. The Advice is Privileged and will be between the Counsel and EEBC.

Further updates on the new Local Plan will be reported to the Licensing and Planning Policy Committee in the normal way. It is still expected that we will be able to submit our new Plan to the Secretary of State in 2023, thus complying with the Government deadline for all councils to have up-to-date local plans in place by December 2023.

Councillor Colin Keane
Chair of the Strategy & Resources Committee

2020/21 Statement of Accounts

Recent figures from Public Sector Audit Appointments Limited reveal that 91% of Councils failed to meet the legally required deadline to publish their audited Statement of Accounts by 30 September this year. I am pleased to say that EEBC finance officers were within the small minority who met the legal requirement and have never failed to do so.

<https://www.psaa.co.uk/2021/10/news-release-2020-21-audited-accounts-psaa/>

The ongoing implications of Covid 19 and future challenges

Whilst restrictions were lifted in the Summer the infection rate in the Borough and the County this Autumn remains high and is having an effect on residents and businesses in the Borough.

The Government and NHS is encouraging those who have not been vaccinated to get vaccinated and for those who have been and are eligible, to book and have the booster as soon as they can. The situation with the Omicron variant is a new and changing situation and the Council will continue to monitor Government and Public Health England advice.

The full financial implications of Covid for this financial year are significant, with current projections showing the Council faces a £2.67m deficit within services (as reported to ACDS Committee on 18 Nov), which will be funded by the Council's Covid-19 contingency, reserves and Government's income compensation scheme. The Borough is ensuring it has applied for and received all the Government support to which it is entitled. EEBC income from Council charges, such as car parking, is recovering but is still below pre-covid levels.

The Council does not receive details of its Central Government funding for 2022/23 until later in December 2021 so the full position going forward is still uncertain. All that can be done, is being done to maximise Council income and reduce unnecessary costs. Reserves have been called upon and used where necessary to balance the budget in the short term. However, post-Covid the Council will need to review and rebase its budgets to reflect any permanent changes to expenditure and income streams, with the aim of removing reliance on reserves to fund the day-to-day services, as this is not considered sustainable in perpetuity.

Pension fund deficit clarification

Epsom and Ewell Borough Council as a local authority has a statutory responsibility to provide access for its staff to the local government pension scheme, as defined by central government.

The Council's pension fund is administered by Surrey County Council on behalf of all Surrey district councils. The valuation of the fund is carried out by an actuary employed by SCC and values can fluctuate as assumptions change, such as life expectancy and returns on investments.

The Council also has a legal requirement to ensure that any deficit on the fund is fully funded within 20 years. As directed by the Surrey County Council's Actuary, contributions have increased in recent years from both staff and directly from Epsom and Ewell Borough Council. The increased level of contributions are expected by the Actuary to ensure that the deficit of £46.2m on the fund is addressed within the next 20 years.

The benefits to members of the pension fund is clearly defined by the terms of the Local Government Pension Scheme as determined by Central Government.

The local authority has a legal obligation to make these payments and these cannot be diverted to fund the provision of services.

All councils across Surrey have pension funds that are in a deficit at a similar proportionate level to Epsom and Ewell Borough Council. As already mentioned, the changes made to contributions are expected to address this for Epsom and Ewell Borough Council over the next 20 years.

Investment Properties

To state the facts, in recent years the Council and its subsidiary company, Epsom & Ewell Property Investment Company, have spent £90m on the acquisition of 6 investment properties, supported by borrowing of £64.4m.

These 6 properties are expected to generate net income of £0.96m in the next year for this Council to support the delivery of services to our residents and visitors to the Borough.

The reduction in valuation of the 6 investment properties of £3m reflects the change in the commercial property market mainly due to Covid and reduced market rents.

The changes in market value do not impact the funds available for delivering services in the short term. The most important factor in terms of service delivery is that rents continue to be collected, as this impacts the resources available to fund services to residents.

The £86.6m valuation reflects market conditions at a specific date of 31 March 2021. The valuation would become more significant if the Council were looking to dispose

of any of the properties, however, the plan on acquisition was to hold them for the long term, and that plan remains unchanged.

Each of these properties has been carefully assessed prior to acquisition, complete with external advice, evaluation of tenants and a full business case.

The Council recognises that acquisition of investment properties is not without risk. However, significant reductions in government funding since 2008 has resulted in the Council having to identify alternative sources of income to continue to maintain and deliver Council services to its residents.

Although the Council has incurred debt of £64.4m, it has already set-aside £4m to repay this debt when it falls due.

The Council has also set-aside £5.495m in the Property Income Equalisation Reserve to manage risks associated with the properties, such as void periods or other unforeseen costs.

Staff Recognition

In recognition of officers continued support and dedication through one of the most challenging years in the history of the Council a discretionary additional day's leave on Thursday 30 December 2021 has been granted to all staff. My thanks to all for your work over the past 12 months and for your on-going support as there are still many challenges ahead.

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REVIEW OF CONTRACT STANDING ORDERS

Head of Service:	Gillian McTaggart, Head of Corporate Assurance
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 – Updated CSO's Appendix 2 – Current CSO's

Summary

The Contract Standing Orders set out the rules for procuring contracts on behalf of the Council. This report outlines the amendments to the Contract Standing Orders including changes to the level of threshold.

These amendments were approved by the Strategy and Resource Committee at its meeting on the 16th November 2021.

Recommendation (s)

The Council is asked to:

- (1) Agree to the amendments of the Contract Standing Orders**
- (2) Agree that the Constitution be updated accordingly.**

1 Reason for Recommendation

- 1.1 By adopting the updated Contract Standing Orders (CSO's), the Council will bring its rules in line with current practices and commit to delivering efficient and cost-effective procurements.

2 Background

2.1 What are the Contract Standing Orders

- 2.1.1 The Contract Standing Orders ('CSO's) set out how the Council manages its spending. They relate to the purchasing of all goods, works & services and ensure that prior to any expenditure Officers give proper consideration as to whether the purchase is required, and that Contracts are entered into in a fair, open and transparent way.
- 2.1.2 Officers who purchase on behalf of the Council are responsible for following the CSO's. Heads of Service are accountable for all procurement in their respective areas of responsibility.
- 2.1.3 The CSO's form part of the Constitution and apply to all contracts entered in to by the Council for the procurement of goods, works and services.

2.2 Procurement Team

- 2.2.1 Procurement sits within the Corporate Assurance team and consists of one Procurement Officer leading on procurements within Threshold 3 of these CSO's whilst advising Officers on all procurement related enquiries.
- 2.2.2 Procurement work closely with Legal Services who ensure compliance with procurement regulations and contractual obligations.
- 2.2.3 The Councils spends approximately £14m per year on goods, works and services. The majority of this spend is within thresholds 1 and 2 – under £189k.

2.3 The Procurement Strategy

- 2.3.1 The Councils procurement strategy works to enable the Council in delivering its strategic objectives.
- 2.3.2 The procurement strategy was last updated in September 2017 and has been redrafted to reflect the Councils priorities. Approval of the updated strategy is scheduled at Strategy and Resources Committee on the 27th January 2022.

2.4 Changes to Procurement since Brexit.

- 2.4.1 Public procurement in the UK is regulated by the Public Contracts Regulations 2015 (the "PCR 2015"), which derive from the EU Public Contracts Directive 2014 – this is retained law. Therefore, the PCR 2015 continue to apply to public procurements in the UK.

- 2.4.2 Where the value of the contract exceeds the relevant EU Procurement Directive threshold then the Council must comply with the EU tendering requirements set out in the PCR 2015. Below this value, the Councils CSO's govern the way in which contracts can be procured.
- 2.4.3 The EU threshold means the threshold set out within the Public Contract Directive as amended from time to time for public supply contracts, public works contracts and public service contracts awarded by local authorities. These thresholds are detailed in Annex 2 of the updated CSO's (Appendix 1).
- 2.4.4 Although local authorities continue to follow the PCR's, plans have been put in place to transform public procurement. In December 2020, the Transforming Public Procurement Green Paper was published setting out its proposed changes to the public procurement regime with the ambition of speeding up and simplifying the procurement processes. The Cabinet Office have stated that the principles outlined were broadly welcomed but it is unlikely that any changes would take effect until 2023 at the earliest.

2.5 Proposed amendments to the CSO's

- 2.5.1 The updated CSO's offer greater clarity on procurement procedures and enables Officers to procure in a manner that is simpler, more concise, and auditable whilst ensuring greater compliance with lower value exercises.
- 2.5.2 The CSOs have been benchmarked against the County Council and 11x District and Borough Councils who, although varying in yearly spend, serve a similar demographic of residents.
- 2.5.3 There are an agreed set of CSO's with key updates outlined in table 1 below.

Table 1:

CSO #	CSO	Commentary
1	Introduction	Revised wording but no material change
2	Statutory Requirements	Revised wording but no material change
3	Compliance	Clarity of policies and regulations Officers must consider when procuring.

4	Scope	Greater clarity on types of contracts that are not covered by the CSO's.
5	Roles and Responsibilities	The roles of the Procurement Officer and Officers clearly defined.
6	Purchase Orders (PO's)	Advice on PO's and how/when they should be raised.
7	Purchasing Cards	Directs Officers to the 'Purchasing Card User Guide' on e-hub for further information
8	Temporary Staff, Consultants and Professional Services	New advice on agency workers
9	IR35	New advice on what IR35 is and how it applies to the Council
10	Grants	New advice on grants and rules governing them.
11	Social Value	Reflecting new or updated legislation
12	Modern Slavery	Reflecting new or updated legislation
13	Sustainable procurement	Reflecting new or updated legislation
14	Reverse VAT	New advice on reverse VAT and when it came into force.
15	Accessibility Standards	Reflecting new or updated legislation
16	Transparency	Reflecting new or updated legislation Disbandment of OJEU and the essential use of Contracts Finder and Find A Tender.
17	e-Tendering	Advice on the Councils new e-tendering system and its importance in tendering
18	Contract Register	Revised wording but no material change
19	Freedom of Information (FOI)	Reflecting new or updated legislation
20	Exemptions	Addition of exemption (a)
21	Waivers	Update to Officers with the authority to approve waivers.
22	Permission to Tender	Revised wording but no material change
23	Contract Value Calculation	Revised wording but no material change

24	Consideration and budget approval	Revised wording but no material change
25	Declaration of Interest	Revised wording but no material change
26	Contract Management	Revised wording but no material change
27	Form of Contract	Revised wording but no material change
28	Sealing and Signing of Contracts	Revised wording but no material change
29	Novation	Advice on what novation is.
30	Financial Security	Updated advice on the minimum financial cover suppliers must have when entering into a contract with the Council.
31	Economic and Financial Standing	Revised wording but no material change
32	Disposal of Land and Property	No change
33	Disposal of other Council Assets	No change
34	Work for Third Parties	No change
35	Partnerships	No change
36	Council Members and Contracts	No change
Section 6	Procurement Thresholds and Procedures	The number of thresholds has reduced from 4 to 3.
Annex 1	Officers 'How to Guide'	'How to guide' has been written to support Officers procuring within thresholds 1 and 2.
Annex 4	Templates	Quick Quote (QQ) and Request for Quotation (RFQ) templates have been drafted to ensure uniformity across the Council when procuring.

2.5.4 The most notable change to the CSO's is the reduction in procedure thresholds, reducing from 4 to 3. Combining the previous threshold 1 and 2 permits the following three changes:

- 3 quotes must be requested for any spend under £25,000 ensuring best value for money.
- Reduction in timescales. Timescales were rarely adhered to, therefore ensuring three quotes are received mitigates reducing the previous 21 days.

- Use of the Quick Quote (QQ) template ensures uniformity from Officers when requesting. In addition, Officers will be able to provide auditable records of their exercise.
- 2.5.5 Since being reported to Strategy and Resources Committee on 16 November a minor amendment has been made to the CSO's to reflect the role of Directors in approving and signing contracts. This relates to Threshold Table within Section 6, (page 17).
- 2.5.6 A review of the Councils spending behaviour highlights that the majority of spend for goods and services is under the EU tendering requirements. By combining the two thresholds, Officers will be able to undertake QQ's quicker enabling a more cost-efficient service.
- 2.5.7 In line with CSO 18.2 (page 9 of Appendix 1 – Updated CSO's), Officers must inform the Procurement Officer of Contracts over £5k. The QQ template will be used to send this information in order for the Contract Register to be updated accordingly.
- 2.5.8 In 2019, a review of the Councils procurement function highlighted a lack of oversight on spend particularly with the same supplier. Since then, the Councils Contract Manager takes an active role in reviewing the Councils spend and the suppliers it contracts with allowing for greater visibility on the spend. This review takes place every 6 months within the Corporate Assurance team.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

- 3.1.1 As these CSOs form part of the Councils constitution, it is important they are kept up to date as they offer a source of key information to Officers.
- 3.1.2 All Officers purchasing on the Councils behalf will be affected by these updates as they now clearly detail a set of procedures to be followed. They have been drafted in a clear and informative way ensuring that all Officers have the tools to purchase on the Councils behalf compliantly.
- 3.1.3 The newly updated CSO's will be published and publicised on the Councils intranet by the Communications Team. They will be further publicised during the induction and training of new Council Officers where appropriate.

3.2 Crime & Disorder

- 3.2.1 No specific issues

- 3.3 Safeguarding
 - 3.3.1 No specific issues
- 3.4 Dependencies
 - 3.4.1 No specific issues
- 3.5 Other
 - 3.5.1 No Specific issues

4 Financial Implications

- 4.1 There are no direct financial implications for this report.
- 4.2 **Section 151 Officer's comments:** None arising from this report

5 Legal Implications

- 5.1 Pursuant to S135 of the Local Government Act 1972, local authorities are required to make standing orders in respect of contracts.
- 5.2 **Legal Officer's comments:** Legal Services will continue to work closely with procurement colleagues to support appropriate procurement processes and compliance with both Standing Orders relating to contracts and all relevant procurement legislation. The changes to the CSOs, once approved by Full Council, will be highlighted to Council officers by publication on the intranet and a series of training delivered by the Procurement Team.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged:
 - 6.1.1 Effective Council
- 6.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:**
 - 6.3.1 Within the newly drafted CSO's, there is specific reference to Social Value (CSO 11) and Sustainable Procurement & Climate Change (CSO 13) ensuring that they are considered when procuring.
- 6.4 **Sustainability Policy & Community Safety Implications:**
 - 6.4.1 There are no specific concerns
- 6.5 **Partnerships:**

- 6.5.1 The Councils Procurement Officer continues to work closely with its counterparts within the Surrey Procurement Group and have a commitment to work collaboratively where appropriate.

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Update to Contract Standing Orders [2018]
- <http://th-modgov-01/documents/s9879/Update%20to%20Contract%20Standing%20Orders.pdf>

Other papers:

- None

CONTRACT STANDING ORDERS

Rules to be followed when buying on behalf of the Council

Owned by:	Corporate Assurance
Approved by:	
Date Approved:	
Date for Review:	November 2021
Version:	2

Section 1	1	Introduction
Section 2	2	Statutory requirements
	3	Compliance
	4	Scope
	5	Roles and responsibilities
	6	Purchase Orders
	7	Purchasing Cards
	8	Temporary staff, Consultants and Professional Services
	9	IR35
	10	Grants
	11	Social value
	12	Modern Slavery
	13	Sustainable Procurement
	14	Reverse VAT
	15	Accessibility standards
	16	Publication of Spend, Opportunities and Awards
	17	e-tendering
	18	Contract Register
	19	Freedom of information
	20	Exemptions
	21	Waivers
Section 3	22	Permission to tender
	23	Contract value calculation
	24	Consideration and budget approval
	25	Declaration of Interest
	26	Contract Management
Section 4	27	Form of Contract
	28	Sealing and signing of contracts
	29	Novation
	30	Financial Security
Section 5	31	Disposal of Land and Property
	32	Disposal of Other Council Assets
	33	Work of Third Parties
	34	Partnerships
	35	Council Members and Contracts
Section 6		Procurement Thresholds and Procedures
Annexes		Annex 1 – Officers Process Guide
		Annex 2 – EU Procurement Directive Thresholds
		Annex 3 – Procurement in the UK regulations
		Annex 4 - Templates

1. Introduction

These Contract Standing Orders ('CSO's) set out how the Council manages its spending. They relate to the purchasing of all goods, works & services and ensure that prior to any expenditure Officers give proper consideration as to whether the purchase is required, and that Contracts are entered into in a fair, open and transparent way.

Officers who purchase on behalf of the Council are responsible for following these CSOs including all relevant policies and guidance detailed. Heads of Service are accountable for all procurement in their respective areas of responsibility.

The Procurement Officer is responsible for ensuring the CSOs are up to date and reflect current law including any retained EU law. Any change in applicable law must be observed until the CSOs can be revised. If there is a conflict between applicable law and these CSOs then the law will take precedence.

Section 2**2. Statutory Requirements**

- 2.1 Public procurement in the UK is regulated by the Public Contracts Regulations 2015 (the "PCR 2015"), which derive from the EU Public Contracts Directive 2014 – this is retained law. Accordingly, the PCR 2015 continue to apply to public procurements in the UK.
- 2.2 Where the value of the contract exceeds the relevant EU Procurement Directive threshold then the Council must comply with the EU tendering requirements set out in the PCR 2015.
- 2.3 For the purpose of these CSOs, the EU threshold means the threshold set out within the Public Contract Directive as amended from time to time for public supply contracts, public works contracts and public service contracts awarded by local authorities. The applicable thresholds can be found in Annex 2.

3. Compliance

- 3.1 All Officers purchasing on behalf of the Council are expected to comply with these CSOs.
- 3.2 All purchasing and resulting contracts made by, or on behalf of the Council must comply with:
 - a) The Councils Constitution, including Financial Regulations and relevant Council policies.
 - b) The Public Contract Regulations 2015
 - c) The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020
 - d) Local government Transparency Code 2015 (rule 31)
 - e) Local Government Act 1999 (Section 3; best value)
 - f) Any and all applicable statutory provisions;
- 3.3 Purchase Orders must be approved and/or Contracts signed by both parties prior to any contract start date.

- 3.4 Where an Officer has deliberately disaggregated a contract to avoid a particular threshold procedure, the relevant Head of Service will have the right to request the procurement to be cancelled.

4. Scope

- 4.1 These orders do not apply to the following items, which are managed by separate policies:

Type of Contract	Policy / Law which covers Contracts out of scope
Contracts for the acquisition or lease of land and/or real estate	In accordance with the local government act 1972, Housing Act 1985 or any related acts or authorities. Please see CSO 20
Contracts for permanent or fixed term employment	HR / Recruitment Policies
Awarding Grants	Each grant will be governed by its own funding procedures. These will be made available to bidders upon request. CIL Grant Funding – LINK
Where the contract relates to a financing transaction	Not subject to competition due to their nature
Works orders placed with statutory undertakers	Not subject to competition due to their nature
Procurements that have been jointly procured by another local authority, public sector consortium or collaboration of which the Council is a party but not the Lead Authority.	The procurement of Contracts of this nature will be governed by the Constitution of the Contracting/lead authority Internal contract sign-off thresholds will still apply; please see Section 5 – Procurement Thresholds and Procedures
Orders for goods and services placed against an established Framework that was subject to these CSO's during its set-up.	The establishment of the call-off Contract or Framework Agreement would have been governed by the CSO's in the first instance, as such any call offs / mini competitions ran under such agreement will have already complied with these CSO's.
Where goods, services or works are awarded because of a declared emergency and authorised by the Chief Executive, Director of Corporate Services, Director of Environment, Housing and Regeneration, Head of Corporate Assurance and the Emergency	Constitution – Part 4; Financial Planning – General 6.10 - Expenditure may be authorised in an emergency by the Chief Finance Officer with the agreement of the Chairman of the relevant Committee and shall be reported to

Planning Officer. Contracts awarded must not exceed the estimated period of recovery	the next meeting of that Committee. This procedure will only be adopted if the emergency does not provide sufficient time to follow the procedure set-out at 6.25.
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- 4.2 All other Contracts made by or on behalf of the Council must comply with these CSOs unless there is an Exemption (CSO 20) or Waiver (CSO 21).

5. Roles and Responsibilities

- 5.1 The Procurement Officer is responsible for:

- a) Providing expert market knowledge ensuring compliance and delivering best value
- b) Ensuring Officers have the correct tools, information and guidance to deliver a complaint, cost effective and good quality contract.
- c) Offering expert advice to Officers procuring within Thresholds 1 & 2.
- d) Taking a commercial lead on all Procurements within threshold 3.
- e) Updating and delivering the Procurement Strategy
- f) Ensuring transparency by maintaining
 - a. Contract Register
 - b. Waiver log
- g) Embedding social value and sustainability appropriately across Council expenditure
- h) Offering training to purchasing Officers
- i) Ensuring suppliers are aware of, and follow, the Council's '*How to do business with us*' when bidding.
- j) Manage e-sourcing platform
- k) Updating the internal and external web pages to ensure Officers, Suppliers and residents are kept informed.

- 5.2 Officers purchasing on behalf of the Council are responsible for:

- a) Any contract in excess of £5,000 should be reported to the Procurement Officer so that the Contract Register can be updated and published accordingly.
- b) Complying with these CSOs and all relevant policies;
- c) Ensuring there is adequate budget available for any purchase prior to approaching the market for quotes;
- d) For purchases within threshold 1, Purchase Orders (PO) must be approved **before** the requirements are delivered to the Council.
- e) For purchases within threshold 2 & 3, Officers must ensure the contract is signed by both parties **before** raising a PO.
- f) For Contracts within threshold 2 and 3, Officers must ensure they have properly engaged with legal services and an appropriate level contract is to be used.
- g) Ensure specifications accurately define the requirements.

- h) Consideration is given to equality and diversity as well as social value implications.
- i) Ensuring that HR is consulted, and the appropriate approval obtained for requirements of temporary workers or consultants outside any agreed corporate contract.
- j) Contracts are to be managed within Services, either by a dedicated Contract Manager or by a nominated officer.

6. Purchase Orders

- 6.1 Purchase Orders (PO) should be raised in the Council's Purchasing system.
- 6.2 When an invoice is received, a PO number should be clearly highlighted and the invoice signed off by an authorised signatory;
- 6.3 Approved invoices should be sent to Creditors@epsom-ewell.gov.uk for payment;
- 6.4 Any invoice received by the Council's Creditors that cannot be matched to a purchase order will be referred back to the budget manager, unless it falls under one of the following exemptions from purchase orders:
 - 1. Supplies of utility services
 - 2. Periodical payments (such as rates or rents)
 - 3. Purchase card transactions
 - 4. Transport and Facilities Management contracts
 - 5. Treasury management transactions
 - 6. Refunds and grants
 - 7. Statutory payments to other government organisations
 - 8. Theatre performances
 - 9. Any order for works, goods or services with a value less than £150

7. Purchasing Cards

- 7.1 The Council makes use of Purchase Cards. These are effectively credit cards which are used to make small purchases in a wide range of situations. Officers who are supplied with a purchasing card must refer to the '*Purchasing Card User Guide*' for further information.

8. Temporary Staff, Consultants and Professional Services

- 8.1 Procurement works closely with HR to manage the Council's temporary agency workforce needs and applies to any appointment outside the Council's direct employment arrangements. Prior to appointment the appropriate Rec01 must be completed (except in Operational Services).
- 8.2 The Council has a contract for the provision of temporary agency staff via a managed service supplier. All temporary agency workforce must be sourced via this Contract in the first instance.
- 8.3 Where it is not possible to use this contract, a Head of Service may use an alternative "off contract" agency. This appointment must be agreed in advance with the Head of HR & OD and the role is considered specialist.
- 8.4 Where the role is considered specialist a contract must be agreed with the Legal Team.

- 8.5 Temporary agency staff, and other consultants or contractors, must abide by the terms of their contract with the Council and follow the Council's Code of Conduct.

9. IR35

- 9.1 IR35 relates to off-payroll working. This is where a supplier is operating and providing services to the Council via an intermediary, such as a limited company, and were it not for that arrangement, they would be considered an employee and within IR35. It is the responsibility of the Council to determine if IR35 applies or not and any unpaid tax can be claimed back if the Council gets the decision wrong. If it does apply the Council (or fee payer if via an agency) would be responsible for making employment tax and National Insurance deductions. Advice should be sought from HR.
- 9.2 Further IR35 advice can be found via the link within Annex 3 or by contacting the HR Team.

10. Grants

- 10.1 The making of grants is not subject to these Orders. You must follow the rules and guidance for grant-making that are available internally for each individual grant. Officers are reminded to take into account the legal requirements concerning subsidy control.

11. Social Value

- 11.1 The Public Services (Social Value) Act 2012 came into force on 31st January 2012. The act requires the Public Sector to consider how they can use contracts to enhance the wider wellbeing of the community. This complements existing procurement legislation and reinforces social value as part of the value for money considerations.
- 11.2 Social Value (SV) can be achieved by generating benefits to society, the economy and positive impacts to the environment and local communities via our external spend. It can be created in many ways and has wide ranging benefits.
- 11.3 The Social Value Act 2012 currently applies only to service contracts over the EU threshold (£189k) but shall be considered in all procurements where applicable. Social value forms part of a bidders commitments at tender stage and should be tailored to the subject nature of the contract being awarded.
- 11.4 It is the Contract Managers responsibility to ensure SV is being delivered during the life of the contract.

12. Modern Slavery

- 12.1 The Modern Slavery Act 2015 ("MSA") is a UK act of Parliament designed to tackle slavery and human trafficking through the consolidation of previous legislation and the introduction of new measures. Specifically, it introduces new requirements for organisations in regards to their business and supply chains – and creates a criminal offence.
- 12.2 Modern Slavery is defined as slavery, servitude, forced or compulsory labour, human trafficking and exploitation was put in place.

- 12.3 For procurements within threshold 3, the Council will use the mandatory standard supplier questionnaire (SSQ) on all its procurements which includes a section on the supplier's approach to the Modern Slavery Act, slavery and human trafficking in the supply chain. As part of the Councils due diligence on all new suppliers, and proportionate to the level of supply chain risk, additional questions may be posed at the assessment stage to consider how suppliers manage their own supply chain risk.

13. Sustainable Procurement

- 13.1 Sustainable procurement, put simply, is the process by which an organisation meets their purchasing needs in a way that achieves value for money, on a whole life basis, whilst benefitting the organisation, its customers, the wider society and economy and protecting the environment.
- 13.2 The Council seeks to address the environmental impact of its activities. To help do this, suppliers bidding for contract opportunities will be asked, where appropriate, to demonstrate their awareness of relevant environmental issues through their own policies.
- 13.3 Typically sustainable procurement should follow the following principles:
- Sustainable procurement is the act of adopting social, economic and environmental factors alongside the typical price and quality considerations into the organisations handling of procurement processes and procedures.
 - Sustainable procurement isn't just about buying 'green' products. It includes planning ahead to manage demand, effective ongoing contract management and dealing with supply chain risks and impacts.
 - Incorporating sustainable procurement into our future contracts in order to facilitate a reduction in our Scope 3 (supply chain emissions).
- 13.4 Officers purchasing on behalf of the Council should be aware of the Councils Climate Change Action Plan (CCAP) which incorporates single use plastic policy and the Biodiversity Action Plan. The impact of climate change should be built into procurements where appropriate.

14. Reverse charge of VAT

- 14.1 The VAT reverse charge for construction came into effect on 1 March 2021. The reverse charge applies to any services related to the construction of buildings and the materials, but not to professionals' fees like those of architects, surveyors, or consultants. A reverse charge means that the recipient will be accountable for the VAT rather than the supplier.

15. Accessibility Standards

- 15.1 In 2018 the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 came into effect. This Act builds upon existing obligations under the Equality Act 2010.
- 15.2 Any procurement that will result in a public facing website where the Council or a supplier on its behalf is presenting information relating to the Council or services the

Council offer, must comply with the Act and Regulations and must meet the new accessibility standards.

- 15.3 Officers must ensure that the Councils Communications Teams advice is sought.

Transparency

16. Publication of spend, Opportunities and Awards

- 16.1 The Council is committed to displaying information that explains how its money is spent. The Local Government Transparency Code 2015 requires Local Authorities to publish any expenditure that exceeds £500 and all Contracts over £5,000. This can be found on the Councils public website.
- 16.2 Under regulations 106, 108, 110 and 112 of the PCR's, the Council has a statutory obligation to advertise Contract awards over £25,000 on Contracts Finder.
- 16.3 The Councils e-Sourcing Portal will automatically publish contract and award notices. For procurements over £25,000 (but not advertised through the Councils e-Sourcing platform) must be completed and published directly on the Contracts Finder website by the Procurement Officer.
- 16.4 In January 2021, Find a Tender service (FTS) was launched to replace the OJEU Contracts notices and awards system. The Councils e-Sourcing Portal automatically publishes opportunities on FTS.
- 16.5 The Council has a further obligation to advertise contract opportunities and awards within Threshold 3 on FTS.

17. e-tendering

- 17.1 All procurements within threshold 2 and 3 must be advertised via the Councils eSourcing platform; In-Tend. This ensures that the tender opportunity is advertised to the market in a fair and auditable way. Furthermore, In-Tend publish contract and award notices automatically to Contracts Finder and Find A Tender platforms ensuring the procurement exercise remains compliant.
- 17.2 In-Tend set-up, passwords, support and training can be sought from the Procurement Officer.

18. Contract Register

- 18.1 The Councils has a statutory obligation to publish any spend over £500 and Contracts over £5,000 on it's website.
- 18.2 Officers who award contracts over £5,000 must inform the Procurement Officer of each contract for the Contract Register to be updated.

19. Freedom of Information

- 19.1 In accordance with the Freedom of Information Act (FOIA) 2000 and Environmental Information Regulations (EIR) 2004, the Council has an obligation to publish specific

information and to provide information to members of the public upon request. That is subject to certain disclosure exemptions such as where confidential or commercially sensitive information may be withheld.

20. Exemptions

- 20.1 These CSOs apply to all procurement undertaken by the Council unless the procurement is within Thresholds 1 & 2 and falls within one of the following categories:
- a) Emergency purchases. Emergency purchases are to be made by departments only when normal functions and operations of the Council when property, equipment, or life are endangered through unexpected circumstances and materials, services, etc., and are needed immediately. Sufficient funds must be available and signed off by the Budget Holder.
 - b) Call offs from framework agreements which have been tendered; internal budget approval must be sought.
 - c) An extension to an existing Contract which contains express provision as to the extension of that Contract and provided those conditions are followed. The relevant Head of Service has the authority to agree to and sign-off the extension.
 - d) the Council is acting as an agent for another organisation and is acting in accordance with that organisation's CSOs;
 - e) employment contracts;
 - f) disposal or acquisition of land
 - g) legal advice, legal services and expert witnesses
 - h) Where a Market Insight Report has been written by the procuring officer which clearly evidences insufficient credible competition
 - i) There is a variation (additional work) to an existing Contract where the variation is outside the scope of the Contract but it would be inappropriate to offer the additional work to competition. For example, Consultants when their area of expertise or existing knowledge would preclude using another.

21. Waivers

- 21.1 The requirement for the Council to conduct a competitive procurement process for contracts within Thresholds 1 & 2 of these CSO's may be waived in exceptional circumstances by the following officers:
- 1. Head of Corporate Assurance
 - 2. Chief Finance Officer
- 21.2 If either Officer identified in 21.1 is unavailable, the Chief Accountant and Director of Corporate Services or Director of Environment, Housing & Regeneration within their respective Services can act under delegated authority.
- 21.3 A waiver cannot be granted for procurements in threshold 3 as it would contravene the PCR's 2015.

- 21.4 Officers must obtain approval for a Waiver by completing the 'Waiver Request Form' documenting the reason for which the waiver is sought, including justification and risk.
- 21.5 Waiver Request Forms must be completed in full and accurately describe the services needed. Forms not completed satisfactorily will be returned to the author.
- 21.6 All applications for waivers of these Orders must be submitted to the Procurement Officer who will seek approval from Officers listed in 21.1.
- 21.7 Applications for waivers which are as a result of poor contract planning will rarely be considered genuinely exceptional.
- 21.8 The Procurement Officer must maintain a log of all waivers.

Section 3

22. Permission to tender

- 22.1 Heads of Service have the authority to commence a tendering process provided there is a business case for the procurement and financial provision has been obtained.
- 22.2 Where the value of the contract is in excess of £750,000, the procurement must be approved by the relevant committee prior to the commencement of the procurement process.

23. Contract Value Calculation

- 23.1 Prior to commencing a procurement exercise Officers must estimate the aggregate value; this will determine which threshold the procurement falls under.
- 23.2 The 'Contract Value' means the estimated total aggregated value payable in pounds sterling over life of the Contract, including any extensions. This is exclusive of Value Added Tax (VAT)
- 23.3 Contracts must not be purposefully underestimated or disaggregated into two or more separate contracts with the intention of avoiding the application of these Orders or the PCR's.
- 23.4 Spend with suppliers will be monitored regularly to ensure contracts are not being disproportionately awarded and exceed thresholds.
- 23.5 In the case of Framework Agreements or Dynamic Purchasing Systems, the contract value must be calculated to include the total estimated value, net of VAT, of all the contracts envisaged to be awarded for the total term of the Framework Agreement or the Dynamic Purchasing System.

24. Consideration and budget approval

- 24.1 Before commencing a procurement process, Officers must ensure:
- 24.2 For procurements within threshold 2 & 3 of the Procedures for Procurement table within Section 5, Officer must ensure they have conducted an options appraisal clearly setting out the need for the service and options considered to procure.
- 24.3 Budget approval has been sought and a cost center assigned.
- 24.4 Heads of Service (HoS) have the authority to commence a tendering process provided there is a written business case
- 24.5 Where the value of the Contract exceeds £750k; the Procurement must be approved by the relevant Committee **prior** to the commencement of the procurement process. This approval must be embedded into the final draft of the business case.
- 24.6 Existing Contract or Frameworks have been explored and where possible utilised.
- 24.7 Where appropriate they have engaged with the Procurement Officer.

25. Declaration of Interest

- 25.1 At any point during the procurement process, if an Officer or evaluator becomes aware that he has a direct or indirect pecuniary interest in a Contract which the Council has entered into, or proposes to enter into, their interest must be recorded within the Procurement Report.

26. Contract Management

- 26.1 It is the procuring officer's responsibility to ensure that there is a robust Contract Management plan in place that is proportionate to the scale and scope of the Contract. This should include, but is not limited to:
 - a) Accountability, roles and responsibility,
 - b) Strong government procedures
 - c) Measure and report on performance and use KPIs and data efficiently to incentivise good performance;
 - d) Drive continuous improvement, value for money and capture innovation
 - e) Adopt and encourage mature commercial behaviours;
- 26.2 Any extensions or variations to a Contract may only be made in accordance with the Contract and in line with advice from legal services and PCRs.
- 26.3 The Councils Contract Manager should be contacted for further advice and support

27. Form of Contract

27.1 Contract award notification shall be issued;

- a) By the Officer leading the procurement only
- b) When the evaluation has been completed and Procurement report signed off.

27.2 For Procurements in thresholds 2 & 3, Legal Services should be instructed using the Legal Instruction Form at the Officers earliest opportunity. By not doing so, your Project may be delayed significantly.

27.3 All Contracts shall:

- a) specify the goods, materials or services to be supplied and/or works to be undertaken, price to be paid, payment terms and conditions, details of any discounts or penalties, the period of the Contract and any other terms and conditions that may be agreed;
- b) provide for the payment of liquidated damages where they are appropriate;
- c) contain details of any security that is required by the Council; and
- d) prohibit the Contractor from sub-Contracting or assigning all or any part of the Contract without the express consent of the Council.
- e) Contain a copy of the tender submission

27.4 Except in exceptional circumstances with the prior written approval of the Chief Executive, all Contracts must be signed or Sealed before their commencement.

27.5 Every Contract in excess of £100,000 must contain a comprehensive Business Continuity plan.

27.6 Every contract which exceeds £25,000 in value or amount and is for the provision of works, supplies or services other than at one time shall provide for adequate redress in the event of default by the contractor as agreed by the Chief Legal Officer.

27.7 Every contract over £75,000 shall:

- (i) provide for liquidated damages to be paid by the contractor where the terms of the contract are not duly performed if financial loss is likely to arise from delay in performing the contract; and
- (ii) provide that where the cost of purchasing other goods, materials or services exceed the amount which would have been payable to the contractor, this amount shall be recoverable from the contractor.

27.8 Every contract shall include a clause allowing the Council to immediately terminate the contract and to recover from the contractor the amount of any loss resulting from the termination of the contract if the contractor shall have offered or

given or agreed to give any person any gift or consideration of any kind as an inducement or reward for doing or procuring to be done or for having done or having procured to be done any action in relation to the obtaining of the contract or any other contract with the Council or for showing, procuring to show favour or disfavour to any person in relation to the contract or any other contract with the Council or if like acts shall have been done by any person employed by the contractor or acting on his behalf (whether with or without the knowledge of the contractor) or, if in relation to any contract with the Council the contractor or any person employed by him or acting on his behalf shall have committed an offence under the Bribery Act 2010 or shall have given any fee or reward the receipt of which is an offence under section 117 of the Local Government Act 1972.

28. Sealing and Signing of contracts

- 28.1 Contracts within Threshold 1 shall be the subject of a Purchase Order unless otherwise stated, in which case a formal Contract shall take account of an appropriate level of legal advice.
- 28.2 Contracts within Threshold 2 and 3 shall be the subject of a formal written Contract agreed by the Chief Executive [DELEGATED] and under Seal if required.
- 28.3 Every contract valued at £750,000 or more shall be sealed with the common seal of the Council.
- 28.4 For all contracts under £750,000 the awarding officer may sign the contract on behalf of the Council.

29. Novation

- 29.1 Novation refers to where one of the contracting parties in the original contract is replaced by an entirely new party that assumes the rights and obligations of the original party.
- 29.2 Novation is not permitted without the express consent of the Head of Service and Legal Services.

30. Financial Security

- 30.1 Adequate financial security and/or a performance bond must be required for all Contracts within Threshold 3.
- 30.2 The Council request the minimum financial cover:
 - a) Employers Liability Insurance: £5,000,000
 - b) Public Liability Insurance: £10,000,000
 - c) Professional Indemnity Insurance: £1,000,000
 - d) Product Liability Insurance: Should be proportionate to the product being purchased.
- 30.3 Any variation from 30.2 must be agreed with the Head of Corporate Assurance

31. Economic and Financial Standing

- 31.1 The Councils will examine and maintain the credit report of all suppliers to gauge it's economic and financial status.

Section 5

32. Disposal of Land and Property

- 32.1 All land and property which is considered to be surplus to the Council's service requirements must be notified to the Director of Environment, Housing & Regeneration who will be responsible for the disposal or other reallocation of such land and property in accordance with the Council's Asset Management Strategy.

33. Disposal of Other Council Assets

- 33.1 Assets may be declared as being surplus to requirements by a Head of Service who shall assess the value of the assets using such expert assistance as they consider necessary and to dispose of the asset in accordance with this CSO.
- 33.2 The value of an asset shall be the estimated price for which the asset might reasonably be expected to be sold to a willing purchaser in the open market. Similar assets declared surplus to requirements at or about the same time shall be aggregated in value.
- 33.3 Assets having no realisable value or where the costs of disposal is likely to exceed the price received may be disposed of as waste provided that the assets shall be recycled wherever reasonably practical and financially viable.
- 33.4 Assets with a value of £10,000 or less may be sold for the best price possible.
- 33.5 Such assets may be advertised on internet based marketplaces (such as EBay). Where such sites are used, the Chief Finance Officer will nominate a single Council officer to be responsible for the disposal of assets using this method.
- 33.6 In the case of assets valued above £10,000, disposal shall be carried out by inviting bids for the assets through the open procedure or auction.
- 33.7 Council officers or members are not permitted to purchase any Council assets.
- 33.8 Assets which require secure disposal such as computers, tablets, mobile telephones and any other equipment containing personal or confidential material must be disposed of only to an approved contractor. The relevant Head of Service in the case of IT equipment, the Head of ICT, must ensure that the personal information or confidential material is destroyed and documentation confirming this must be obtained from the contractor and retained by the Council.
- 33.9 Where items have to be written off and disposed of the write off must be approved in accordance with the following limits:

- a) for items valued up to £10,000 the relevant Head of Service in consultation with the Chief Finance Officer;
- b) for items valued between £10,000 and £20,000, Chief Finance Officer in consultation with the relevant committee chairman; and
- c) for items valued over £20,000 the relevant committee.

34. Work for Third Parties

- 34.1 The Director of Corporate Services or Director of Environment, Housing and Regeneration within their respective services must approve the contractual arrangements for any work carried out by the Council for third parties or external bodies.

35. Partnerships

- 35.1 Partnerships with other local, public, private, voluntary and community sector organisations will be entered into subject to the approval of the relevant committee who shall agree:
 - a) the terms of reference; and
 - b) where appropriate, a scheme of delegation to officers to operate within the partnership.
- 35.2 Unless specifically agreed by the relevant committee, partnership arrangements shall only be entered into in accordance with the provisions of these CSOs.
- 35.3 The heads of terms for all partnership arrangements shall be approved by the relevant committee and full terms and conditions by the relevant committee and the Director of Corporate Services or Director of Environment, Housing and Regeneration within their respective services.
- 35.4 The Director of Corporate Services or Director of Environment, Housing and Regeneration within their respective services shall be responsible for ensuring that adequate arrangements for governance are set up within each partnership entered into. Such arrangements shall include provisions for arranging contracts with external bodies.

36. Council Members and Contracts

- 36.1 No member shall have authority to enter into any contract on behalf of the Council.
- 36.2 No member shall have authority to issue any instruction or variation to a contractor of the Council.

Section 6 – Procurement Thresholds and Procedures

This Table provides a quick checklist and guidance for the necessary governance arrangements for authorisations when entering into contracts:

	Contract Standing Orders - Procedures for Procurement - minimum requirements										
	Aggregate Value including extensions £	Advertising required	Contract Award notice required	Procurement method	Receipt of quotes	Who is authorised to carry out Procurement	Timescales	Contract Type	Who must approve the contract award	Who signs the contract on the Councils behalf	Audit trail and documentation
Threshold 1	£0-£24,999 Quick Quote (QQ)	No	No	Three (3) quotes *	e-Sourcing platform or Email	Service Officer	N/A	Purchase Order (or bespoke contract if appropriate)	Budget holder	Budget holder approves PO	Completed Quick Quote document to be stored within team drives
Threshold 2	£25,000 to £189,329 Request for Quotation (RFQ)	<ul style="list-style-type: none"> e-Sourcing platform Contracts Finder 	Yes	Minimum of three (3) quotes*	e-Sourcing platform	Service Officer	Allow 28 Working Days	Standard EEBC Contract / JCT /Framework	Head of Service	Head of Service	Completed RFQ document to be stored within team drives
Threshold 3	Over £189,330 Invitation to Tender (ITT)	<ul style="list-style-type: none"> e-Sourcing platform FTS Contracts Finder 	Yes	Goods & Services – Full tender Works – competitive quotation**	e-Sourcing platform	Procurement Officer	PCR 2015 Timescales	Bespoke EEBC Contract / JCT /Framework	Head of Service & Head of Finance & Appropriate Committee	Under £750k - Head of Service Over £750K – sealed as a Deed by Legal Services	ITT and Reg 84 document to be stored within eSourcing portal.

If any Officer identified within the ‘who must approve the contract’ and/or ‘who signs the contract on the Councils behalf’ table above is unavailable, the Director of Corporate Services or Director of Environment, Housing and Regeneration within their respective area can act under delegated authority.

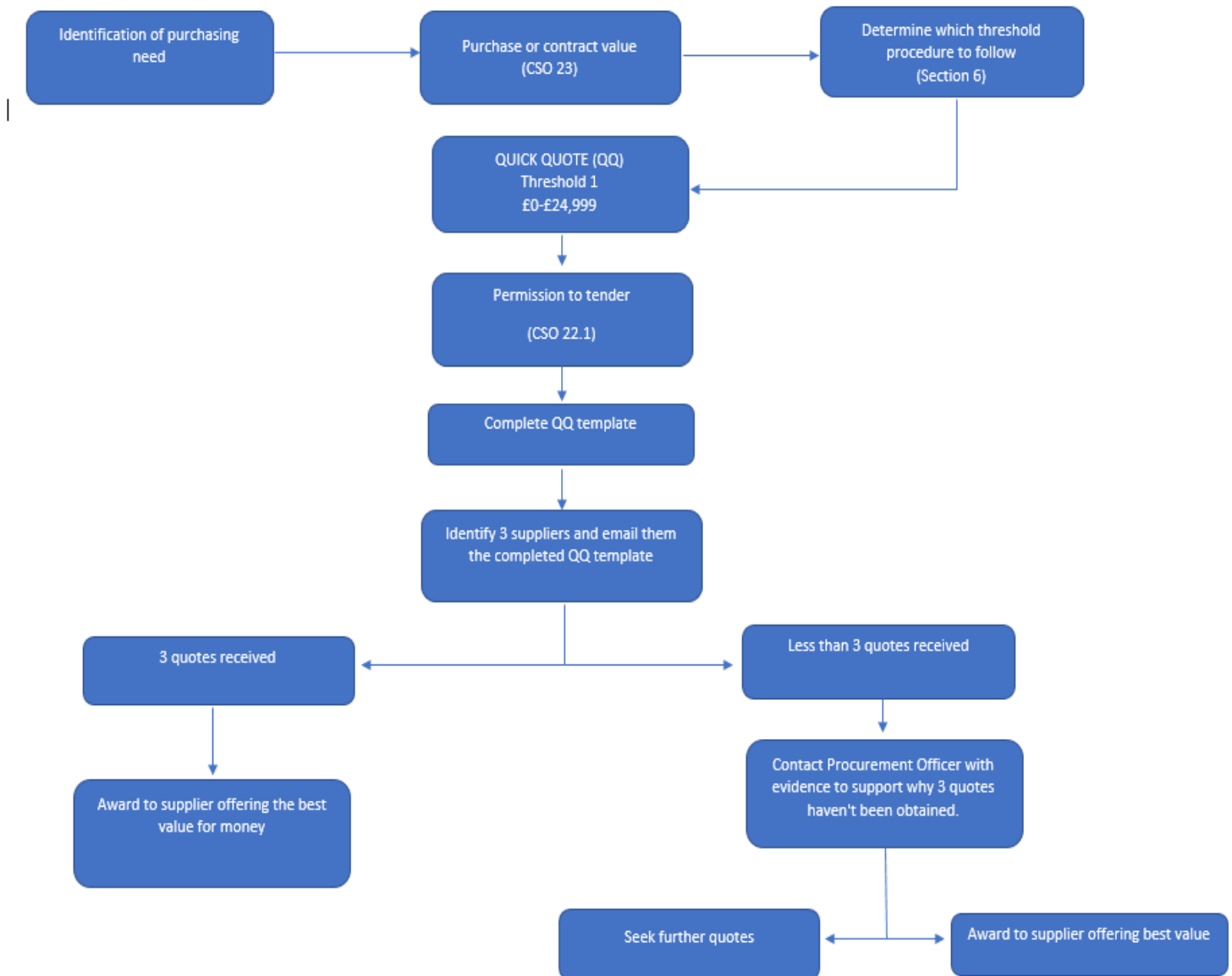
* 3 quotes must always be requested. In exceptional circumstances where 3 quotes are not received back following a request, permission must be granted by the Procurement Officer to proceed with award.

**Works up to threshold:

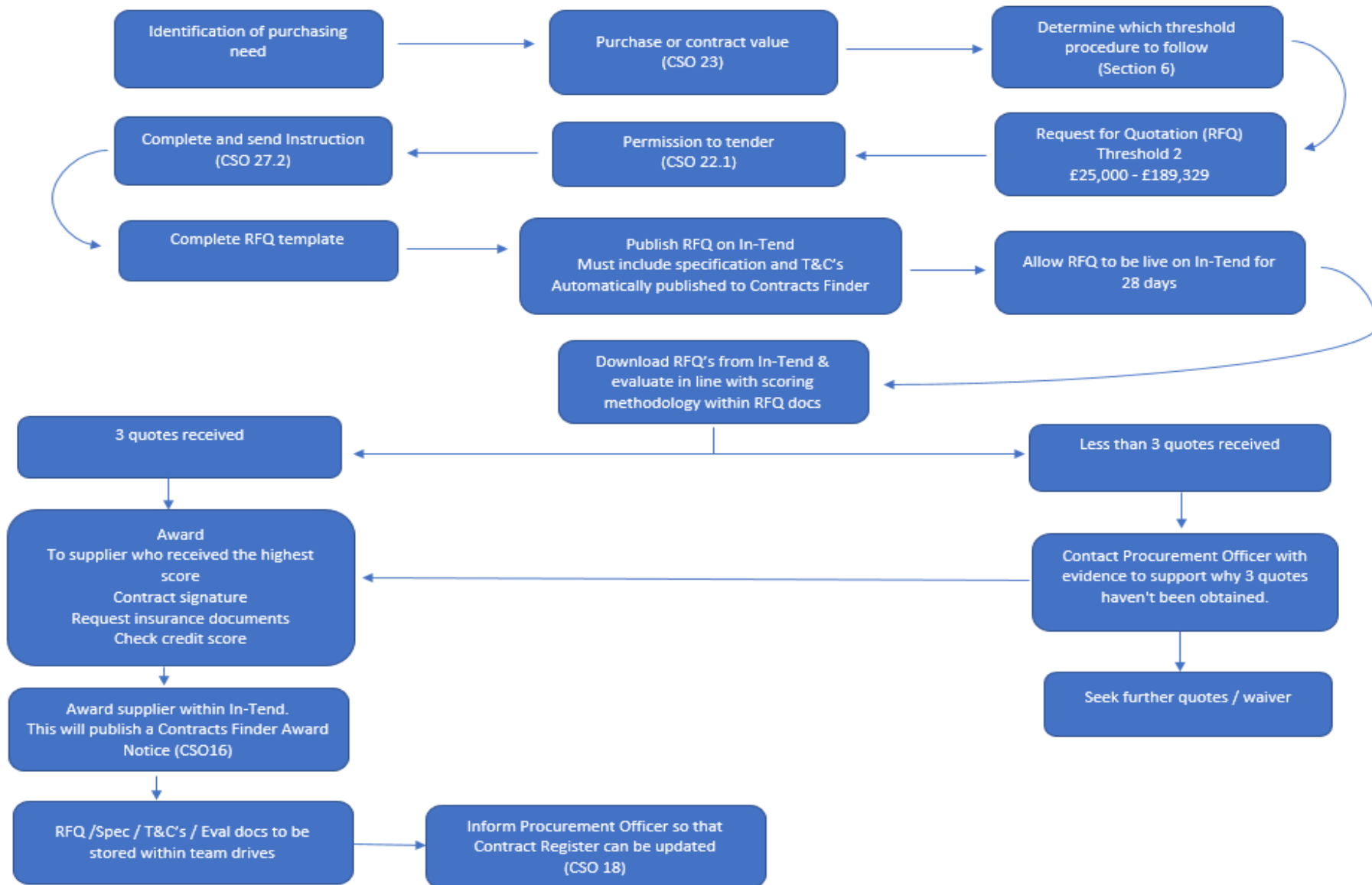
- Competitive quotation & Construction Line should be used to select a shortlist of suitable contractors
- Works over threshold: Full tender

Annex 1 – Officers Process Guide

- Quick Quote (QQ)



Request for Quotation (RFQ)



Annex 2 – EU Procurement Directive threshold






The financial thresholds are amended, generally every 2 years and the most up to date can be found here: <https://www.ojeu.eu/thresholds.aspx>

Public Contract Regulations 2015		
Supplies and Services		
	Schedule 1 Bodies	£122,976
	All bodies	£189,330
Subsidised Service Contracts		
	All Bodies	£189,330
Works (including subsidised Works Contracts)		
	All Bodies	£4,733,252
Light Touch Regime for Services		
	All Bodies	£663,540
The Utilities Contract Regulations		
Supplies and Services		
	All Sectors	£378,660
Works		
	All Sectors	£4,733,252
The Concession Regulations		
	Concession Regulations	£4,733,252

Annex 3 – Procurement in the UK regulations:

1. [Public Contracts Regulations 2015](#)
2. [The Utilities Contract Regulations 2016](#)
3. [The Concession Contracts Regulations 2016](#)
4. [The Public Services \(social value\) Act 2012](#)
5. [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020](#)
6. [Modern Slavery Act 2015](#)
7. [Social Value Act 2012](#)
8. [Local government Transparency Code 2015](#)
9. [Freedom of Information Act 2000](#)
10. [IR35 Guidance](#)
11. [Local Government Act 1999 \(Section 3; best value\)](#)

Annex 4 – Templates

Document	Owner	Note	TEMPLATE
Legal Instruction Form	Legal	<p><u>For Procurements within Thresholds 2 & 3</u></p> <p>Legal Services should be instructed, using the Legal Instruction Form at the Officers earliest opportunity. By not doing so, your Project may be delayed significantly.</p>	 Instructions to Legal Form.docx
Waiver Request Form	Procurement	<p>Officers must obtain approval for a Waiver by completing the 'Waiver Request Form' document the reason for which the waiver is sought, including justification and risk.</p>	 EEBC Waiver Request Form - TEM
Quick Quote (QQ)	Service	<p>Officers procuring through Threshold 1 should use this template to seek Quotations.</p>	 EEBC - Quick Quote (QQ) - Threshold 1.d
Request for Quotation (RFQ)	Service	<p>Officers procuring through Threshold 2 should use this template to seek Quotations.</p>	 EEBC - Request For Quotation (RFQ) - (TI
In-Tend user Guides	Procurement	<p>Instructions to use In-Tend</p>	 eTendering - User Guide - v3.4.pdf

CONTRACT STANDING ORDERS

Approved by S&R - June 2018

1. SCOPE AND APPLICABILITY

Introduction

- 1.1 These Contract Standing Orders (CSOs) apply to all contracts entered into by the Council.
- 1.2 CSOs apply to the procurement of all works, services (including consultants), supplies and the disposal of assets.
- 1.3 The Council is required to adopt CSOs under section 135 of the Local Government Act 1972.
- 1.4 If UK or EU legislation changes in a way which affects these CSOs then that change must be observed until the CSOs can be revised. If there is a conflict between UK or EU legislation and these CSOs then the legislation will take precedence.
- 1.5 These CSOs set out the principles of how the Council will administer contract procurement and management. Officers must comply with the procedures set out in the Council's Procurement Guidance notes which can be found on E-Hub.
- 1.6 Any reference in these CSOs to "the Council" shall refer to a committee or person acting in accordance with delegated authority on behalf of the Council.
- 1.7 Any reference to Procurement Officer shall refer to any other person referred to in the Procurement Guidance notes.

Value of Contracts

- 1.8 In these CSOs references to the value of contracts are exclusive of VAT.
- 1.9 For the purposes of these CSOs, the value of a contract is the total value of the works, supplies or services for the duration of the contract including any contract extensions, variations (including day works or additional activities) and any provision for the indexation of sums to be paid under the contract.
- 1.10 These CSOs apply to all contracts except contracts referred to in CSO 7.
- 1.11 Expenditure must not be sub-divided to avoid the provisions of these CSOs.

2. STATUTORY REQUIREMENTS

- 2.1 Every contract entered into by the Council shall comply with the EU Treaty and any relevant directives of the EU for the time being in force in the United Kingdom together with any UK law and any relevant Council policy.

- 2.2 Where the estimated value of a contract exceeds the relevant EU Procurement Directive threshold then the EU tendering requirements set out in the Public Contracts Regulations 2015 (PCR 2015) must be complied with in conjunction with and in addition to these CSOs. For the purpose of these CSOs, the EU threshold means the threshold set out within the Public Contract Directive as amended from time to time for public supply contracts, public works contracts and public service contracts awarded by local authorities. See Annex A for further details.

3. CONTRACT TERMS

- 3.1 All contracts entered into by the Council shall be in writing utilising the e-procurement system with the exception of the disposal of Council assets, land and property referred to in CSO 9.
- 3.2 Before commencing any tender process or other procurement exercise officers must consider the need to consult with the Procurement Officer, their Head of Service and/or the Chief Legal Officer as necessary who will advise on the conditions of the contract required and the appropriate methods and procedures to be used. The Chief Legal Officer shall be consulted on any bespoke conditions of contract which might be required. Officers must have regard to all necessary legal, financial, procurement, insurance and other professional advice.
- 3.3 All contracts shall be made on the conditions of contract approved by the Chief Legal Officer.
- 3.4 All contracts shall:
- (i) contain a specification of requirements and the outcomes to be achieved;
 - (ii) state the price to be paid with a statement of discounts or other deductions;
 - (iii) state the time or times within which the contract is to be performed;
 - (iv) require contractors to comply with all relevant policies of the Council;
 - (v) require a contractor to comply with the provisions of the Human Rights Act 1998 as if it were a public body within the meaning of that act;
 - (vi) require the contractor to indemnify and keep indemnified the Council against all actions, claims, demands, proceedings, damages, losses, costs, charges and expenses whatsoever in respect of any breach of CSO 3.4(v);
 - (vii) require the Council to pay all undisputed invoices within 30 days (subject to any contractual or statutory obligation to pay earlier);
 - (viii) require the Council to consider and verify all invoices submitted by a contractor in a timely fashion; and
 - (ix) require any sub-contract awarded by the contractor to include the provisions of CSOs 3.4(vii) and (viii) and that such terms are passed down the supply chain.

- 3.5 Every contract which exceeds £25,000 in value or amount and is for the provision of works, supplies or services other than at one time shall provide for adequate redress in the event of default by the contractor as agreed by the Chief Legal Officer.
- 3.6 Every contract over £75,000 shall:
- (i) provide for liquidated damages to be paid by the contractor where the terms of the contract are not duly performed if financial loss is likely to arise from delay in performing the contract; and
 - (ii) provide that where the cost of purchasing other goods, materials or services exceed the amount which would have been payable to the contractor, this amount shall be recoverable from the contractor.
- 3.7 Every contract shall include a clause allowing the Council to immediately terminate the contract and to recover from the contractor the amount of any loss resulting from the termination of the contract if the contractor shall have offered or given or agreed to give any person any gift or consideration of any kind as an inducement or reward for doing or procuring to be done or for having done or having procured to be done any action in relation to the obtaining of the contract or any other contract with the Council or for showing, procuring to show favour or disfavour to any person in relation to the contract or any other contract with the Council or if like acts shall have been done by any person employed by the contractor or acting on his behalf (whether with or without the knowledge of the contractor) or, if in relation to any contract with the Council the contractor or any person employed by him or acting on his behalf shall have committed an offence under the Bribery Act 2010 or shall have given any fee or reward the receipt of which is an offence under section 117 of the Local Government Act 1972.
- 3.8 Every contract valued at £750,000 or more shall be sealed with the common seal of the Council.
- 3.9 For all contracts under £750,000 the awarding officer may sign the contract on behalf of the Council. See CSO 5.14 for further details.

4. QUALITY ASSURANCE

- 4.1 Requirements for quality and quality assurance shall be included in every contract entered into by the Council.
- 4.2 Where an appropriate British Standard or European Standard specification and/or code of practice issued by the British Standards Institute or equivalent European institution is current at the date of tender every contract, where such a standard is proportionate to the requirements of the specification, shall require that all goods and materials used or to be supplied and all workmanship shall be to a standard not less than the British Standard or European Standard.

5. PROCUREMENT PROCESS

- 5.1 All contracts shall be awarded following the procedures set out in these CSOs or by such other public body's CSOs as provided for in CSO 7.1(ii).
- 5.2 All supplies, services and works will be procured in accordance with the requirements and value thresholds set out in CSO 5.14 unless the procurement falls within an exempt category or a waiver is obtained.
- 5.3 Where an external person or organisation is required to supervise a contract or procurement on the Council's behalf, the relevant Head of Service shall ensure that the external person or organisation complies with the requirements of these CSOs as though that external person or organisation were a Council officer.
- 5.4 Every tender issued shall include such documents as the Procurement Officer and Chief Finance Officer may require. Where procurements are above the EU threshold all procurement documents, including the contract, must be available at the time the contract opportunity is advertised via the Council's e-procurement system. Procurements above £25,000 must be advertised on Contracts Finder within 24 hours of the initial advertisement having been placed via the Council's e-procurement system.
- 5.5 Every tenderer shall be required to accept the specification of requirements and terms and conditions of contract including a certificate of non-collusion (except where Quick Quotes (QQ) is used) and confirm as a minimum that they have answered in good faith the questions in the tender documentation correctly, accurately, in good faith and there is no conflict of interest.
- 5.6 Officers must take such steps as may be required to confirm the identity and bona fides of any prospective contractor and in relation to the transaction generally. This may require compliance with the client identification procedures required by the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017, or the Land Registry (where applicable). Any suspicions in relation to money laundering must be reported immediately to the Council's Head of Corporate Governance.
- 5.7 All invitations to tender, with the exception of Quick Quotes, must include the criteria and sub-criteria upon which tenders will be evaluated together with the respective weighting to be applied to each.

Framework Agreements

- 5.8 Officers must consider and, where required, use EU compliant contracts and framework agreements already tendered by the Council or those contracts and frameworks procured by other public sector bodies or consortia which are available to the Council.
- 5.9 Where the Council has a tendered contract or framework agreement for a category of supplies, services and/or works, officers must use such contracts

or framework agreements for the procurement of relevant supplies, services or works unless they obtain the agreement in writing of the Chief Finance Officer.

- 5.10 Where supplies, services or works cannot be obtained through an existing contract or framework agreement, officers must comply with the competition requirements in CSOs 5.14.
- 5.11 Further requirements relating to framework agreements can be found at CSO 5.25 – 5.33.

Competition Requirements

- 5.12 The tables in CSO 5.14 are compiled to take account of the PCR 2015 and the EU thresholds.
- 5.13 All tendering procedures are to be carried out in accordance with the requirements and timescales set out in the Procurement Guidance notes which can be found on E-Hub.

5.14 Competition - Threshold Requirements

This Table provides a quick checklist and guidance for the necessary governance arrangements for authorisations when entering into contracts:								
	Contract Standing Orders (revised June 2018) Procedures for Procurement - minimum requirements							
	Aggregate Value over Contract Period £	Check Budget Approval	Minimum No. of Quotations or Tender	Receipt of Quotes or Tender	Timeframe for Quotes /Tender	Audit Trail & Documentation	Contract Requirement	Evaluation/ Approval
Threshold 1	Up to £10,000 Quick Quotes - QQ	Y/N	Up to 3 Quotes	E Mail or Pro Contract	Allow 14 working days	Dedicated folder on Projects Drive	Purchase Order T&Cs	Officer with Delegated Authority
Threshold 2	£10,001 to £25,000 Request for Quotes - RFQ	Y/N	3 Quotes	Pro Contract (Email in exceptional circumstances)	Allow 21 Working Days	Pro Contract and folder on Projects Drive	Purchase Order T&Cs	Head of Service/ Officer
Threshold 3	£25,001 to £181,302 RFQ, Invitation to Tender - ITT	Y/N	3 Tenders minimum – maximum of 5 tenders	Pro Contract	Allow 28 Working Days	Pro Contract - Instructions to Tenderers Specification and Scope of work Contract	Advertise on contracts finder JCT/NEC/ Bespoke	Head of Service and Finance
Threshold 4	Over OJEU (£181,302) Standard Selection Questionnaire SSQ ITT	Y/N	5 Tenders	Pro Contract	OJEU timescales apply	Pro Contract - Instructions to Tenderers Specification and Scope of work Contract	Advertise on contracts finder JCT/NEC/ Bespoke	Finance and Appropriate Committee
For below EU threshold procurements (£25k - £181k) <ul style="list-style-type: none"> • Minimum of three tenders sought (can be Closed, Restricted or Open) • For Works related projects Construction line should be used to select shortlist of suitable contractors • If selecting from a 'Closed' group of suppliers (whether on Framework or not) there is no requirement to advertise on Contracts Finder • An Open tender (above £25k) must be advertised on Contracts finder. • All contract awards above £25k <u>must</u> be published on Contracts Finder regardless of whether the opportunity was advertised) or not. • OJEU Thresholds reviewed annually. 								

- See CSO 5.36 for further details of requirements

Tender Procedures

- 5.15 All procurement processes must comply with the requirements and thresholds set out in CSO 5.14 and the procedures set out in the Procurement Guidance notes which can be found on E-Hub.
- 5.16 The open procedure will normally be used for EU threshold procurements.
- 5.17 The restricted, competitive procedure with negotiation, competitive dialogue procedure and the innovative partnership procedure may only be used, or a dynamic purchasing system established, after officers have agreed the appropriateness of the procedure with the Chief Legal Officer.
- 5.18 Every procurement process shall be conducted in an equitable, fair, non-discriminatory and transparent manner for each contract.

Permission to Tender

- 5.19 Heads of Service have the authority to commence a tendering process provided there is a business case for the procurement and financial provision has been obtained.
- 5.20 Where the value of the contract is in excess of £750,000, the procurement must be approved by the relevant committee prior to the commencement of the procurement process.

Tendering – Selection of Tenderers

- 5.21 Where the number of organisations expressing an interest in an advertisement is fewer than the number set out in CSO 5.14 then all such organisations applying will be asked to tender subject to meeting the requirements of CSO 5.23.
- 5.22 The Head of Service with permission to tender a contract will be responsible for ensuring audit trail records are completed on the e-procurement system showing how tenderers are selected for each contract and the reasons why they were chosen.
- 5.23 Where contracts are subject to the PCR 2015 and are above the relevant EU threshold, the suitability to pursue a professional activity, the economic and financial standing and technical and professional ability of any contractor or supplier shall be assessed if relevant and proportionate to the contract being procured. Such assessment will take place prior to the contractor or supplier being invited to tender. It is not permissible to use a pre-qualification stage for contracts below the EU threshold although suitability assessment questions may be used provided those questions are relevant to the subject matter and are proportionate as advised by the Chief Legal Officer.

- 5.24 Where contracts are subject to the PCR 2015 and are above the EU threshold, in relation to economic and financial standing, the minimum annual turnover that a contractor or supplier is required to have shall not exceed twice the estimated annual contract value except in duly justified cases. Where the minimum annual turnover required exceeds twice the estimated contract value the justification must be included in the report required by PCR 2015 regulation 84(1).

Tenderers sought from Framework Agreements

- 5.25 This CSO applies where tenders are sought from either a framework agreement set up in compliance with the PCR 2015, as established by the Council, another public body, a local authority consortium, a national agency which is recognised as carrying out procurement for the benefit of public bodies or another local authority as part of a joint purchasing arrangement of which the Council is permitted to use in accordance with the PCR 2015.
- 5.26 Call offs either by mini competition and/or direct award from a framework agreement must be undertaken in accordance with the rules of the relevant framework agreement. Mini competition and/or direct awards, where required by the relevant framework agreement, must be conducted through the Council's e-procurement system.
- 5.27 Tenders will not be required where a framework agreement is with a single supplier or allows the call off of supply without competition. In such cases officers will need to demonstrate that they have obtained value for money.

Council Framework Agreements

- 5.28 Where there is a frequent occasion to go out for tender for a category of work, supply or service, a framework agreement of organisations may be compiled for the Council.
- 5.29 For a multi-supplier framework, each framework agreement must include a minimum of two suitable organisations. Where the Council has decided to enter into a single supplier framework, a single supplier must be appointed to the single supplier framework.
- 5.30 Each framework agreement shall clearly state the rules for call off by mini competition and/or direct awards of contract under the framework as applicable.
- 5.31 Each framework agreement will be compiled in accordance with the competition requirements set out in CSO 5.14.
- 5.32 The suitability of applicants will be evaluated in accordance with the criteria and sub-criteria stated in the contract documentation and upon the information provided in the applicant's submission to be included on the framework agreement.

- 5.33 Framework agreements may exist for a maximum of four years unless the subject matter of the framework agreement justifies a longer contract period as agreed by the Chief Legal Officer.

Submission of Tenders – Electronic Submission

- 5.34 All tenders for the procurement of supplies, services and works will be submitted securely through the Council's e-procurement system. For the avoidance of doubt, the term "tenders" includes Quick Quotes (QQ) and Request for Quotation (RFQ).
- 5.35 For low value procurements (under £10,000), officers may obtain tenders without using the QQ system where it is expedient to do so in consultation with Head of Service.
- 5.36 Where the contract value is between £10,001 and £25,000 officers should ordinarily use Pro-contract to procure. The requirement to use Pro-contract may be waived in exceptional circumstances. Any officer who wants to use e-mail rather than Pro-contract must obtain the written approval from the Head of Corporate Governance prior to obtaining a quote by email. The procuring officer must provide written justification as to why the use of Pro-contract should be waived

Submission of Tenders – Paper Submission

- 5.37 Paper tenders shall only be used in below EU level procurements where the e-procurement system is unavailable. The Chief Finance Officer will set out the requirements for submitting a paper tender where this is required.

Tender Opening – Electronic and Paper Tenders

- 5.38 Tenders, QQs and RFQs are opened through the e-procurement system.
- 5.39 No tender, QQ or RFQ received after the time and date specified in the invitation to tender documentation will be considered.
- 5.40 For tenders with a threshold of over £750,000 opening will be carried out by the Procurement Officer who will inform the Key Officers.
- 5.41 No person shall disclose the value, number or any other detail of the tenders received to any tenderer or anyone not involved in the tender evaluation procedure.

Tender Evaluation

- 5.42 For low value procurement (under £10,000) the awarding officer shall evaluate the tenders received.
- 5.43 For procurement valued between £10,000 and £25,000 tenders shall be evaluated by at least two officers one of whom must not have been directly involved in the procurement previously.

- 5.44 For procurement valued between £25,000 and the OJEU limit tenders shall be evaluated by at least two officers, one of whom must be a representative from the Finance department.
- 5.45 For procurement valued above the OJEU limit tenders shall be evaluated by at least two officers including a representative from the Finance department and the relevant committee.
- 5.46 In all cases tender evaluation shall be carried out in an equitable, fair, non-discriminatory and transparent manner in accordance with the award criteria set out in the tender documentation and the procedures contained in the Procurement Guidance notes.
- 5.47 Where a tender contains errors or discrepancies affecting the tender sum or rates the relevant Head of Service may, during the tender evaluation providing no information is given to the tenderer regarding the effect of such action, give the tenderer the option to:
- (i) correct the prices or rate concerned;
 - (ii) continue without correcting the prices or rates; or
 - (iii) withdraw the tender.
- 5.48 If a tender is received with an abnormally low price in proportion to the contract requirement the Council officer leading the procurement shall require the tenderer to explain the costs proposed in the tender.
- 5.49 If, after consulting the tenderer, the officer is not satisfied that the evidence or explanation provided can satisfactorily account for the low level of price or costs proposed, the officer must discuss what action should be taken with the Chief Finance Officer.
- 5.50 Where QQ is used, the tenderer providing the cheapest quote will be awarded the contract and no qualitative assessment will be undertaken.
- 5.51 RFQ and EU procurement will be assessed using the most economically advantageous tender (MEAT) approach. MEAT uses both quality and price to evaluate tenders.
- 5.52 Where MEAT is to be used and prior to the tender being issued, the officer leading the procurement will, in conjunction with the Procurement Officer or Chief Finance Officer, agree the criteria and weighting against which tenders will be assessed.

Criteria may include:

- (i) price;
- (ii) technical merit;
- (iii) aesthetic and functional characteristics;
- (iv) environmental characteristics;
- (v) running costs;
- (vi) cost effectiveness;
- (vii) after sales service;
- (viii) technical assistance;

- (ix) delivery date, delivery period and period of completion;
- (x) agility and ability to respond to contingencies;
- (xi) customer care;
- (xii) performance standards, quality monitoring and complaints;
- (xiii) accessibility; and
- (xiv) organisation, qualification and experience of staff.

5.53 This list is not exhaustive. Further details concerning MEAT can be found in the Procurement Guidance notes.

Post Tender Negotiations

5.54 Officers shall not enter into post tender negotiations with a tenderer in an open or restricted procurement procedure. This principle also applies to QQ and RFQs.

Acceptance of Tenders

5.55 The authority to award contracts is set out in CSO 5.14 and is subject to:

- (i) the award being made to the cheapest tenderer where QQ is used or the most economically advantageous tender in all other cases; and
- (ii) all tender award notifications being conducted through the Council's e-procurement system.

Contract Notification and Standstill Period

5.56 All successful and unsuccessful tenderers for a contract must be notified simultaneously and as soon as possible as to the outcome of the tender process via the e-procurement system.

5.57 For all contracts with a value exceeding the EU threshold the council will apply a standstill period for a minimum of 10 days to comply with the PCR 2015. The day of notification is considered day 0. This requirement applies to call offs from framework agreements which exceed the EU threshold.

5.58 For QQs and RFQs telephone debriefs, if requested by tenderers, are permissible.

5.59 Where the standstill period in CSO 5.56 applies, the Council will send a notification to all organisations submitting a tender stating as a minimum the following:

- (i) the award criteria;
- (ii) the sub criteria weightings;
- (iii) the ranking of the tenderer in the tender evaluation; and
- (iv) the name of the successful tenderer.

5.60 If the decision to award is challenged by an unsuccessful tenderer the contract will not be awarded and the matter shall be referred to the Chief Legal Officer for advice.

- 5.61 The advice of the Chief Legal Officer must be sought in any situation where a face to face debrief is being considered.

Commencement of Work

- 5.62 No supply of works, supplies or services is to commence until a sufficiently binding contractual arrangement is in place between the Council and the contractor to the satisfaction of the Chief Legal Officer.

6 CONTRACT MANAGEMENT

- 6.1 The relevant Head of Service will maintain accurate and proper records of all contracts for which he/she is responsible.
- 6.2 The relevant Head of Service shall be responsible for ensuring that all contracts for which he/she is responsible are properly performed and managed.

Variations to Contracts

- 6.3 Where a contract is varied by addition to, omission from or amendments to, such variations must be made promptly in writing noting that any variations must fall within the scope of the original contract.
- 6.4 All variations issued must include the scope and an estimate of the value of the variation and the method by which the final value of the variation will be determined. Where tender clarifications occur between the invitation to tender and the award, all such variations must be captured on the e-procurement system.
- 6.5 Where the total value of the contract including any variation is not more than £25,000 and the Council has an approved budget for this amount, the relevant Head of Service may agree the variation. In all other circumstances the Council's s151 officer's written approval must be obtained.
- 6.6 Where contract variations generate a lower contract value and no significant change to the contract specification is envisaged, no such authorisations are necessary.

Contract Storage and Audit

- 6.7 As soon as possible, the relevant Head of Service must ensure that the original signed contract is passed to the Legal department for storage.
- 6.8 As soon as possible after completion of the procurement, the relevant Head of Service must inform the Procurement Officer of all contracts which must be registered on the Council's contracts register.
- 6.9 The relevant Head of Service must ensure that all relevant paperwork relating to the tender, the tender opening procedure, the tender evaluation and award

of contract is retained, for at least 6 months, in case of legal challenge or for audit purposes.

7 EXEMPTIONS FROM TENDERING

7.1 These CSOs apply to all procurement undertaken by the Council unless the procurement is below the EU threshold and falls within one of the following categories:

- (i) call offs from framework agreements which have been tendered in accordance with the PCR
- (ii) Where effective competition is prevented either by government control or by the supplies or services being proprietary and/or are sold only at a fixed price
- (iii) An extension to an existing contract which contains express provisions as to the extension of that contract and provided those conditions are followed. The extension must be agreed in advance, in writing by the Head of Corporate Governance prior to the contract being extended.
- (iv) the Council is acting as an agent for another organisation and is acting in accordance with that organisation's CSOs;
- (v) employment contracts;
- (vi) disposal or acquisition of land (see CSO 9); and
- (vii) legal advice and expert witnesses.

8 WAIVER

8.1 The requirement for the Council to conduct a competitive procurement process for contracts in excess of £10,000 but below the EU threshold may be waived in exceptional circumstances by Head of Corporate Governance, Chief Finance Officer, Chief Operating Officer or Chief Legal Officer.

8.2 All waivers from CSO are to be:

- (i) fully documented; and
- (ii) the subject of a written report in an approved format which is submitted in advance to the Head of Corporate Governance and s151 officer for approval and shall include the reasons why the waiver is sought.

8.3 All decisions on whether or not to grant a waiver must take into account:

- (i) probity; and
- (ii) best value for money principles.

8.4 Applications for waivers which are as a result of poor contract planning will rarely be considered genuinely exceptional.

8.5 The relevant Head of Service will inform the relevant committee when a waiver has been granted and an annual report setting out the waivers granted will be presented to the Leadership Team.

9 DISPOSAL OF LAND AND OTHER ASSETS

Disposal of Land and Property

- 9.1 All land and property which is considered to be surplus to the Council's service requirements must be notified to the Chief Legal Officer who will be responsible for the disposal or other reallocation of such land and property in accordance with the Council's Asset Management Strategy.

Disposal of Other Council Assets

- 9.2 Assets may be declared as being surplus to requirements by a Head of Service who shall assess the value of the assets using such expert assistance as they consider necessary and to dispose of the asset in accordance with this CSO.
- 9.3 The value of an asset shall be the estimated price for which the asset might reasonably be expected to be sold to a willing purchaser in the open market. Similar assets declared surplus to requirements at or about the same time shall be aggregated in value.
- 9.4 Assets having no realisable value or where the costs of disposal is likely to exceed the price received may be disposed of as waste provided that the assets shall be recycled wherever reasonably practical and financially viable.
- 9.5 Assets with a value of £10,000 or less may be sold for the best price possible.
- 9.6 Such assets may be advertised on internet based marketplaces (such as EBay). Where such sites are used, the Chief Finance Officer will nominate a single council officer to be responsible for the disposal of assets using this method.
- 9.7 In the case of assets valued above £10,000, disposal shall be carried out by inviting bids for the assets through the open procedure or auction.
- 9.8 Council officers or members are not permitted to purchase any Council assets.
- 9.9 Assets which require secure disposal such as computers, tablets, mobile telephones and any other equipment containing personal or confidential material must be disposed of only to an approved contractor. The relevant Head of Service in the case of IT equipment, the Head of ICT, must ensure that the personal information or confidential material is destroyed and documentation confirming this must be obtained from the contractor and retained by the Council.
- 9.10 Where items have to be written off and disposed of the write off must be approved in accordance with the following limits:
- (i) for items valued up to £10,000 Head of Service in consultation with the Chief Finance Officer;
 - (ii) for items valued between £10,000 and £20,000, Chief Finance Officer in consultation with the relevant committee chairman; and
 - (iii) for items valued over £20,000 the relevant committee.

10 OTHER PROVISIONS

Work for Third Parties

- 10.1 The Chief Legal Officer must approve the contractual arrangements for any work carried out by the Council for third parties or external bodies.

Partnerships

- 10.2 Partnerships with other local, public, private, voluntary and community sector organisations will be entered into subject to the approval of the relevant committee who shall agree:
- (i) the terms of reference; and
 - (ii) where appropriate, a scheme of delegation to officers to operate within the partnership.
- 10.3 Unless specifically agreed by the relevant committee, partnership arrangements shall only be entered into in accordance with the provisions of these CSOs.
- 10.4 The heads of terms for all partnership arrangements shall be approved by the relevant committee and full terms and conditions by the relevant committee and the Chief Legal Officer.
- 10.5 The Chief Legal Officer shall be responsible for ensuring that adequate arrangements for governance are set up within each partnership entered into. Such arrangements shall include provisions for arranging contracts with external bodies.

Council Members and Contracts

- 10.6 No member shall have authority to enter into any contract on behalf of the Council.
- 10.7 No member shall have authority to issue any instruction or variation to a contractor of the Council.

ANNEX A

EU THRESHOLD LEVELS

The financial thresholds are amended on a regular basis, generally every 2 years.

The current thresholds set out below are valid from 1st January 2018 to 31st December 2019.

		Supplies	Services	Works
A	Local authorities	£181,302	£181,302	£4,551,413
		€221,000	€221,000	€5,548,000
B	Social and other specific services (sch 3 PCR 2015)	N/A	£615,278 €750,000	N/A

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COUNCIL'S RESPONSE TO BOUNDARY COMMISSION CONSULTATION

Head of Service:	Gillian McTaggart, Head of Corporate Assurance
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices:	Appendix 1: Draft Response Appendix 2: Maps

Summary

To approve the Council's response to the Local Government Boundary Commission's consultation on council size and warding arrangements.

Recommendation (s)

The Council is asked to:

- (1) Approve, with any necessary amendments, the response at Appendix 1.**

1 Reason for Recommendation

The Local Government Boundary Commission in England ("Boundary Commission") intend to publish their final recommendations in March 2022 and, if adopted by Parliament, any new electoral arrangements for the Borough will come into effect at the Borough council elections in 2023. This is the last opportunity for the Council, its members, electors, and other stakeholders to comment on the Boundary Commission's draft recommendations. On 19 July 2021 the Council agreed that it would meet the deadline to respond; that deadline is **13 December 2021**.

2 Background

- 2.1 Following the publication of the Boundary Commission's proposals in October, the Council's (cross-party) Task and Finish Group met and reached consensus on the Council's position/response.
- 2.2 On 16 November 2021, The Strategy & Resources committee approved the draft response at Appendix 1. That response now requires approval of the Council before it is submitted.

3 Proposals

- 3.1 The Boundary Commission's recommendations, if adopted, mean electoral arrangements will decide the local authority area i) needs 35 Councillors (3 fewer than now) ii) across 14 wards (1 more than now) iii) with changes to all boundaries except Stoneleigh.

Proposed Council Size

- 3.2 The Council provided projected figures on elector population. These figures were used to predict the size of wards based on the number of electors in 2027.
- 3.3 It is not a case that more people inevitably means more councillors. The Boundary Commission was clearly satisfied that the warding pattern scheme demonstrates that 35 councillors is suitable for the local authority area in terms of scrutiny and structure. The Council can confirm it agrees with the Boundary Commission's recommendation on Council size.
- 3.4 The Boundary Commission's methodology takes the mean average electors per councillor based on 35 councillors in the borough; the warding patterns are based on this figure. It is unlikely that anything said by a consultee will change the Boundary Commission's view on Council size. The Council should be reassured by this when responding to the Boundary Commission's recommendations.

Warding patterns

- 3.5 The following is a summary of the Boundary Commission's recommendations (adopting the same headings in the Draft report).

This is no substitute for reading the review of evidence and analysis in the Boundary Commission's report using the online interactive map or large PDF plan that provide the clearest depiction of the new ward patterns.

This summary compares the current number of councillors and ward boundaries to the recommendations. Electoral variance or inequality refers to the forecast in 2027.

Auriol and Cuddington

- 3.5.1 There are no changes proposed to the number of councillors in Cuddington ward (3) nor Auriol ward (2).
- 3.5.2 There is a change to the boundaries which is expected to result in an electoral variance of -2% in Cuddington ward and -1% in Auriol ward.

Stoneleigh

- 3.5.3 There are changes to the number of councillors in Stoneleigh (now 3, proposed 2).

- 3.5.4 There is no change to the boundaries. The Boundary Commission 'are of the view that retaining the existing boundaries best reflects the community in the Stoneleigh area'. With changes elsewhere there will be an improved electoral variance of 9% by 2027.

Ewell Court, Ruxley and West Ewell

- 3.5.5 There are changes to the number of councillors in Ewell Court and Ruxley (now 3, proposed 2). There are no changes to the number of councillors in West Ewell (3).

- 3.5.6 There are changes to the boundaries. The Boundary Commission has adopted the Council's proposal to amend the boundary between West Ewell and Court wards with a further change to the southern boundary to include Brook Close and Revere Way. This will result in electoral variance of 6% in Ewell Court, 8% in Ruxley and -5% in West Ewell by 2027.

Court and Horton

- 3.5.7 There are no changes to the number of councillors in Court ward (3). The Boundary Commission has created a new Horton ward on the site of the Hospital Cluster. Horton is the proposed ward name. Horton will be a 2-councillor ward.

- 3.5.8 There are changes to the boundaries to Court ward. To reduce inequality the Boundary Commission propose including Gibraltar Crescent in Court Ward. The Boundary Commission has accepted the Conservatives' boundary proposal for Horton ward. The proposals, if adopted, are expected to reduce the inequality variance to -6% in Court ward and 0% in Horton ward by 2027.

Ewell and Nonsuch

- 3.5.9 There are changes to the number of Councillors in Ewell ward (now 3, proposed 2). The Boundary Commission propose renaming Ewell as "Ewell Village". There are no changes to the number of councillors in Nonsuch ward (3).

- 3.5.10 The changes to the boundaries are based on the Council's proposal with an amendment that the boundary run along the A24 Epsom Road/Ewell By-Pass to create a stronger and more identifiable boundary. The proposal if adopted is expected to result in improved inequality variance of -4% in Ewell ward and 2% in Nonsuch ward.

College, Stamford, Town and Woodcote

- 3.5.11 There are no changes to the number of Councillors in College (3), Town (3) and Woodcote (3). The number of councillors in Stamford will change (now 3, proposed 2).

3.5.12 The Boundary Commission adopted the Council's proposals regarding the boundaries with an amendment to include Windmill Lane as a "*more identifiable boundary*" and "*to use the railway line as the boundary of College ward*". The proposal if adopted is expected to result in an improved inequality variance of College (-6%), Town (5%) Woodcote (-5%) and Stamford (8%).

4 Boundary Commission's powers etc.

- 4.1 The Boundary Commission can review evidence, amend the timetable for responses, carry out further consultations and further tours. It is unlikely that without significant new evidence (e.g., triggering a review of the recommended Council size) that this will happen.
- 4.2 It is unlikely the Boundary Commission will need to extend the time for responding to the consultation, but it can grant extensions. An extension, if granted, would apply to all consultees.
- 4.3 The Boundary Commission, in their final proposals that are laid before Parliament for negative resolution, can propose names of new wards and changes to existing wards. While the Council has powers to change the name of wards it is in the Council's interests that the Boundary Commission make these changes. That avoids the need for a separate, Council-led consultation and ensures that changes to warding patterns and names are implemented simultaneously.

5 Council's response

- 5.1 The Task and Finish Group were asked to reach consensus where possible on the Council's response to the Boundary Commission. The Task and Finish Group is a cross-party group. It is hoped that members' views are reflected through membership of the Task and Finish Group. The Council's proposed response to be voted on by Full Council is intended to be representative of members' views. That is not to say that individual members and parties cannot submit alternative responses and the Council's response must make clear that its response should be afforded no greater status compared to responses from other consultees.
- 5.2 The Boundary Commission's proposals largely reflect what was submitted by the Council previously. The following four points of response were agreed on by the Task and Finish Group and approved by Strategy & Resources.
 - 1) *That Woodcote ward becomes Woodcote and Langley Vale ward.*
 - 2) *That the boundary between Court ward and the proposed Horton ward follow the B284 Hook Road until Chantilly Way, retaining the former St. Ebba Hospital site centred around Parkview Way.*
 - 3) *That Revere Way remain within West Ewell ward to avoid an isolated 'doughnut' geography.*
 - 4) *All of Downside, excluding Ash Mews, be included in College ward.*

6 The Consultation Response

Should the Council respond to all draft recommendations?

- 6.1 The Council should respond “*whether or not*” they agree with the draft recommendations. If the Council agrees with the proposal, it should say so. If it does not agree, the Council will need to set out alternative proposals for a different pattern of wards and refer to publicly available information, evidence previously submitted or submit new evidence to support those proposals.

What if the Council resolve to submit a response?

- 6.2 If the Council does not vote to submit a response before the consultation deadline of 13 December, officers should be instructed to request that the Boundary Commission extend the deadline until after a further meeting of Full Council which resolves to submit a response.

What makes a persuasive response?

- 6.3 The Boundary Commission’s analysis is evidence led. The Council can refer to new evidence. There are no restrictions on submitting new evidence. The Boundary Commission promises to “*keep an open mind about its draft recommendations*”. While a person or organisations status is given equal weight, the strength of the evidence can differ and depends on the quality of the response. If the Council wants to object to the Boundary Commission’s recommendations it should refer to evidence in support of its response.
- 6.4 While evidence could include local views, the Council’s response should reflect the views of members. Local views are an example of evidence that would corroborate a representation and support an alternative analysis.
- 6.5 The response should focus on the Boundary Commission’s criteria (set out at paragraph 6.7 below). Any analysis will need to say why greater weight should be attached to a certain consideration over another.
- 6.6 Crucially the Boundary Commission will not be persuaded to review its recommendations based on bare assertion. Not only must a persuasive response be evidenced, but it must also set out any appropriate alternative arrangement relying on that evidence.
- 6.7 Evidence can be persuasive in various ways, but it should go to the established criteria that the Boundary Commission rely on i.e., on the basis that the ward patterns do not meet the Boundary Commission’s own criteria for a good pattern of wards or that the Boundary Commission has given too much or too little weight to one of those criteria.

Boundary Commission’s criteria

A good pattern of wards should:

Provide good electoral equality¹, with each councillor representing, as closely as possible, the same number of electors.

Reflect community interests and identities² and include evidence of community links.

Be based on strong, easily identifiable boundaries.

Help the council deliver effective³ and convenient local government.

*Footnotes clarify the meaning of some of these terms.

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

16 November 2021 – Strategy and Resources Committee, Boundary Commission Consultation Response <https://democracy.epsom-ewell.gov.uk/documents/s21731/BOUNDARY%20COMMISSION%20CONSULTATION%20RESPONSE.pdf>

Other papers:

Boundary Commission's Draft Recommendations

<https://www.lgbce.org.uk/all-reviews/south-east/surrey/epsom-and-ewell>

¹ Boundary Commission Report Para.87 "Does your proposal mean that councillors would represent roughly the same number of electors as elsewhere in Epsom & Ewell?"

² Para.88 • Community groups: is there a parish council, residents' association or other group that represents the area?

• Interests: what issues bind the community together or separate it from other parts of your area?

• Identifiable boundaries: are there natural or constructed features which make strong boundaries for your proposals?

³ Para.89 • Are any of the proposed wards too large or small to be represented effectively?

• Are the proposed names of the wards appropriate?

• Are there good links across your proposed wards? Is there any form of public transport?

Epsom and Ewell Borough Council Electoral Review

The Council's Response to The Local Government Boundary Commission for England's Draft Recommendations Published October 2021.

Following the publication of the Boundary Commission's Draft Recommendations on 5 October 2021, The Council's cross-party Task & Finish Group, Strategy and Resources Committee and Full Council have met and voted on the following consultation response.

The Council is pleased to note that the Boundary Commission's recommendations are largely based on the submissions made by this Council in July 2021, save for changes to Court ward and West Ewell.

The focus of this response is on the changes made by the Boundary Commission to the Council's submission on warding patterns. The Council sets out whether it agrees with the draft recommendations in the below table.

This is the Council's position. It reflects a majority view of the Council's members. It is not to be treated differently to any consultation responses received by the Boundary Commission from individual members and their respective political parties.

Council Size

The Council welcomes the Boundary Commission's recommendation to reduce the Council size to 35 from 38 Councillors which is based on the Council's submission dated March 2021. This has formed the basis for the Boundary Commission's recommendations and the Council relies on a proposed Council size of 35 in this response. The Council believes any change to that figure would require further consultation before the Boundary Commission publishes its final recommendations.

Community Identity

The Council is content that communities and their distinct identities have been reflected in the changes to ward boundaries. There has been a change in some wards to reduce electoral inequality. There have been changes to reflect the clear line boundaries along main roads. These changes are largely welcomed by the Council. Any repeat submissions and counter-proposals in the table below are based on the Council's view.

that its proposals better balance Community identity and the other two criteria.

Electoral Equality

The Council acknowledges that excellent levels of electoral equality will be achieved across most wards, none of which go above the 10% benchmark before 2027. The proposed changes to the new Horton ward rely on the Boundary Commission's forecast of electoral inequality. The Council believes, even on a modest view, that the forecasts are wrong taking account of the allocation of sites for housing development in the Borough. Where the Council proposes reverting to its submission on West Ewell, the proposals will achieve a very good level of electoral equality.

Ward councillors

Other than the changes to boundaries detailed in the table below, the number of ward councillors proposed by the Boundary Commission reflects good representation.

Ward Names

The Council agree with the Boundary Commission's proposal to adopt the name Horton in line with the Commission's proposed naming of the new ward where its boundaries include the site of the former Hospital Cluster. The Council also agree with the Boundary Commission's proposal to rename Ewell as Ewell Village. The Council also believe that Woodcote should be renamed to Woodcote and Langley Vale to better reflect the ward.

Conclusion

The Council is confident its response addresses the three criteria of equality of representation, reflecting community interests and identities and providing for convenient & effective local government.

The Council would like to thank the Boundary Commission for its excellent work. The Council's arguments are made because the Council believes they will make important improvements to the Commission's proposals.

Ward name	Number of councillors	2021 Variance from average %	Electorate (2027)	Number of electors per councillor	Variance from average %	Detail
Auriol	2	1%	3,689	1,845	-1%	<p>There is no change to the number of councillors.</p> <p>The Council accepts the Boundary Commission's recommendation to include the streets of Timbercroft, Sterry Drive and Chestnut Avenue in Auriol ward and remove Cuddington Community Primary school. This uses Salisbury Road as a clear boundary.</p>
College	3	-2%	5,215	1,738	-6%	<p>There is no change to the number of councillors.</p> <p>The Council accepts the Boundary Commission's recommendation to maintain the status quo and include St Martin's Avenue and Downside. This should include Orchard House and Giles Mead to ensure all of Downside is in the</p>

						<p>same ward.</p> <p>The Council also agrees with the inclusion of Church Road and Mill Road as a clearer North-West boundary.</p>
<p>Court</p>	<p>3</p>	<p>-4%</p>	<p>5,222</p>	<p>1,741</p>	<p>-6%</p>	<p>There is no change to the number of councillors.</p> <p>The Council believe the boundary with Horton should reflect the boundary proposed by this Council.</p> <p>It would use the B284 Hook Road to the point it meets Chantilly Way on the North-West boundary and Chessington Road on the North-East boundary.</p> <p>The Council challenges the Commission's assertion that residents on Hook Road will be divided between two wards. The only residents (approximately 3 electors) on the westerly side of the road are those of a working farm.</p> <p>The Council is concerned that the Boundary Commission's proposal deviates from the Council's submission and believes Parkview</p>

						<p>Way should be included in Court Ward for the following reasons</p> <ul style="list-style-type: none"> i) Community identity is an important consideration. The Parkview Way estate is separated from the former hospital cluster by Greater Horton Farm, open greenbelt of 36.61 hectares, and has no obvious connection with the rest of the proposed ward. ii) In the Council's Greenbelt Study¹ Stage 2, two land parcels (29 and 31) surrounding the former St Ebba's hospital site were considered suitable for release as development land, giving the potential for elector growth. These sites are easily identifiable in line with paragraph 85 of the NPPF and therefore unlikely to be subdivided. If combined with the four land parcels which fall in the proposed Horton ward (20, 21, 22, 28) the potential for elector growth could create a significant elector
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¹ <https://www.epsom-ewell.gov.uk/sites/default/files/Epsom%20and%20Ewell%20Green%20Belt%20Study%20Stage%202%2030%20May%202018.pdf>

						<p>imbalance, enough to justify a third councillor in Horton ward.</p> <p>iii) As regards effective local government, electors on the Parkview Way estate do not have the same demands on political time compared to Electors in Horton (this is anecdotal).</p> <p>The Council disagrees that Revere Way should be moved to Court ward. There is no access from this estate to the rest of Court ward without crossing through West Ewell ward, creating the impression of a so called "doughnut" geography.</p> <p>The Council agree with the Commission's proposal to include the streets around Gibraltar Crescent in Court ward as they are otherwise isolated by Longmead Road from the rest of West Ewell ward.</p>
Cuddington	3	-3%	5,445	1,815	-2%	<p>There are no changes to the proposed number of councillors in the Cuddington ward.</p>

						<p>The Council accepts the Boundary Commission's recommendation to include Cuddington Community Primary School but exclude Timbercroft, Sterry Drive and Chestnut Avenue for the reasons identified above under Auriol.</p>
Ewell Court	2	8%	3,927	1,964	6%	<p>The Council accepts the Boundary Commission's proposed changes to the number of councillors.</p> <p>The Boundary Commission's boundary recommendation is identical to the Council's submission.</p>
Ewell Village	2	-4%	3,559	1,780	-4%	<p>The Council agree with the Boundary Commission's proposal to rename the ward of Ewell as Ewell Village.</p> <p>This ward has a stable population. The electoral variance will remain unchanged between now and 2027. Ewell Village has a distinct identity. The Council agree with the Boundary Commission's proposal to use the A24 as a clear boundary between Ewell Village and Nonsuch.</p>

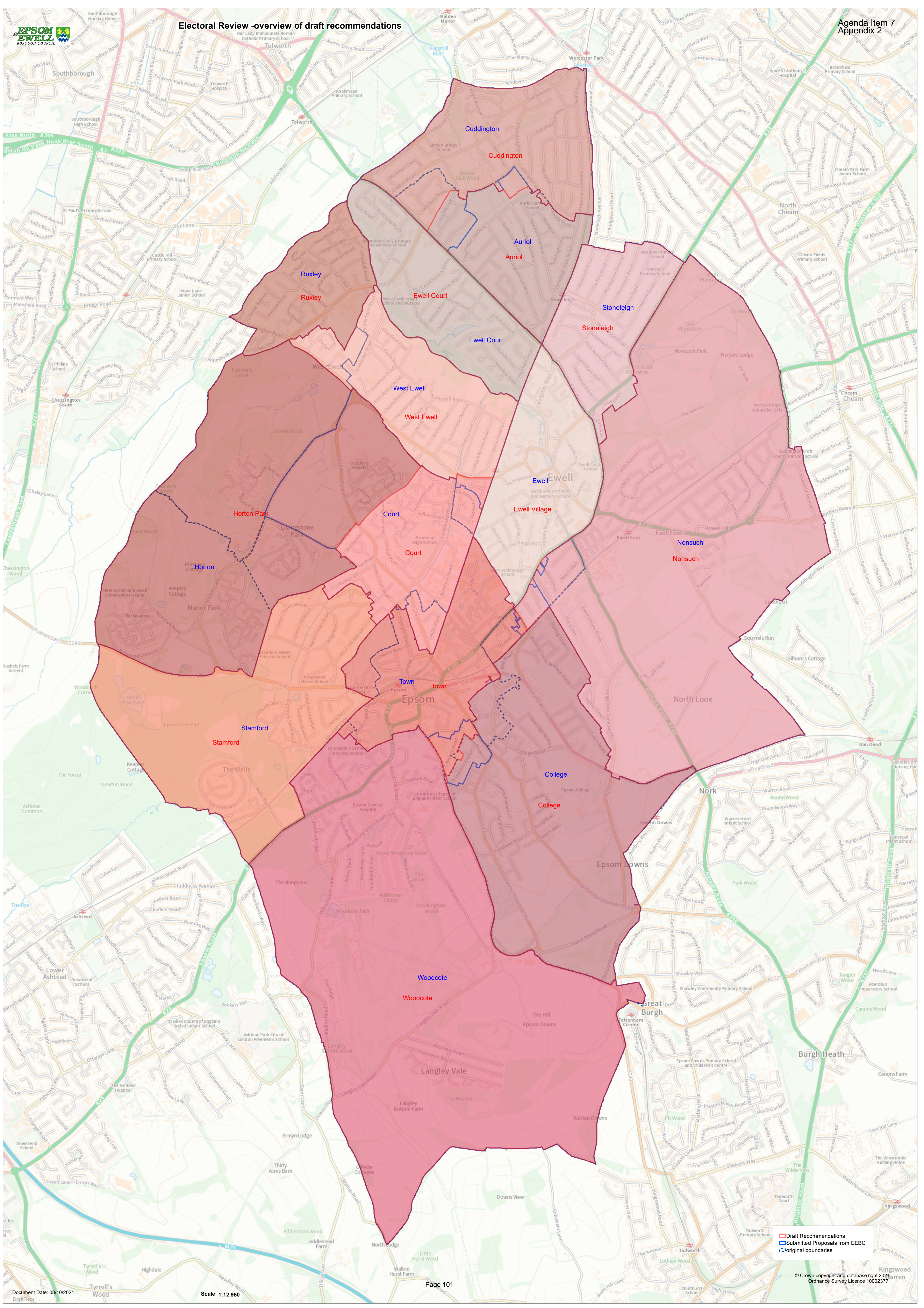
Horton	2	4%	3,702	1,851	0%	<p>The Council agree with the proposal to create a new ward out of Court, Stamford and West Ewell and the Boundary Commission's proposals to make this a 2-councillor ward.</p> <p>The Council agree with the proposal to name this ward Horton.</p> <p>The Council consider that Parkview Way and St Ebba's Hospital should be excluded for reasons set out above (see Court ward).</p> <p>The eastern boundary with Court ward should use the B284 Hook Road up to the point where it meets Chantilly Way. The Council challenges the Commission's assertion that residents on Hook Road will be divided between two wards. The only residents (approximately 3 electors) on the westerly side of the road are those of a working farm. In the Council's Greenbelt Study Stage 2 four sites in the proposed ward were</p>

						identified as having potential for development (parcels 20, 21, 22, 28). These sites are easily identifiable in line with paragraph 85 of the NPPF.
Nonsuch	3	4%	5,652	1,884	2%	<p>There are no changes to the proposed number of councillors in the Cuddington Ward.</p> <p>The Council accepts the Boundary Commission's recommendation to include Windmill Avenue and Parkhill Road in the boundary of Nonsuch ward for the reasons set out above (see Ewell Village)</p>
Ruxley	2	9%	3,990	1,995	8%	<p>The Council agrees with the Boundary Commission's proposal to reduce the number of councillors to 2 (currently 3).</p> <p>The Council agrees with the Boundary Commission's recommendation on ward boundaries.</p>

Stamford	2	11%	4,019	2,010	8%	<p>The Council agrees with the Boundary Commission's proposal to reduce the number of councillors to 2 (currently 3).</p> <p>The Boundary Commission's boundary recommendation is identical to the Council's submission.</p>
Stoneleigh	2	9%	4,029	2,015	9%	<p>The Council agrees with the Boundary Commission's proposal to reduce the number of councillors to 2 (currently 3).</p> <p>There has been no change to the present boundaries of Stoneleigh ward.</p>
Town	3	2%	5,836	1,945	5%	<p>There are no changes to the proposed number of councillors in the Town ward.</p> <p>The Council agrees with the Boundary Commission's proposal to include Worple Road in the change to the ward boundary on the boundary with College ward.</p> <p>The Council contends that Orchard House and Giles Mead should be excluded from Town</p>

						ward for the reasons detailed above (see College ward).
West Ewell	3	-10%	5,305	1,768	-5%	<p>There are no changes to the proposed number of councillors in West Ewell.</p> <p>The Council disagrees that Revere Way should be excluded from West Ewell. To exclude it would create the impression of a so called "doughnut" geography in the neighbouring Court ward (see above).</p>
Woodcote	3	-12%	5,299	1,766	-5%	<p>There are no changes to the proposed number of councillors in West Ewell.</p> <p>The Council accepts the Boundary Commission's recommendation to exclude Worple Road and St Martin's Avenue and use the Ashley Road as a clear boundary for the Woodcote war.</p> <p>The Council believes Woodcote should be renamed Woodcote and Langley Vale to reflect the large estate of the name. Accordingly, the Council submit that the Commission should</p>

						include a recommendation to rename this ward “Woodcote and Langley Vale” in its final proposals.
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CALENDAR OF MEETINGS 2022-2023

Head of Service:	Gillian McTaggart, Head of Corporate Assurance
Wards affected:	(All Wards);
Appendices (attached):	Appendix 1 – draft Municipal Calendar 2022-23

Summary

Approval of the extended Municipal Calendar from May 2022 to July 2023.

Recommendation (s)

The Council is asked to:

- (1) Approve the Municipal Calendar for 2022-2023.**

1 Reason for Recommendation

- 1.1 It is necessary to set dates for meetings of the Council, its Committees, Sub-Committees and Advisory Panels for the forthcoming year to enable their business to be efficiently processed.
- 1.2 A programme of meetings for 2022-23 has been devised on a similar basis as the current year's original programme in terms of the number of meetings, along with their scheduling for Tuesdays and Thursdays where possible. This pattern of meetings was to regularise the days of the week on which meetings occur.
- 1.3 To enable clearer forward-planning, the Calendar has been extended beyond the end of the next Municipal year, to July 2023.
- 1.4 Dates cannot be scheduled for the Licensing Sub Committee meetings as these will need to be convened when needed to be able to respond to applications.
- 1.5 The draft Municipal Calendar for approval is attached at **Appendix 1**.

2 Background

- 2.1 In drawing up the Calendar of Meetings for 2022-2023 (**Appendix 1**), the main considerations have been the need to retain certain reporting chains as far as practicable (e.g. Financial Policy Panel reporting to Strategy and Resources Committee), the timing of fiscal requirements, and any constraints as a result of the Borough Council Elections on 4 May 2023. Consideration has also been given as far as practicable to school holidays.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

- 3.1.1 An effective decision-making programme should enable all committees and the Council to process business with the minimum of delay. If a forward-looking calendar were not to be agreed, uncertainty over the Council's ability to complete its business would result.

3.2 Crime & Disorder

- 3.2.1 None.

3.3 Safeguarding

- 3.3.1 None.

3.4 Dependencies

- 3.4.1 None.

3.5 Other

- 3.5.1 None.

4 Financial Implications

- 4.1 The need to preserve reporting lines and other constitutional considerations means that at certain times of the year policy committee meetings are bunched together. The timetable is challenging for Officers at certain points of the year and, whilst not the overriding consideration, the calendar has been devised to try and manage peaks in workload.

4.2 **Section 151 Officer's comments:**

Should statutory deadlines for producing the Statement of Accounts change, or should the ongoing Committee Terms of Reference Review result in changes to which Committees approve certain statutory documents, Committee dates may need to be re-considered in future to align with new responsibilities.

5 Legal Implications

5.1 Legislation requires that agendas are published five clear working days before a meeting.

5.2 The Council is entitled to amend any of the dates in the Calendar of Meetings at this time, but should note that it is required to approve a programme of ordinary meetings of the Council for the year at its annual meeting, under FCR 2.1 of Part 4 of the Constitution. By considering and approving the extended calendar early allows the Council to plan more effectively for its decision making processes.

5.3 **Legal Officer's comments:** None arising from the contents of this report.

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged: Effective Council.

6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** None.

6.4 **Sustainability Policy & Community Safety Implications:** None.

6.5 **Partnerships:** Dates of meetings of Outside and Joint bodies, such as the Epsom and Walton Downs Conservators and Nonsuch Park Joint Management Committee are agreed by those bodies, but included within the Council's Calendar of Meetings to provide a comprehensive reference for Councillors and the public.

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Calendar of meetings 2021-22, Council 18 May 2021

Other papers:

- None.

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Meetings open to the public (start time as stated, unless otherwise amended on agenda papers)	MEETINGS OF THE COUNCIL AND COMMITTEES – MAY 2022 TO JULY 2023															
		2022								2023						
	Normal Time	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
COUNCIL	19.30 hrs	17a		19					6		14b		18	23a		18
AUDIT, CRIME & DISORDER & SCRUTINY COMMITTEE	19.30 hrs		14			15		17			2		6		27	
COMMUNITY & WELLBEING COMMITTEE	19.30 hrs		9				4			17		16			22	
ENVIRONMENT & SAFE COMMUNITIES COMMITTEE	19.30 hrs	24					18			24		21			12	
EPSOM & WALTON DOWNS CONSERVATORS	18:00 hrs		20					7		TBA					TBA	
EPSOM & WALTON DOWNS CONSULTATIVE COMMITTEE	18:00 hrs					TBA						TBA				
FINANCIAL POLICY PANEL	18.00 hrs		23			6		29		31					20	
HEALTH LIAISON PANEL	19.00 hrs			5				8				7				11
HUMAN RESOURCES PANEL	17.00 hrs			7					13							6
LICENSING & PLANNING POLICY COMMITTEE (<i>Note: LICENSING SUB COMMITTEES arranged as required</i>)	19.30 hrs		21				20		1		7	30			15	
NONSUCH PARK JMC	Nonsuch Mansion House at 10:00 hrs		TBA				TBA			TBA			TBA		TBA	
PLANNING COMMITTEE	19.30 hrs	19	16	21		1	6	3	8	12	9	9	20		8	27
SHAREHOLDERS SUB COMMITTEE	18.30 hrs							22			23					
STANDARDS COMMITTEE	19.30 hrs		7					1							6	
STRATEGY & RESOURCES COMMITTEE	19.30 hrs			26		20		15		26		28				25
SURREY COUNTY COUNCIL EPSOM & EWELL LOCAL COMMITTEE (<i>all at 19.00 hrs except December meeting at 14.00hrs – venues various</i>)	all at 19.00 hrs except December meeting at 14.00 hrs		TBA					TBA				TBA			TBA	
NOT open to the public																
Briefing Evenings		16	30	11		22	17	14	12	9	13	23	3	15	19	10

a	Annual Meeting (Mayor Making) at 19.00 hrs
b	Budget meeting (determination of Council Tax)

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MOTIONS

Head of Service:	Gillian McTaggart, Head of Corporate Assurance
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	n/a
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 - Motion 1 Appendix 2 – Motions Flowchart

Summary

This report sets out notices of motions ruled in order by the Mayor in consultation with the Legal Officer.

Recommendation (s)

The Council is asked to:

- (1) consider the Motion in accordance with Standing Orders.

1 Reason for Recommendation

- 1.1 The rules regarding the submission of motions to Council are set out in Part 4 of the Council's Constitution (Rules of Procedure). Motions ruled in order must be listed on the agenda.

2 Background

- 2.1 The table below set out the Motions ruled in order:

Motion Number	Title	Proposer & Second	Committee	Responding Chairman
1	Introduce regular Heritage Tours during summer	Cllr J Morris (P) Cllr D Gulland (S)	Community & Wellbeing	Cllr A Coley

- 2.2 Each Motion will be taken in the order listed, with the proposer moving the motion and the seconder, seconding and confirming when they wish to exercise their right to speak.
- 2.3 Once a motion has been put, the Mayor will invite Members to decide how the motion should be dealt with. The Mayor will ask for a vote without debate, on whether the motion should be referred to an appropriate Committee for consideration (FCR 16.7). This will be on the basis of a simple majority.
- 2.4 All amendments must be in writing, proposed and seconded. The mover of the original motion will be asked if they wish to accept the proposed amendments. Those which are accepted in full or in part will result in the original motion being amended accordingly. If they are not accepted, then the amendments will be debated in accordance with Standing Orders (FCR16.10-16.12).
- 2.5 FCR 14.1 sets 90 minutes to deal with all motions including amendments.
- 2.6 The process for debate is summarised in the Motions Flowchart, Appendix 2.

3 Risk Assessment

Legal or other duties

- 3.1 Impact Assessment
 - 3.1.1 No comments are provided on Motions.
- 3.2 Crime & Disorder
 - 3.2.1 No comments are provided on Motions.
- 3.3 Safeguarding
 - 3.3.1 No comments are provided on Motions.
- 3.4 Dependencies
 - 3.4.1 No comments are provided on Motions.
- 3.5 Other
 - 3.5.1 No comments are provided on Motions.

4 Financial Implications

- 4.1 No comments are provided on Motions.
- 4.2 **Section 151 Officer's comments:** not applicable.

5 Legal Implications

- 5.1 No comments are provided on Motions.
- 5.2 **Legal Officer's comments:** not applicable.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged: No comments are provided on Motions.
- 6.2 **Service Plans:** No comments are provided on Motions.
- 6.3 **Climate & Environmental Impact of recommendations:** No comments are provided on Motions.
- 6.4 **Sustainability Policy & Community Safety Implications:** No comments are provided on Motions.
- 6.5 **Partnerships:** No comments are provided on Motions.

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

Other papers:

- Epsom and Ewell Borough Council's Constitution

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Motions to Council Request Form

Proposed Title of Motion	Introduce regular Heritage Tours during summer
Proposer	Julie Morris
Seconder	David Gulland
Motion Set out motion in full	<i>Following on from this year's Heritage Week, this Council agrees to investigate a business case for offering a regular Heritage Tour during the summer months.</i>
<i>Background :</i>	<i>The Heritage Week was well supported in some parts, indeed the tour of the tunnels in Ashley Road quickly sold out. Our borough has a wealth of assets, both graded and locally listed, which could be attractive both educationally and for sightseers and could attract visitors to the borough. The Racecourse, the ice house, the Ewell gaol, Nonsuch kitchens and elsewhere are all visitor attractions. Is there is enough support for a regular fee-paying tour during the summer months perhaps, utilising an electric vehicle and possibly a volunteer historian acting as driver/guide? Tours could begin on a trial basis if the finances are sound.</i>
Relevant Committee(s) Motion would relate to	Community & Wellbeing
Name of the Chairman of such Committee	Alex Coley

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Motions Flowchart

Agenda Item 9
Appendix 2

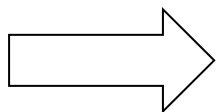
1. Recommendations from Committees

(each recommendation arising out of a Committee's minutes deemed a separate motion. The Chairman of the Committee or in their absence any other member can move. Each recommendation is open to debate).

Once moved, the Mayor will ask the Meeting whether to refer a motion on to a Committee, the vote is by simple majority. **FCR16.7**

2. Process for all Motions including Recommendations from Committees – FCR 16.13

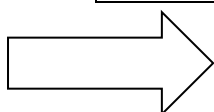
Mover of motion once moved his /her motion, speak	7 mins
Secunder to motion once seconded, to speak (unless reserved the right to speak later, <u>but must speak before relevant Committee Chairman</u>)	5 mins
Any other Member who wishes to speak in the debate (except mover of original motion or relevant Chairman)	3 mins
Secunder must have spoken	
Committee Chairman to reply to motion	5 mins
Summing up by original mover of the motion (if not chairman)	5 mins



Proceed to the vote on the motion

3. Process for Amendments (Original Mover to be asked if they accept (FCR 16.10 -16.12) (amendments to be in writing FCR 16.13)

Mover of amendment moves amendment and identifies seconder and speaks to the amendment	5 mins
Secunder of amendment to speak (unless reserved the right to speak later, <u>but must speak before relevant Committee Chairman</u>)	3 mins
Any other Member who wishes to speak in the debate (except mover of original motion or relevant Chairman)	3 mins
Secunder must have spoken	
Committee Chairman to reply to reply	5 mins
Mover of the original motion may reply to the amendment	3 mins



Proceed to the vote on the amendment

If the amendment is agreed it **then becomes the substantive motion before Council, which the Mayor will read out to confirm. The motion will then be debated in accordance with 2 above.**

Any further amendments on the same item to be moved and dealt with as above

Rules of debate – FCR 16

- Members when speaking shall stand and address the Mayor.
- When Points of Order and Personal Explanation are being raised, all other members will remain.
- Only one member shall speak at any one time. All other members shall remain seated, unless rising to make a point of order/personal explanation.
- If a member stands to raise a point of order or point of personal explanation, the Member shall be heard immediately, and any member then speaking shall give way.

Points of Order – FCR 16.4

- A Member may raise a point of order at any time.
- The Mayor will hear them immediately.
- A point of order may only relate to an alleged breach of Standing Orders or the law.
- The Member must identify the Standing Order or rule of law being breached before the Member sets out their reasoning in which he/she considers it has been broken.
- The ruling of the Mayor on a point of order will be final.

Personal Explanation – FCR 16.5

- A Member may make a personal explanation at any time.
- A personal explanation may only relate to some material part of the earlier speech by the member (made at the meeting), which may appear to have been misunderstood in the present debate.
- The member raising the point shall specify what the Member said earlier and how they feel this has been misunderstood.
- The ruling of the Mayor on the admissibility of a personal explanation will be final.