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Democratic Services



STANDARDS AND CONSTITUTION COMMITTEE

Thursday 15 January 2026 at 7.30 pm

Place: Council Chamber, Epsom Town Hall

Online access to this meeting is available on YouTube: [Link to online broadcast](#)

The members listed below are summoned to attend the Standards and Constitution Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor John Beckett (Chair)
Councillor Rachel King (Vice-Chair)
Councillor Chris Ames

Councillor Julian Freeman
Councillor Shanice Goldman
Councillor Alan Williamson

Yours sincerely

A handwritten signature in black ink, appearing to read 'King'.

Chief Executive

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

EMERGENCY EVACUATION PROCEDURE

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Public information

Please note that this meeting will be held at the Town Hall, Epsom and will be available to observe live using free YouTube software.

A link to the online address for this meeting is provided on the first page of this agenda. A limited number of seats will be available on a first-come first-served basis in the public gallery at the Town Hall. If you wish to observe the meeting from the public gallery, please arrive at the Town Hall reception before the start of the meeting. A member of staff will show you to the seating area. For further information please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

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

Agendas, reports and minutes for this Committee 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 Act 1972 (as amended). Should any such matters arise during the course of discussion of the below items or should the Chair agree to discuss any other such matters on the grounds of urgency, the Committee may wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Questions and statements from the Public

Up to 30 minutes will be set aside for questions and statements from members of the public at meetings of this Committee. Any member of the public who lives, works, attends an educational establishment or owns or leases land in the Borough may ask a question or make a statement on matters within the Terms of Reference of the Committee.

All questions must consist of one question only and cannot consist of multiple parts. Questions and statements cannot relate to planning or licensing committees matters, the personal affairs of an individual, or a matter which is exempt from disclosure or confidential under the Local Government Act 1972. Questions which in the view of the Chair are defamatory, offensive, vexatious or frivolous will not be accepted. Each question or statement will be limited to 3 minutes in length.

If you wish to ask a question or make a statement at a meeting of this Committee, please contact Democratic Services at: democraticservices@epsom-ewell.gov.uk

Questions must be received in writing by Democratic Services by noon on the fifth working day before the day of the meeting. For this meeting this is **Noon, Thursday 8th January 2026**.

A written copy of statements must be received by Democratic Services by noon on the working day before the day of the meeting. For this meeting this is **Noon, Wednesday 14th January 2026**.

For more information on public speaking protocol at Committees, please see [Annex 4.2](#) of the Epsom & Ewell Borough Council Operating Framework.

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Filming or recording must be overt and persons filming should not move around the room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non-handheld devices, including tripods, will not be allowed.

AGENDA

1. QUESTIONS AND STATEMENTS FROM THE PUBLIC

To take any questions or statements from members of the Public.

2. DECLARATIONS OF INTEREST

To receive declarations of any Disclosable Pecuniary Interests or other registrable or non-registrable interests from Members in respect of any item to be considered at the meeting.

3. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 10)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on 16 April 2025 (attached) and to authorise the Chair to sign them.

4. UPDATE TO THE CONSTITUTION (Pages 11 - 24)

The following report proposes an update to the Council's Scheme of Delegation, for adoption at Full Council in February 2026.

5. CONTRACT STANDING ORDERS 2025-26 UPDATE (Pages 25 - 68)

The Contract Standing Orders ('CSOs') were last updated in December 2024, ahead of the implementation of the Procurement Act 2023. Since this time, officers have conducted the annual review of the CSOs, and identified several areas where minor updates could improve their practical application and strengthen governance.

6. COMMUNITY GOVERNANCE UPDATE (Pages 69 - 72)

This report outlines the progress made on the Council's 2025-2027 Strategic Priority 1.

7. REVIEW OF CODE OF CONDUCT COMPLAINTS (Pages 73 - 80)

To provide an update on complaints made under the Code of Conduct for Members from 5 December 2023 to 17 December 2025.

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Minutes of the Meeting of the STANDARDS AND CONSTITUTION COMMITTEE held at the Council Chamber, Epsom Town Hall on 16 April 2025

PRESENT -

Councillor Hannah Dalton (Chair); Councillor John Beckett (Acting Vice-Chair) and Councillor Alan Williamson (as nominated substitute for Councillor Rachel King); Councillors Chris Ames, James Lawrence and Robert Leach

In Attendance: Councillor Alex Coley, Councillor Julie Morris and Councillor Bernie Muir

Absent: Councillor Rachel King

Officers present: Piero Ionta (Head of Legal Services and Monitoring Officer) and Tim Richardson (Democratic Services Manager)

5 INTRODUCTION FROM THE CHAIR

The Chair welcomed the attendees to the meeting and provided a verbal overview of the business on the agenda. The Chair informed the Committee that not all items proposed by the reports on the agenda had been considered by the Constitution Working Group (CWG) and highlighted the anticipated increased workload for the Committee as a result of Local Government Reorganisation.

6 QUESTIONS AND STATEMENTS FROM THE PUBLIC

One statement was received from a member of the public.

7 DECLARATIONS OF INTEREST

No declarations of interest were made in relation to items of business to be discussed at the meeting.

8 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting of the Standards and Constitution Committee held on 4 June 2024 were agreed as a true record and signed by the Chair.

9 NUMBER OF COMMITTEE SEATS - STRATEGY & RESOURCES COMMITTEE

Further to a request made in accordance with CPR 3.4, the Committee received a report inviting it to consider a request from the Liberal Democrat Political Group

to increase the Strategy & Resources Committee from a membership of 8 places to a membership of 10 places.

Prior to debate Councillor Alex Coley provided a verbal statement to the Committee.

The following matters were considered by the Committee during debate on the report:

- a) **Proportionality.** Councillors discussed the arrangements for seats on committees following the recent change to political groups on the Council.
- b) **Proposed motion.** Councillor James Lawrence proposed and Councillor Chris Ames seconded a motion as follows:

“That this committee accept the proposal and recommend its implementation to Full Council.”

Following a vote, it was resolved that the Committee **REJECTED** the Motion, there being 2 votes for the Motion, 3 votes against the Motion and the Chair not voting.

10 2024-25 CONSTITUTIONAL WORK PROGRAMME

The Committee received a report proposing a number of constitutional updates.

Prior to debate Councillor Bernie Muir and Councillor Alex Coley provided verbal statements to the Committee.

The following matters were considered by the Committee during debate on the report:

- a) **Meetings of the Constitution Working Group (CWG).** Members discussed the cancellation of the meeting of the CWG in December 2024.
- b) **Paragraph 3.1.3 of the report.** The Committee considered and unanimously agreed amending the wording of paragraph 3.1.3 (ii) of the report to: “Including a right that the Monitoring & Deputy Monitoring Officers may having consulted the local resident, suggest rewording any question or statement received to bring it into proper form and to secure reasonable clarity/or brevity.”
- c) **Matters referred to the CWG.** The Committee considered that the following matters should be referred to the CWG for consideration:
 - **Paragraph 3.1.4 of the report.** The Head of Legal and Monitoring Officer informed the Committee that the wording proposed by the report reflected the wording of the current Standing Orders of Surrey County Council. Following consideration the Committee unanimously agreed to refer this matter back to the CWG.

- **Paragraph 4.18 and 4.19 of the report.** Following consideration the Committee unanimously agreed to refer these matters to the CWG with a recommendation that they be reviewed in light of the Surrey County Council Member/Officer Protocol.
- d) **Amendments to Appendix 2.1 of the Constitution.** The committee considered and agreed the following amendments to the proposed Live Register of Delegations (Appendix 2 of the report):
 - P1: substitute “any councillor” with “ward councillor”.
 - HS26: substitute “Authority to identify, negotiate and purchase properties...” with “Authority to identify and negotiate the purchase of properties...”
 - PPS132: add a hyperlink to the report approved by the Strategy & Resources Committee.
 - CG2: add the wording “A report will be brought to the next listed committee meeting sharing the response.”
 - CS2: delete the second paragraph which states “To ensure requests are dealt with under the relevant legislation, the correct exemptions and exceptions are applies and all are dealt with within the statutory timeframes.”
 - CS12: add the wording “in consultation with the Director of Corporate Services.”
- e) **PR4-PR17.** The Head of Legal and Monitoring Officer informed the Committee that delegations PR4 – PR17 tie in with adopted and current policies, in particular the Strategic Asset Management Plan. The figures contained within the delegations tied in with the Financial Regulations and Contract Standing Orders.
- f) **PR5.** The Committee debated the length of leases which could be granted in the context of Local Government Reorganisation. The Head of Legal and Monitoring Officer informed the Committee that in the period prior to any Section 24 Direction being made by the Government in relation to the management of the Council’s assets, decisions about occupancy and lettings could be lawfully made by the Council without concern of the impact of a Section 24 notice. In response to a question from a member, the Head of Legal and Monitoring Officer informed the Committee that the current arrangements required a decision to be made at a meeting of the Strategy and Resources Committee or via the urgent decisions process.
- g) **PR14.** In response to a question from a member, the Head of Legal and Monitoring Officer informed the Committee that this delegation would mainly relate to former right-to-buy properties where there is a covenant or restriction in place.

- h) **PR15.** In response to a question from a member, the Head of Legal and Monitoring Officer informed the Committee that this proposed delegation related to applications where the Council owned a property and would relate to planning applications, building regulation applications or Listed building consents for the benefit of the Council as the owner of the premises, not on behalf of a tenant
- i) **Appendix 1 of the report.** The Committee noted that proposed Standing Order 10 (b) of Appendix 1 to the report precluded Councillors from involvement in disciplinary action against any officers except the Statutory Officers (Head of Paid Service, Monitoring Officer or Chief Finance Officer). The Committee also noted that Deputy Statutory Officers were subject to the disciplinary procedures that apply to other members of staff and were not subject to the procedures set out in these standing orders.
- j) **Appendix 3 of the report.** The committee considered and unanimously agreed the following amendments to Appendix 3 of the report:
 - That proposed new FCR 5.6 be deleted.
 - That the wording of paragraph 1.3 of new Annex 4-10 be amended to "Should the Leader wish to resign from their role, further to provisions 1.2.1 above, their resignation must be in writing (including email) and be sent to all councillors, the Head of Paid Service and the Monitoring Officer.
 - **Annex 4-8 of the Operating Framework (Model Code of Practice in respect of Planning Matters).** The Committee noted that paragraphs 4.26 and 4.27 proposed amendments to Annex 4-8 of the Operating Framework. The Committee considered and approved the following amendment in addition to those set out in the report: to substitute the words "any councillor" in paragraph 8.1 of Annex 4-8 with "ward councillor".
 - FCR 5.5 ii. The Committee noted that FCR 5.5 of Appendix 4 of the Constitution restricted a Councillor from being the Chair of the Planning Committee at the same time as being the Chair of a Policy Committee or the Audit and Scrutiny Committee. The Committee considered that this restriction should be removed and agreed to recommend the deletion of FCR 5.5 ii from Appendix 4 of the Constitution.

Following consideration, the Committee unanimously resolved to:

- (1) **Recommend to Council the updates included in Appendix 1 to the report (Standing Order to be added to Appendix 4 of the Constitution: Disciplinary Action Against Head of Paid Service, Monitoring Officer or Chief Finance Officer).**
- (2) **Recommend to Council the changes set out in Appendix 2 to the report (Appendix 2.1 of the Constitution), subject to the changes to**

P1, HS26, CG2, CS2 and CS12 set out in the body of the minutes above.

- (3) Recommend to Council the changes set out in Appendix 3 (to the report as amended in the body of the minutes above), subject to the removal of FCR 5.6 and paragraph 1.3 of Annex 4-10 (Role of the Leader)**
- (4) Refer the role of Leader of the Opposition to the Constitution Working Group for exploration.**
- (5) Recommend to Council the changes set out in paragraph 3.1.3 of the report as amended in the body of the Minutes and paragraphs 4.22, 4.23, 4.24, 4.25.7, 4.25.8, 4.26, 4.27 as set out in the report.**
- (6) Refer paragraphs 3.1.4, 4.18 and 4.19 of the report to the Constitution Working Group for consideration.**
- (7) Recommend to Council the removal of FCR 5.5 ii. of Appendix 4 of the Constitution.**

The meeting began at 7.30 pm and ended at 9.45 pm

COUNCILLOR HANNAH DALTON (CHAIR)

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UPDATE TO THE CONSTITUTION

Head of Service:	Jackie King, Chief Executive
Report Author	Piero Ionta
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	N/A
Appendices (attached):	Appendix 1 – Updates to Appendix 2.1 of the current Constitution Appendix 2 – Draft EEBC Schedule of Referral - Freedom of the Borough Protocol

Summary

The following report proposes an update to the Council's Scheme of Delegation, for adoption at Full Council in February 2026.

Recommendation (s)

The Committee is asked to:

- (1) Recommend to Full Council to approve and adopt the updates to the Council's Constitution, as set out within Appendix 1 & 2 to this report**

1 Reason for Recommendation

- 1.1 To update the Council's Scheme of Delegation for Officers so as to ensure that the officer roles identified within Appendix 1 are empowered to conduct their daily work with any necessary delegated authority.
- 1.2 This is a report brought to this Committee on an annual basis.
- 1.3 A draft Protocol to implement a process for the nomination and appointment of Freemen to the Borough is also proposed, as set out in Appendix 2.

2 Background

- 2.1 As part of the annual review of the Council's Constitution, Corporate Leadership Team (CLT) have provided a list of proposed updates to the Live Register of Delegations contained within Appendix 2.1 so as to ensure that their officers are empowered to conduct their daily work with any necessary delegated authority which in turn should reduce the number of reports and urgent decisions brought to various Committees for operational decision making.
- 2.2 An updated version of Appendix 2.1 is attached to this report – Appendix 1 - any changes or new provisions are included in red text.
- 2.3 Further to this, a draft protocol is proposed for adoption – by way of addition to the Council's Constitution as Annex 2-6 - that would set out a formal process for the nomination of and approval of the honorary title of Freeman or Freewoman of the Borough.
- 2.4 Section 249 of the [Local Government Act 1972](#) sets out that the Council can confer the title of honorary alderman or alderwoman on former councillors "who have, in the opinion of the council, rendered eminent services to the council". The title of honorary alderman or alderwoman can not be conferred on currently serving Councillors.
- 2.5 The title of honorary freeman or freewoman can be conferred upon persons of distinction who have rendered eminent services to the borough.

3 Risk Assessment

Legal or other duties

- 3.1 Equality Impact Assessment
 - 3.1.1 None of the proposed changes are believed to trigger the requirement for an Equality Impact Assessment; any impacts are believed to be minimal and positive in nature.
- 3.2 Crime & Disorder
 - 3.2.1 None arising from the contents of this report
- 3.3 Safeguarding
 - 3.3.1 None arising from the contents of this report
- 3.4 Dependencies
 - 3.4.1 The council's constitution is its primary governance document. Therefore, much of the council's business and operations depends on its contents
- 3.5 Other

3.5.1 None.

4 Financial Implications

4.1 **Section 151 Officer's comments:** None arising from the contents of this report.

5 Legal Implications

5.1 **Legal Officer's comments:** Any relevant comments are contained within the body 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 included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** None arising from the contents of this report.

6.4 **Sustainability Policy & Community Safety Implications:** None arising from the contents of this report.

6.5 **Partnerships:** Not applicable.

6.6 **Local Government Reorganisation Implications:** None arising from the contents of this report

7 Background papers

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

Previous reports:

- None

Other papers:

- None

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3. Planning Scheme of Delegation

No	Job Title of Post Holder	Legislation (if applicable)	Function Delegated	Date
P8	Head of Development Management and Planning Enforcement, Head of Planning Policy and Economic Development, Planning Team Leader		Closure of planning enforcement cases, subject to officers reporting closed enforcement cases to Planning Committee as normal.	10 February 2026 FC
P9	Head of Development Management and Planning Enforcement, Head of Planning Policy and Economic Development, Planning Team Leader		Determination of tree works applications where there is a financial or public interest in doing so, unless there is a significant financial implication for the Council	10 February 2026 FC
P10	Head of Development Management and Planning Enforcement, Head of Planning Policy and Economic Development, Planning Team Leader	s.23 Local Government (Miscellaneous Provisions) Act 1976	Service of dangerous tree notices for trees affected by Ash dieback	10 February 2026 FC

5. Operational Services Scheme of Delegation

No	Job Title of Post Holder	Legislation (if applicable)	Function Delegated	Date
OS25	Interim Assistant Head of Service & Transport and Waste Manager, Interim		Signing of individual Contract Hire Schedules for vehicles on the Transport contract with	10 February 2026 FC

	Assistant Head of Service (Venues & Community Commercial Services), Interim Assistant Head of Service & Streetcare Manager, Head of Operational Services		Specialist Fleet Services Ltd	
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7. Public Protection Scheme of Delegation

No.	Job Title of Post Holder	Legislation (if applicable)	Function Delegated	Date
PPS196	Head of Housing and Community, Public Protection Manager, Principal Licensing Officer, Senior Licensing Officer, Licensing Officer	s.20 Licensing Act 2003	Making of a recommendation as to the film classification prior to the exhibition of a film	10 February 2026 FC
PPS197	Public Protection Manager, Principal Environmental Health Officer, Environmental Health Officer, Environmental Health Enforcement Officer, Regulatory Services Officer	s.29 Local Government (Miscellaneous Provisions) Act 1982	Undertake works in connection with the building for the purpose of preventing unauthorised entry to it, or, as the case may be, for the purpose of preventing it becoming a danger to public health	10 February 2026 FC

11. Corporate Services Scheme of Delegation

Agenda Item 4
Appendix 1

Reference	Job Title of Post Holder	Legislation (if applicable)	Function Delegated	Date
CS2	<p>Assistant Director (Corporate Services), Customer Services Manager, Business Support Assistant Manager and Business Support Officers</p>		<p>Responsible for and authorised to determine and process all Freedom of Information (FOI), Environmental Information Regulations (EIR) and Data Protection (DP) Requests.</p> <p>To support the Council's Data Protection Officer on all aspects of the General Data Protection Regulation (UK GDPR) including preparing submissions and liaising with the ICO (Information Commissioner's Office) where necessary.</p>	<p>10 February 2026 FC</p>

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Annex 2.6 - EEBC Freedom of the Borough - Protocol

Background

To be granted the title of Honorary Freeman is a mark of distinction upon the person whom the Council wishes to honour. The Freedom itself carries no privilege and is purely an honour on whom it is conferred or as recognition of significant and valuable services rendered to the Borough by that person. It is normally an honour or award to persons of note who have lived or worked in the borough, and who are proud to be a part of the Borough's history by becoming freemen. The title of Honorary Freeman **cannot** be awarded to serving councillors.

What criteria is to be used to award this status?

The overriding principle is that these awards should be made on merit, defined as:

- Achievement
- Exceptional Service

Awards should not be for a job well done or because someone has reached a particular level. They should be awarded because an individual has 'gone the extra mile' in the contribution they have made or stand out 'head and shoulders' above others in what has been achieved.

To be considered, the nominee should meet at least 2 of the following criteria:

- delivered in a way that has brought distinction to borough life and enhanced the borough's reputation in the area or activity concerned
- contributed in a way to improve the lives of those less able to help themselves
- demonstrated innovation and entrepreneurship which is delivering results in the borough.

As this is the highest honour that a Borough council can grant it should be used sparingly and should not be given too often in order to preserve its status and value.

The title of Honorary Freeman does not give any rights but it is hoped that person would support the Office of Mayor at civic functions.

The Process

The decision to confer the status of Freeman is made by Full Council following receipt of a recommendation by all **Political Group Leaders** following nomination by any elected member of the Council.

For candidates to be considered they must be able to demonstrate a strong and continuing connection with, and commitment to, the Borough or have made a major contribution to national life and in doing so, have enhanced the reputation of the borough.

To assist it is suggested that this could include the following:

- Artistic and cultural endeavours
- Business, economic growth and prosperity
- Charitable work
- Improvement to the built and natural environment
- Religious and spiritual life
- Sports activities
- Civic service

Only in exceptional circumstances should consideration be given to the admission of organisations.

The Procedure

The Standards and Constitution Committee has agreed the following procedure.

Nominations for persons or organisations to be granted Freedom of the Borough, may be made by any serving Member of the Council to the Chief Executive* on the appropriate form (see Appendix A). Each nomination must contain the support of at least 10 Members of the Council and where appropriate, the member should first raise the matter for discussion within their political group.

The Chief Executive* will check that sufficient information has been provided on the form and will then pass the nomination to the Leader of the Council for their consideration.

The Group Leaders and the Mayor will meet to consider the nomination against the criteria. Following unanimous agreement, they will invite the Chief Executive* to write a report making a recommendation to Council that the honour is bestowed. Alternatively they may decide that the nomination is not suitable as it does not meet the criteria.

The Leader shall present the report to Council and, should Council accept the nomination, a Special Meeting of Council would then be called to pass the resolution pursuant to Section 249 of the Local Government Act 1972, for the admission as Honorary Freemen of the Borough of the relevant persons.

**where the Chief Executive is not available, this role and authority is passed over to the Deputy Chief Executive and Director of Environment, Housing and Regeneration and in their absence the Head of Legal.*

The Ceremony

The ceremony for the admitting of an Honorary Freeman is to be a very formal occasion. Section 249 of the Local Government Act 1972 (sub section 5) deals with the admission to the Freedom of the Borough by Borough or City Councils of 'persons of distinction and persons who have in the opinion of the Council, rendered eminent services to the Borough'.

The act provides that a special meeting of the Council (made public 5 days prior to the meeting) must be convened with the specific object of passing the resolution to Honorary Freedom - one of the highest honours that the Borough can bestow. This will take place on the same date as the Annual Council meeting when possible.

Agenda Item 4 Appendix 2

The resolution should recite the grounds upon which the recommendation is being made, and details of the public services rendered by the recipient should be included. The resolution must be passed by not less than two thirds of the members present.

The procedure should be carried out with the utmost formality and the Honorary Freeman Elect is invited and should attend the Council Meeting and be placed on the right hand of the Mayor.

After the passing of the resolution, the newly admitted Freeman should take the appropriate Freeman's Oath and sign the Freeman's Roll, his/her signature being witnessed by the Mayor and the Chief Executive or nominated Officer.

A sealed and illuminated certificate of the grant of Honorary Freedom, containing a copy of the formal resolution, should then be presented to the newly appointed Honorary Freeman by the Lord Mayor with a Freedom of the City medal, with an opportunity being given for the recipient to reply.

After the formal proceedings come to an end, it is usual to close the meeting and adjourn for a reception. This gives an opportunity for the invited guests to offer their congratulations to the newly appointed Honorary Freeman.

APPENDIX A

NOMINATION FORM FOR FREEDOM OF THE BOROUGH.

I, Councillor wish to nominate the following Person/Organisation to be considered for the status of Freedom of the Borough of Epsom & Ewell Borough Council.

Nominee.....

I am aware that the following criterion needs to be applied to the achievements of the nominee.

They have:

- delivered in a way that has brought distinction to borough life and enhanced the borough's reputation in the area or activity concerned
- contributed in a way to improve the lives of those less able to help themselves
- demonstrated innovation and entrepreneurship which is delivering results in the borough.

I believe that they have met this criteria in the following way:

Please continue overleaf or attach supporting evidence.

**Agenda Item 4
Appendix 2**

We the undersigned Councillors support this nomination for Freedom of the Borough:

1.	6.
2.	7.
3.	8.
4.	9.
5.	10.

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CONTRACT STANDING ORDERS 2025-26 UPDATE

Head of Service:	Andrew Bircher, Assistant Director of Corporate Services
Report Author	Will Mace, Corporate Governance and Strategy Manager
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	N/A
Appendices (attached):	Appendix 1 - Contract Standing Orders 2025-26 Update

Summary

The Contract Standing Orders ('CSOs') were last updated in December 2024, ahead of the implementation of the Procurement Act 2023. Since this time, officers have conducted the annual review of the CSOs, and identified several areas where minor updates could improve their practical application and strengthen governance. The proposed amendments are attached at Appendix 1.

Recommendation (s)

The Committee is asked to:

- (1) Recommend Full Council approve the revisions to the Contract Standing Orders, attached at Appendix 1 to this report.**

1 Reason for Recommendation

- 1.1 Following the annual review in November 2025 of the Contract Standing Orders ('CSOs'), updates have been proposed to improve their application and procurement governance. The updates are mostly administrative, however as some additions have been made to officer responsibilities, the updates to the CSOs have been brought to Standards and Constitution Committee for review and recommendation to Full Council for approval.

2 Background

- 2.1 The CSOs set out the council's rules on how it procures (purchases) goods, services and works.

2.2 Officers review the CSOs on an annual basis. If officers identify any non-administrative updates, then these are required to be approved by Full Council. The officer review includes input from our procurement partner, the Shared Procurement Service.

3 Updates to the Contract Standing Orders 2025-26

3.1 The proposed updates to the CSOs can be found in Appendix 1, visible as 'track changes'.

3.2 In summary, the proposed changes are:

- 3.2.1 Updates to officer role titles.
- 3.2.2 Additions to officer roles and responsibilities, including amendments to the senior officers who can sign Waivers.
- 3.2.3 Clarifications regarding safeguarding responsibilities, when business continuity plans are required from suppliers, and how we define a contract as strategic.
- 3.2.4 Reference to the procurement process required for procurements related to insurance claims and those below Threshold 4.
- 3.2.5 Updates to the national procurement [Thresholds](#), which will come in to force on 1st January 2026.

3.3 In addition, the Council received a joint letter from Chris Ward MP, Parliamentary Secretary (Cabinet Office), and Alison McGovern MP, Minister of State for Local Government and Homelessness regarding new procurement flexibilities for local authorities. It refers to draft legislation, the Local Government (Exclusion of Non-commercial Considerations) (England) Order 2026, which is expected to come into force in early 2026.

3.4 In brief, the Order would give English local authorities new powers to reserve below-threshold contracts for UK or local suppliers, lifting a long-standing restriction on considering supplier location. It is voluntary but expected to significantly increase opportunities for Small and Medium-sized Enterprises ('SMEs') and local businesses. Please note that should the Order come into force, officers will update the CSOs accordingly, as per the provision in Section 35 (Appendix 1), as it would be an amendment arising from a change in the law.

4 Risk Assessment

Legal or other duties

4.1 Equality Impact Assessment

- 4.1.1 No direct implications arising from this report.

- 4.2 Crime & Disorder
 - 4.2.1 No direct implications arising from this report.
- 4.3 Safeguarding
 - 4.3.1 A direct reference to the council's safeguarding responsibilities has been added to the officers roles and responsibilities section of the draft CSOs attached at Appendix 1.
- 4.4 Dependencies
 - 4.4.1 No direct implications arising from this report.
- 4.5 Other
 - 4.5.1 No direct implications arising from this report.

5 Financial Implications

- 5.1 None arising from this report.
- 5.2 **Section 151 Officer's comments:** None arising from this report.

6 Legal Implications

- 6.1 **Legal Officer's comments:** Any relevant comments are contained within the body of the report.

7 Policies, Plans & Partnerships

- 7.1 **Council's Key Priorities:** The following Key Priorities are engaged:
 - N/A
- 7.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 7.3 **Climate & Environmental Impact of recommendations:** No direct implications arising from this report.
- 7.4 **Sustainability Policy & Community Safety Implications:** No direct implications arising from this report.
- 7.5 **Partnerships:** No direct implications arising from this report.
- 7.6 **Local Government Reorganisation Implications:** No direct implications arising from this report.

8 Background papers

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

Previous reports:

- *Contract Standing Orders Update – Procurement Act Update*, Council, 10th December 2024. Online available: <https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=146&MId=1625> [last accessed 01/12/2025].

Other papers:

- None.



CONTRACT STANDING ORDERS (CSO's)

Rules to be followed
when purchasing on
behalf of the Council

Version number: 4.1
Date: February 2026

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1	June 2018		
2	November 2021		
3	December 2023	Procurement & Contracts Manager	
4	December 2024	Acting Director of Corporate Services, Head of Legal Services, Business Assurance Manager, SPS Manager	Procurement Act Update, plus other revisions as described in the committees' covering reports: Strategy and Resources Committee 12th November 2024, Full Council 10th December 2024.
<u>4.1</u>	<u>November 2025</u>	<u>Corporate Governance and Strategy Manager</u>	<u>Updates to officer role titles and roles and responsibilities, insurance requirements, and clarifications related governance processes.</u>

Document Approvals

Each revision requires the following approvals:

- Non-administrative updates: Full Council (see the [Constitution](#), paragraph 7.1)
- Administrative updates: See Section 35

	Title	Date Approved	Signature
Head of Service	Acting Director of Corporate Services	<u>TBC</u>	<u>Andrew Bircher</u>
Strategic Leadership Team	Chief Executive	<u>TBC</u>	<u>Jackie King</u>
Committee	Council	<u>10th February 2026</u>	<u>N/A</u>

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Section 1

1. Introduction

1.1. These Contract Standing Orders ('CSOs') set out how the Council manages its spending. They relate to the purchasing of all goods, works and 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.

1.2. The purpose of these CSOs is to provide a structure for purchasing decisions and processes which ensure that the Council:

- (a) delivers value for money.
- (b) maximises public benefit.
- (c) shares information for the purpose of allowing suppliers and others to understand the Council's procurement policies and decisions.
- (d) acts, and being seen to act, with integrity.
- (e) treats all suppliers the same.
- (f) does not put a supplier at an unfair advantage or disadvantage.
- (g) has regard to small and medium enterprises.
- (h) furthers its corporate objectives.
- (i) uses its resources efficiently and effectively.
- (j) purchases or provides quality goods, services and works in a cost-effective way.
- (k) safeguards its reputation.
- (l) meets standards of good governance.

1.3. 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 and shall take appropriate action in the event of a breach of these CSOs.

1.4. The Assistant Director of Corporate Services is responsible for ensuring the CSOs are up to date and reflect current 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.

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Section 2

2. Statutory Requirements

- 2.1. These CSOs are made under section 135 of the Local Government Act 1972.
- 2.2. Public procurement in the UK is regulated by the Procurement Act 2023, and any associated current legislation, or the Public Contracts Regulations 2015 for any procurements undertaken prior to 24 February 2025.
- 2.3. Where the contract is a Covered Procurement then the Council must comply with the tendering requirements set out in the Public Contract Regulations 2015 or the Procurement Act 2023, or other legislation as applicable.
- 2.4. Where the value of the contract exceeds Above Threshold (as set out in Annexes 1 and 2) then the Council must comply with all processes and procedures set out in the Procurement Act 2023.
- 2.5. For the purpose of these CSOs, a Covered Procurement is a procurement with a value above the statutory Threshold (inclusive of VAT where applicable). Above Threshold means the Threshold set out within Schedule 1 of the Procurement Act 2023 as amended from time to time for public supply contracts, public works contracts and public service contracts awarded by local authorities. The applicable statutory thresholds can be found in Annexes 1 and 2.

3. Compliance

- 3.1. These CSOs apply to any transaction in which the Council acquires services, goods (supplies) or works (whether or not payment is to be made by or to the Council) including all purchase orders, concessions, and contractual arrangements entered into by the Council, except for the specific types of contracts and exemptions which are listed in Section 4 and Section 20 below. All Officers contracting on behalf of the Council must comply with these CSOs.
- 3.2. All purchasing activity and resulting contracts made by, or on behalf of the Council must comply with:
 - (a) The Council's Constitution, including Financial Regulations and relevant Council policies.
 - (b) Procurement Act 2023, or the Public Contract Regulations 2015 for any procurements commenced prior to 24 February 2025.
 - (c) The Utilities Contract Regulations 2016.
 - (d) The Concession Contracts Regulations 2016.
 - (e) Local Government Transparency Code 2015 (rule 31).
 - (f) Local Government Act 1999 (Section 3; best value).
 - (g) The Public Services (Social Value) Act 2012, where applicable.
 - (h) Any and all applicable statutory provisions.

- 3.3. If there is any conflict between the above, UK law takes precedence, followed by the Council's Constitution, the [National Procurement Policy Statement](#), any Procurement Policy Notes (PPNs) issued by the Cabinet Office, these Contract Standing Orders and any Council policies or procedures, in that order.
- 3.4. Purchase Orders must be approved and/or Contracts signed by both parties prior to any contract start date.
- 3.5. Where an Officer has deliberately disaggregated a contract to avoid a particular threshold procedure, the relevant Head of Service in collaboration with the [Assistant Director of Corporate Services](#), Chief Finance Officer and Head of Legal Services (or any of their deputies in their absence) will have the right to request the procurement to be cancelled.

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4. Scope

- 4.1. These orders do not apply to the following items, which are managed by separate legislation and/or policies:

Type of Contract	Policy / Law which covers Contracts out of scope
Contracts for the acquisition or sale of any interest in land and/or real estate (where there is no connected delivery of services, works or goods for which the land forms part of the pecuniary interest)	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	Employment Rights Act 1996 (as amended), HR / Recruitment Policies.
Awarding Grants (to include the allocation/award of funding obtained from central government)	Each grant will be governed by its own funding procedures. These will be made available to bidders upon request (e.g. CIL Grant Funding). Subsidy control will also need to be considered.
Where the contract relates to a financing transaction	Not subject to competition due to their nature.
Works orders placed with statutory undertakers (i.e. parties who perform obligations under statutory powers, for example, utility companies)	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 6 – Procurement Thresholds and Procedures.
Orders for goods and services placed against an established Framework that was subject to these CSOs during its set-up	The establishment of the call-off Contract or Framework Agreement would have been governed by the CSOs in the first instance, as such any call offs / mini competitions run under such agreement will have already complied with these CSOs. For Framework Agreements established prior to 24 February 2025, this would be the Public Contracts Regulations, or the Procurement Act 2023 for Framework Agreements established after this date.
Orders for goods, works and services placed against an established public sectors accessible framework	Frameworks that have been established and created for public sector use would have been governed by the Procurement Act 2023 or established prior to 24 February 2025 under the Public Contracts Regulations 2015.
Where goods, services or works are awarded because of an extreme and unavoidable emergency and authorised by the Chief Executive, Deputy Chief Executive, Director of Corporate Services, <u>Assistant Director of Corporate Services</u> , and Applied Resilience; Emergency Planning Consultants. Contracts awarded must not exceed the estimated period of recovery	Constitution – Appendix 2, paragraph 2.1 (iv): The Chief Executive, Directors, and Heads of Service are empowered to take all necessary decisions in cases of emergency or urgency.
Contracts between the Council and a Supplier who is controlled by the Council	Internal contract sign-off thresholds will still apply, and a conflict assessment must still be undertaken in accordance with these Rules for both the Council and the Supplier.
Contracts between the Council and another local authority where the aim is to achieve common objectives for the public benefit	Internal contract sign-off thresholds will still apply, and a conflict assessment must still be undertaken in accordance with these Rules for the Council.
Exempt legal services (advice and representation in connection with judicial or dispute resolution proceedings)	Not subject to competition due to their nature.

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Alternative dispute resolution services	Not subject to competition due to their nature.
Contracts with other contracting authorities to achieve common objectives by co-operating in the public interest	Referred to as Hamburg or Horizontal arrangements, provided that this is still best value for the Council.
Contracts with entities that are controlled by the Council	Referred to as Teckal or Vertical arrangements, provided that this is still best value for the Council.

4.2. All other Contracts (including Covered Procurements) 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. All officers have a duty to report breaches of the CSOs to the Chief Finance Officer or to the Head of Legal Services (or their deputies in their absence). Compliance with these CSOs is also subject to internal and external audit.

5.2. In considering how best to purchase works, goods and services, an officer shall take into account wider contractual delivery opportunities and purchasing methods such as setting up or letting under framework agreements, joint procurements with other public authorities, e-procurement methods and the availability of local authority trading and charging powers under the Local Government Act 2003 and the Localism Act 2011.

5.3. The Assistant Director of Corporate Services, Corporate Governance and Strategy Manager, and Procurement and Contracts Officer are responsible for:

- (a) Overseeing the Council's procurement function and answering questions related to it (Assistant Director of Corporate Services, only).
- (b) Providing expert market knowledge ensuring compliance and delivering best value.
- (c) Ensuring Officers have the correct tools, information and guidance to deliver a compliant, cost effective and good quality contracts.
- (d) Ensuring that Finance have confirmed there is adequate budget available prior to any Threshold 3 & 4 procurement commencing.
- (e) Offering expert advice to Officers procuring within Thresholds 1, 2 & 3, including showing due regard to the Government's statutory guidance on Below-Threshold Contracts.
- (f) Taking a commercial lead on all Procurements within Threshold 4.
- (g) Updating and delivering the Procurement Strategy.
- (h) Proposing changes and updates to these Contract Standing Orders, for

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consideration by the Council's Standards and Constitution Committee.

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- (i) Ensuring the Council's safeguarding obligations and policy requirements are flagged to procuring officers during the procurement process.
- (j) Ensuring transparency by:
- (k) Maintaining and publishing the Contract Register
- (l) Reviewing waiver submissions and maintaining Waiver log
- (m) Reviewing spend across all categories quarterly
- (n) Reviewing conflict assessments with input from Legal Services and in consultation with the relevant Head of Service and/or Director and maintaining a Conflict log
- (o) Embedding Social Value and sustainable procurement appropriately across Council procurement activity.
- (p) Delivering procurement and contracts training to Officers
- (q) Ensuring suppliers are aware of, and follow, the Council's '*How to do business with us*' when bidding.
- (r) Manage e-sourcing platform.
- (s) Checking that adequate financial security for all Threshold 2-4 contracts is in place, via the review of procurement reports.
- (t) Updating the internal and external web pages to ensure Officers, Suppliers and residents are kept informed.

5.4. Officers purchasing on behalf of the Council are responsible for:

- (a) Ensuring that any contract in excess of £5,000 (ex. VAT) is reported to the Procurement Officer so that the Contract Register can be updated and published accordingly.
- (b) Complying with these CSOs and all relevant Council policies, including completing procurement reports.
- (c) Ensuring there is adequate budget available for any purchase prior to approaching the market for quotes.
- (d) Ensuring that for purchases within Threshold 1 & 2, Purchase Orders (PO) must be approved before the requirements are delivered to the Council.
- (e) Ensuring that for purchases within Threshold 2, 3 & 4, Officers must ensure the contract is signed by both parties before raising a PO.
- (f) Ensuring that for Contracts within Threshold 3 & 4, they have properly engaged with Legal Services and an appropriate level contract is to be

used. Regarding Threshold 2, procuring officers should consult with Legal if they are unsure of the potential legal implications / type of contract required for the procurement.

- (g) Showing due regard to the Government's statutory guidance on Below-Threshold Contracts when preparing procurements under Threshold 4.
- (h) Ensuring specifications accurately define the requirements.
- (i) Ensuring consideration is given to equality and diversity, fraud prevention, prevention of modern day slavery, as well as Social Value implications.
- (j) Ensuring that People and OD are consulted, and the appropriate approval obtained for requirements of temporary workers or consultants outside any agreed corporate contract.
- (k) Managing contracts within the procuring Services, either by a dedicated Contract Manager or by a nominated officer.
- (l) Reporting any breaches to the Chief Finance Officer and Head of Legal Services (or their deputies in their absence).
- (m) Ensuring sufficient financial security, insurance, and business continuity arrangements are in place for the Council, with respect to the goods, services, or works they are procuring (see Section 29).
- (n) Ensuring that the Council's safeguarding obligations and policy requirements are met through the procurement process and management of their Service contracts. Officers can find further information on the 'Safeguarding' intranet site.

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5.5. The role of the Council's operational Procurement Board is to ensure:

- (a) 'Best Value' is realised through the Council's procurements and commissioning.
- (b) the Council remains compliant with its Contract Standing Orders (CSOs), Procurement Strategy, and the (forthcoming) Procurement Act 2023.
- (c) that any savings opportunities are realised, and avoidable costs are circumvented.
- (d) the procurement governance framework remains effective and continuous improvement is achieved.
- (e) Waivers are only being used in exceptional circumstances.
- (f) contracts are managed effectively, and any performance issues are being addressed.

- (g) procurement plans are in place with sufficient lead time for expiring contracts.

6. Purchase Orders

- 6.1. Purchase Orders (PO) should be raised within the Council's Purchasing system.
- 6.2. Invoices must be received electronically.
- 6.3. Invoices should be emailed to creditors@epsom-ewell.gov.uk for payment. To ensure prompt payment and to satisfy audit requirements, your email should include:
 - (a) the supplier name and invoice number in the subject heading
 - (b) the invoice as an attachment
 - (c) your confirmation that the invoice is authorised for payment (eg "I authorise the attached invoice for payment")
 - (d) a correct purchase order number
- 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:
 - (a) Supplies of utility services
 - (b) Periodical payments (such as rates or rents)
 - (c) Purchase card transactions
 - (d) Transport and Facilities Management contracts
 - (e) Treasury management transactions
 - (f) Refunds and grants
 - (g) Statutory payments to other government organisations
 - (h) Theatre performances
 - (i) Any order for works, goods or services with a value less than £150 (ex. VAT)

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 relevant section of the Council's [Financial Regulations](#) for further information.

8. Temporary Staff

- 8.1. Procurement works closely with People & Organisation Development to manage

the Council's temporary agency workforce needs. Officers must follow the Employment of Agency Workers Policy when sourcing temporary agency staff (this can be found on the staff intranet).

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.
- 9.2. It is the responsibility of the Head of People & OD to determine if and where IR35 applies or not and any unpaid tax can be claimed back if the Council makes the wrong decision.
- 9.3. If IR35 does apply the Council (or fee payer if via an agency) would be responsible for making employment tax and National Insurance deductions.
- 9.4. Further IR35 advice can be found via the link within Annex 3 or by contacting the People & OD Service.

10. Grants

- 10.1. The making of grants is not subject to these Orders. Officers 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 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 Covered Procurement service contracts (i.e. Above threshold - refer to Annex 2) but shall be considered in all procurements where applicable. Social Value forms part of a bidder's commitments at tender stage and should be tailored to the subject nature of the contract being awarded.
- 11.4. It is the Contract Manager's responsibility to ensure Social Value 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 with regard 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 Covered procurements, the Council will use the declaration made by the supplier on the Central Digital Platform on all procurements. The declaration includes a section on the supplier's approach to the Modern Slavery Act, slavery and human trafficking in the supply chain.

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:
 - (a) Sustainable procurement is the act of adopting social, economic and environmental factors alongside the typical price and quality considerations into the organisation's handling of procurement processes and procedures.
 - (b) Sustainable procurement is not just about buying 'green' products. It includes planning ahead to manage demand, effective ongoing contract management and dealing with supply chain risks and impacts.
 - (c) Incorporating sustainable procurement into the Council's 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 conversant with the Council's 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.
- 13.5. It is the Contract Manager's responsibility to ensure sustainability is being delivered during the life of the contract.

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 Council's Communications Teams advice is sought.

16. Transparency, 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 (ex. VAT) and all Contracts over £5,000 (ex. VAT). This can be found on the Council's public website.
- 16.2. For procurement activity to which the PCR 2015 applies, the Council's e-Sourcing Portal will automatically publish contract and award notices. For procurements over £30,000 (ex. VAT) (but not advertised through the Council's e-Sourcing platform) notices must be completed and published directly on the Central Digital Platform website by the Procurement and Contracts Officer.
- 16.3. For procurement activity to which the Procurement Act 2023 applies, a Central Digital Platform replaces the Contracts Finder and Find A Tender notices and awards system. The Council's e-sourcing Portal will automatically publish opportunities on the Central Digital Platform. There are a number of mandatory notices that must be published on the central digital platform (see Annex 4). Procurement will advise on the relevant notices depending on the contract value and route to market.
- 16.4. The Council has a further obligation to advertise contract opportunities and awards within Threshold 4 on the Central Digital Platform.

17. e-tendering

- 17.1. All procurements within Threshold 3 & 4 must be advertised via the Council's eSourcing platform. This ensures that the tender opportunity is advertised to the market in a fair and auditable way. The platform can also be used for Threshold 2 procurements if desirable.
- 17.2. The eSourcing platform will automatically publish contract opportunity and award notices to the Central Digital Platform ensuring the procurement exercise remains compliant.
- 17.3. Procurements using a public sector accessible framework do not require a Central Digital Platform opportunity notice. Award notices will still need to be published using the Central Digital Platform website.

17.4. eSourcing set-up, passwords, support and training can be sought from the Procurement and Contracts Officer.

18. Contract Register

- 18.1. In line with the Transparency Code 2015, the Council has a statutory obligation to publish any spend over £500 (ex. VAT) and Contracts over £5,000 (ex. VAT) on its website. Officers who award contracts over £5,000 (ex. VAT) must inform the Procurement and Contracts Officer of each contract for the Contract Register to be updated.
- 18.2. Contract managers / owners have the responsibility to update the contract register with current and new contracts.
- 18.3. The Contract Register is published every 3-months.

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 & 3 and falls within one of the following categories, which adopts Schedule 2 of the Procurement Act 2023:
 - (a) Purchases due to extreme and unavoidable urgency are to be made by departments only when normal functions and operations of the Council - including the integrity of property, equipment, or life - are endangered through unexpected circumstances, and when materials, services, etc., are needed immediately. Sufficient funds must be available and signed off by the Budget Holder.
 - (b) Call offs from public sector accessible frameworks which have been tendered; Procuring Officers must still complete a Quick-Quote or RFQ Procurement Report.
 - (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) certain types of financial advice such as funding or financing arrangements and investment services.
 - (f) employment contracts, including apprenticeships.

- (g) land contracts, including the acquisition and sale of land (including leases, licences and transfers).
- (h) legal advice, legal services (including but not limited to - securing legal representation, instruction of expert witnesses, certification of documents, or as ordered by a Court or Tribunal) relating to anticipated or issued judicial proceedings and/or dispute resolution.
- (i) purchases made at public auction or of goods sold due to insolvency.
- (j) grants including passporting, allocation / award of funding obtained from central government to receiving organisations. Each grant will be governed by its own funding procedures, which must be followed. Subsidy control will also need to be considered.
- (k) vertical arrangements - the Council exercises a parent or similar control or joint control with other councils on the entity as much as it does with its own departments, and the entity carries out more than 80% of its activities for the controlling council and there is no private sector money in the entity.
- (l) horizontal arrangements (council to council / public body co-operation) - to achieve objectives which the bodies have in common through an arrangement that is solely for the public interest and that the parties perform less than 20% of the services covered by the arrangement on the open market.
- (m) Any other goods/services/works falling under the definition of an "exempted contract" in the Procurement Act 2023.

21. Waivers

- 21.1. A waiver cannot be granted retrospectively or if doing so would contravene the relevant legislation i.e. for Covered Procurement.
- 21.2. The requirement for the Council to conduct a competitive procurement process for contracts within Thresholds 2 & 3 of these CSOs may be waived in exceptional circumstances by the following officers:

Director of Environment, Housing and Regeneration

or

and

Director of Corporate Services (Chief Finance Officer) or Chief Accountant

The Chief Executive can substitute for one of the officers above if they are not available.

- 21.3. A waiver cannot be granted for procurements in Threshold 4, as it would contravene the Procurement Act 2023.
- 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 CSOs must be submitted to the Procurement and Contracts Officer who will seek approval from the Officers listed in 21.2.
- 21.7. Applications for waivers which are as a result of poor contract planning will rarely be considered genuinely exceptional.
- 21.8. The Procurement and Contracts Officer must maintain a log of all waivers.

Section 3

22. Permission to tender

- 22.1. For Thresholds 1, 2 & 3, Heads of Service have the authority to commence a tendering process, via email to Procurement (as per Section 6). Budget must be available within the service or finance approval must be sought in advance of authority to commence.
- 22.2. For procurements in Threshold 4, Heads of Service have the authority to commence a tendering process provided a business case for the procurement has been approved which includes financial provision and approval.
- 22.3. Where the value of the contract is in excess of £750,000 (ex. VAT), the procurement must be approved by the relevant committee prior to the commencement of the procurement process.
- 22.4. For procurements within Threshold 2, 3 & 4 Officers must complete Section A of the procurement report. This sets out budget availability, stakeholder engagement and options appraisals.
- 22.5. Existing public sector frameworks can be explored and utilised where possible for all thresholds.
- 22.6. Officers should refer to Annex 1 for the correct procurement process to follow.

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 maximum amount the council could expect to pay (in pounds sterling) under the contract, inclusive of specified items such as Value Added Tax (VAT), the value of any goods, services or works provided other than for payment, options to renew, interest and fees, this also includes, but is not limited, to installation, training, maintenance and disposal costs.
- 23.3. Where the council considers that two or more contracts could reasonably be supplied (e.g. providing the same goods, services or works) under a single contract it must aggregate the value of those contracts for the purposes of valuation. Officers are required to check expenditure in other service areas to see if there are similar requirements.
- 23.4. Where the council is unable to estimate the value of a contract, e.g. where the contract term is unknown or recurring, the council must assume that the contract will be a Covered Procurement and is above the relevant financial threshold.
- 23.5. In respect of any consortium or joint contract, the Contract value must be the aggregate of each participating authority's requirements in estimating the contract value.
- 23.6. 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 Procurement Act 2023.

- 23.7. Where it is intended to package the contract into several different lots, for example based on area, or by particular types of requirements, then the Contract value shall be the total value of all of the combined lots.
- 23.8. In the case of Concession contracts (such as where the service users as opposed to the council make payments to the contractor for use of the service) then the amount that a supplier might expect to receive as a result of the Contract must be used to determine the Contract value.
- 23.9. Spend with suppliers will be monitored regularly by Procurement, to ensure contracts are not being disproportionately awarded and exceed thresholds.
- 23.10. In the case of Framework Agreements or Dynamic Markets, 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 Market

24. Conflicts of Interest

- 24.1. At the start of each procurement process, a Conflict of Interest Assessment must be undertaken. This must cover anyone who has a potential or perceived conflict:
 - (a) Anyone acting for or behalf of the Council who has the ability to influence a decision to award a contract under a procurement: and
 - (b) They have a personal, professional or financial connection (either directly or indirectly) with a supplier participating in said procurement.

For the avoidance of doubt, this includes close associates or family members.
- 24.2. This assessment is kept under review throughout the procurement process and is to be updated / revised at each stage of the process.
- 24.3. The procuring officer is expected to mitigate any potential or perceived conflicts of interest – this could be through one or more of the following: separation of duties, through the design of the procurement, sharing of information, excluding suppliers or excluding evaluators.
- 24.4. Officers and Council Members must comply with their respective Code of Conduct to avoid any conflict between their own interests and those of the Council. Any Officer, Council Member or consultant who has reason to believe that there is a conflict of interests in respect of a supplier should report this to the Head of Legal. At any point during the procurement process, if an Officer or Council Member becomes aware that they have 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 Conflict of Interest Assessment. This includes interests by their close associates or family members. Failure to declare an interest by an Officer, of which the Officer is aware, is a disciplinary offence; failure to declare an interest by a Council Member, of which the Council

Member is aware, could amount to a breach of the Code of Conduct for Council Members or a criminal offence.

25. Contract Management

- 25.1. 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 governance 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
- 25.2. 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 Procurement Act 2023, or the Public Contracts Regulations 2015, where a procurement process has formally commenced prior to 24 February 2025.
- 25.3. The Procurement & Contracts Officer should be contacted for further advice and support.

Section 4

26. Form of Contract

26.1. Contract award notification shall be issued:

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

26.2. For Procurements in Thresholds 3 & 4, Legal Services should be instructed using the Legal Instruction Form at the Officers earliest opportunity. By not doing so, your project may be delayed. Advice regarding Threshold 2 procurements can also be provided by Legal if the procuring officer has legal concerns or is unsure of the legal implications related to the procurement.

26.3. 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.
- (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.
- (f) be governed by English law.
- (g) impose requirements to hold and maintain the specified insurance cover in accordance with the provisions of clause 29.2, where appropriate.
- (h) impose requirements to comply with equalities and health and safety legislation, where appropriate.
- (i) impose requirements to comply with the Council's health and safety policy, where appropriate.
- (j) give the Council the right to cancel the Contract, and recover from the contractor the amount of any loss resulting from such cancellation, if the contractor, or any person acting on their behalf, shall have, in relation to the Contract or any other Contract with the Council:
 - (i) offered or given, directly or indirectly, any gift or consideration of any kind to any person as an inducement to

do or forbear from doing anything, or as a reward for doing or forbearing from doing anything; or

- (ii) committed any offence under the Bribery Act 2010, or given or offered any fee or reward receipt of which is contrary to section 117(2) of the Local Government Act 1972.

- (k) set out a contractual protocol for dealing with Freedom of Information Act 2000 and Environmental Information Regulations 2004 information requests and, where applicable, obligations under data protection legislation, and enabling compliance with the requirements of any applicable information publication scheme (including the Local Government Transparency Code 2015).

- (l) reserve rights of audit to the Council where the contractor makes payments to, or collects income on behalf of, the Council.

- (m) contain implied 30-day payment terms between the Council and the contractor and any associated sub-contractors.

26.4. Every Threshold 4 contract must contain a comprehensive business continuity plan, which must be included in the relevant Service's business continuity plan. In addition, all procuring officers must consider and decide whether their contracts within Threshold 1 – 3 should also have a business continuity plan that is proportionate to the risk they pose to service delivery, council finances, and / or the council's reputation. The complexity and duration of a contract can also be considered. Officers should use the Risk Management Strategy as a reference and seek advice from the procurement team and Assistant Director of Corporate Services. A similar assessment is used to determine whether a contract should be categorised as a 'Strategic Contract'.

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26.5. Every contract which exceeds £24,999 (ex. VAT) (i.e. Threshold 3 & 4 procurements) in value or amount and is for the provision of works, supplies or services shall provide for adequate redress in the event of default by the contractor as agreed by the Head of Legal Services or Principal Solicitor.

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26.6. Every contract over £75,000 (ex. VAT) 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.

26.7. For Threshold 4 contracts the right to terminate the contract where:

- (a) For all procurements commenced prior to 24 February 2025:
 - (i) the contract has been subject to a substantial modification which would have required a new procurement procedure

under regulation 72 Public Contract Regulations 2015 (PCR) or regulation 43 Concession Contract Regulations 2016 (CCR); the contractor has, at the time of the contract award, been in one of the situations referred to in regulation 57 PCR 2015 or regulation 38 CCR 2016 (mandatory exclusions) and should have been excluded from the procurement procedure; and

- (ii) a UK Court has declared that the contract should not have been awarded to the contractor in view of a serious breach of procurement law.

(b) For all procurements commenced from 24 February 2025 onwards:

- (i) the contracting authority considers that the contract was awarded or modified in material breach of this Act or regulations made under it.
- (ii) a supplier has, since the award of the contract, become an excluded supplier or excludable supplier (including by reference to an associated person).
- (iii) a supplier (other than an associated person) to which the supplier is sub-contracting the performance of all or part of the public contract is an excluded or excludable supplier.

26.8. Where any contract which is terminated under the Procurement Act 2023, the Council must publish a contract termination notice on the Central Digital Platform within 30 days of the termination.

27. Sealing and Signing of contracts

27.1. Subject to where Committee approval is required in accordance with the Financial Regulations or Terms of Reference of the relevant Committee, contracts within Threshold 1 & 2 shall be the subject of a Purchase Order, which can be approved in accordance with the Financial Regulations. If a Purchase Order is not appropriate/permited for the relevant contractual relationship, a Contract shall be required. Heads of Service are permitted to sign the Contract.

27.2. Contracts within Threshold 3 & 4 shall be the subject of a formal written Contract agreed in accordance with Annex 5-3 of the Council's [Operating Framework](#) and under Seal if required by clause 27.3.

27.3. Every contract valued at £750,000 (ex. VAT) or more shall be sealed with the common seal of the Council provided the award decision has been approved by the relevant committee or officer in accordance with the terms of the constitution.

27.4. For all contracts under £750,000 (ex. VAT) the awarding officer may sign the contract on behalf of the Council provided the award decision has been approved by the relevant committee or officer in accordance with the terms of the constitution.

28. Novation

- 28.1. 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.
- 28.2. Novation is not permitted without the express consent of the Head of Legal Services or Principal Solicitor.

29. Financial Security

- 29.1. Adequate financial security and/or a performance bond must be required for all Contracts. Procuring Officers can contact the Assistant Director of Corporate Services for advice on insurance.
- 29.2. For example, for a Threshold 3 or 4 procurement, the Council would likely 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.

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- 29.3. Any variation from 29.2 must be agreed with the Assistant Director of Corporate Services.

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30. Economic and Financial Standing

- 30.1. The Council will examine and maintain the credit report of all suppliers to gauge their economic and financial status.

Section 5

31. Disposal of Land and Property

31.1. 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.

32. Disposal of Other Council Assets

32.1. 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.

32.2. 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.

32.3. 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.

32.4. Assets with a value of £10,000 or less may be sold for the best price possible.

32.5. 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.

32.6. 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.

32.7. Council officers or Council Members are not permitted to purchase any Council assets.

32.8. 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.

32.9. Where items have to be written off and disposed of, the write off must be approved in accordance with the process and limits for writing-off debts in the [Financial Regulations](#).

33. Work for Third Parties

33.1. The Deputy Chief Executive or Director of Corporate Services, within their respective services, must approve the contractual arrangements for any work carried out by the Council for third parties or external bodies.

34. Partnerships

34.1. 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.
- (b) where appropriate, a scheme of delegation to officers to operate within the partnership.

34.2. Unless specifically agreed by the relevant committee, partnership arrangements shall only be entered into in accordance with the provisions of these CSOs.

34.3. 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.

34.4. The Deputy Chief Executive or Director of Corporate Services, 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.

35. Review of the Contract Standing Orders

35.1. These Contract Standing Orders shall be reviewed and updated as and when required. Save in the case of revisions to Thresholds or otherwise arising out of a change in the law, and changes related to formatting and Annex 1. Any changes to these Contract Standing Orders shall be approved and adopted by Full Council. Revisions to Thresholds or otherwise arising out of a change in the law shall be dealt with by the Head of Legal Services, in consultation with the Chief Finance Officer (or their deputies in their absence), in accordance with their delegated authority. Changes to formatting and Annex 1 shall be dealt with by the Assistant Director of Corporate Services, in consultation with the Head of Legal Services.

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36. Council Members and Contracts

36.1. No Council Member shall have authority to enter into any contract on behalf of the Council.

36.2. No Council Member shall have authority to issue any instruction or variation to a supplier of the Council.

Section 6

37. Procurement Thresholds and Procedures

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

Generally speaking, Works contracts can be defined as those relating to projects where the majority / highest cost elements of the project relate to construction, i.e. making a functioning structure. If in doubt, Officers must seek advice from the Procurement team.

Insurance requirements: Please note, for any purchases that will subsequently be submitted to the Council's insurers to recover the costs, then a 'term' or 'tendered' contractor must be used, and if one is not available then a minimum of two quotes are required. This applies to all Thresholds. Officers should contact the Corporate Governance and Strategy team for guidance.

Contract Standing Orders - Procedures for Procurement - minimum requirements	
Threshold 1 – One Quote	
Aggregate contract value (inc. extensions)	£0 - £9,999 ex. VAT (inc. VAT: £0 - £11,999)
Advertising required	No
Contract Award notice required	No
Procurement method	One quote / an internal exercise that evidences value for money
Receipt of quotes	Verbal / email
Who is authorised to carry out procurement	Service officer
Timescales	N/A
Contract type	Purchase order / credit card
Who must approve the contract award	Budget holder
Who signs the contract on the council's behalf	Budget holder
Audit trail and documentation	<ul style="list-style-type: none">Quotation attached to purchase order / invoice.PO/receipt to be stored digitally within teams' corporate files.For purchases £5,000 and over complete T1 Procurement Report AND submit to Procurement for publication on Contract Register
Threshold 2 – Quick Quote (QQ)	
Aggregate contract value (inc. extensions)	£10,000 - £24,999 ex. VAT (inc. VAT: £12,000 - £29,999)
Advertising required	No
Contract Award notice required	No
Procurement method	<ul style="list-style-type: none">Three (3) quotesFor <u>Works</u> contracts (1) quote is sufficient if (3) is not practicable / in the interests of Best Value

	<ul style="list-style-type: none"> Can use e-Sourcing portal if desired
Receipt of quotes	Email
Who is authorised to carry out procurement	Service Officer
Timescales	N/A
Contract type	Purchase Order
Who must approve the contract award	Budget holder
Who signs the contract on the council's behalf	Head of Service
Audit trail and documentation	<ul style="list-style-type: none"> Completed QQ Procurement Report. To be stored digitally within teams' corporate files AND submitted to Procurement. Publish details of all purchases / contracts with an aggregated value of over £5,000 in the Council's Contracts Register
Threshold 3 - Request for Quotation (RFQ)	
Aggregate contract value (inc. extensions) - £	<p>£25,000 to £171,922 166,176 ex. VAT [current Above Threshold value] (inc. VAT: £30,000 to £214,903) 207,720</p> <p>For Works £25,000 to £4,298,086 4,154,400 [current Above Threshold value] (inc. VAT £5,372,608) 5,193,000</p>
Advertising required	Contracts Finder*
Contract Award notice required	Yes
Procurement method	Local tender (RFQ) - Minimum of three (3) quotes
Receipt of quotes	e-Sourcing platform
Who is authorised to carry out procurement	Service Officer. <i>If the contract is in excess of £750,000 (ex. VAT), approval must be gained from the relevant committee prior to the commencement of the procurement process.</i>
Timescales	Proportionate to the value and complexity of tender
Contract type	EEBC Standard / JCT (for Works) /Framework
Who must approve the contract award	Head of Service
Who signs the contract on the council's behalf	As per Annex 5-3 of the Operating Framework: <ul style="list-style-type: none"> If under seal = CEO, Deputy Chief Executive, Directors or Head of Legal If under hand = CEO, Deputy Chief Executive, Directors or Head of Service
Audit trail and documentation	<ul style="list-style-type: none"> Completed RFQ Procurement Report: To be stored digitally within teams' corporate files AND submitted to Procurement. Publish details of all purchases / contracts with an aggregated value of over £5,000 in the Council's Contracts Register
Threshold 4 - Invitation to Tender (ITT)	

Aggregate contract value (inc. extensions)	Above Threshold (currently) £166,176 ex. VAT (inc. VAT: £207,720) For <u>Works</u> Above Threshold (currently) £4,154,400 (inc. VAT: £5,193,000)	Deleted: 171,923 Deleted: 214,904 Deleted: 4,298,087 Deleted: 5,372,609 Deleted: **
Advertising required	Contracts Finder, Find A Tender Service, Central Digital Portal	
Contract Award notice required	Yes (and provisional contract award)	
Procurement method	Procurement Act 2023 Goods & Services – Full tender Works – competitive quotation	
Receipt of quotes	e-Sourcing platform	
Who is authorised to carry out procurement	Procurement team: If the contract is in excess of £750,000 (ex. VAT), approval must be gained from the relevant committee prior to the commencement of the procurement process.	
Timescales	Procurement Act 2023, PCR 2015 timescales	
Contract type	Bespoke EEBC / JCT (for Works) /Framework call-off agreement	
Who must approve the contract award	Head of Service Head of Finance Head of Legal & Appropriate Committee	
Who signs the contract on the Council's behalf	Under £750,000 (ex. VAT) - As per Annex 5- 3 of the Operating Framework Over £750,000 (ex. VAT) – Sealed as a Deed, as per Annex 5.3 of the Operating Framework	
Audit trail and documentation	<ul style="list-style-type: none"> Completed ITT Procurement Report: To be stored within eSourcing portal AND digitally with teams' corporate files. Publish details of all purchases / contracts with an aggregated value of over £5,000 (ex. VAT) in the Council's Contracts Register. Copy of signed contract to be sent to Legal Services. 	

If any Officer identified within the 'who must approve the contract' 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, in accordance with the scheme of delegation in Appendix 2 of the [Constitution](#).

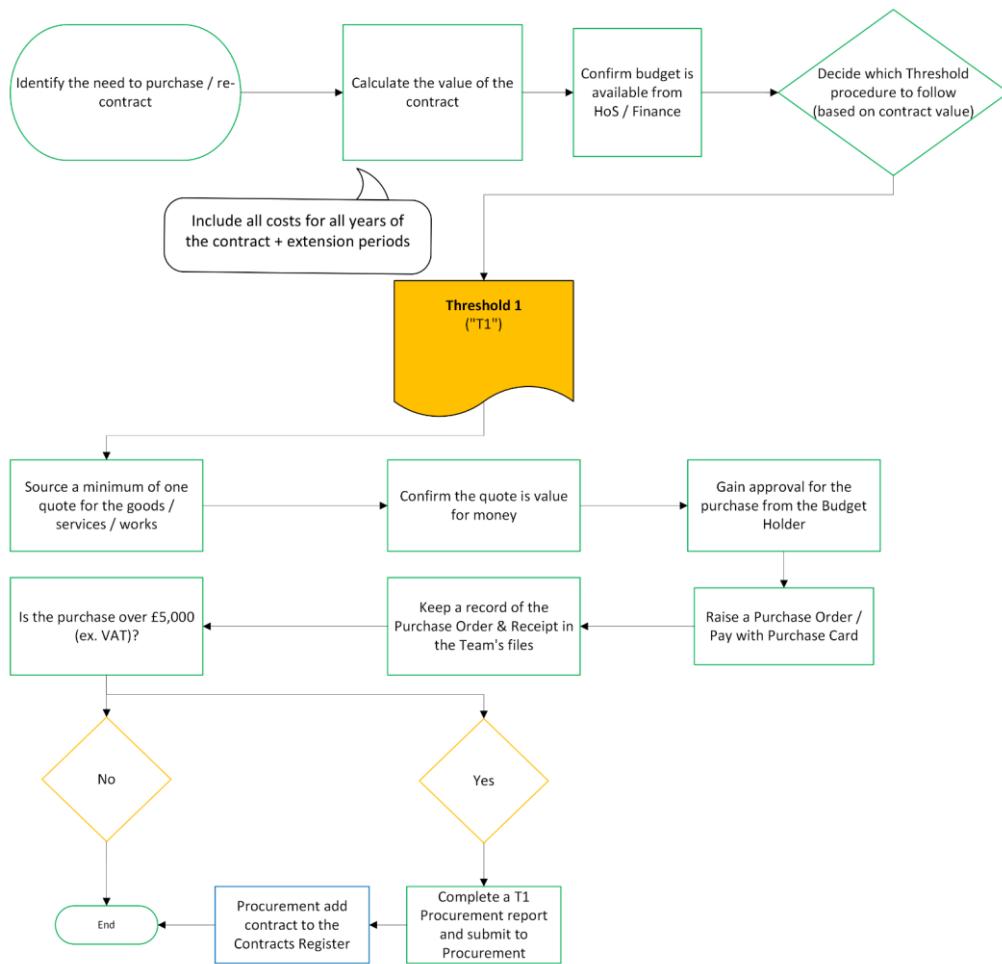
* Contracts Finder opportunity and award notice to be published via [the Council's eSourcing portal](#) [Central Digital Platform \(CDP\)](#). Only a Contracts Finder award notice is required to be published (within 30-days of contract award) via the [Contracts Finder website](#) [Central Digital Platform](#)

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Deleted: RFQ (closed) – Where the opportunity is only shared with a select number of suppliers
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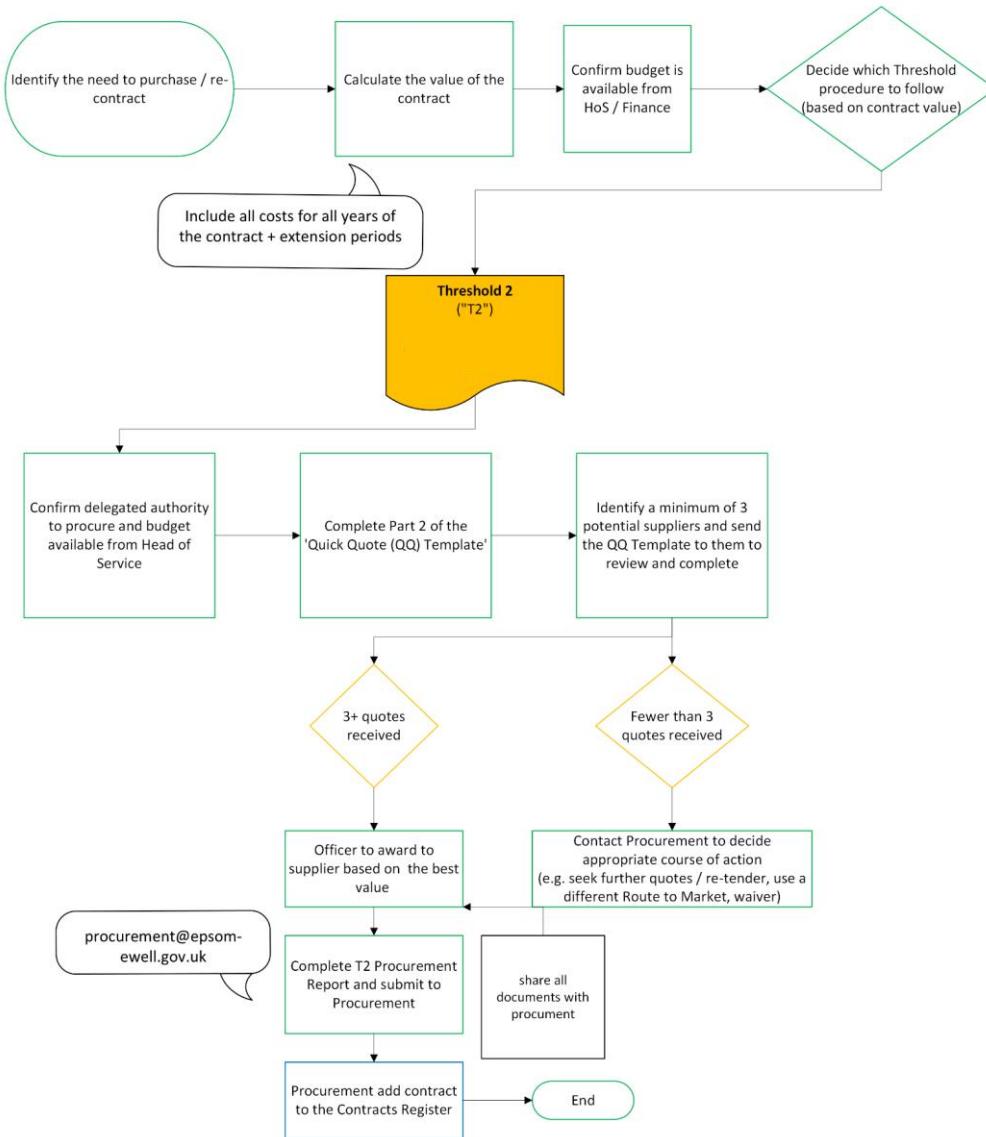
Annex 1 – Officers Process Guide

* Note: see Section 6 for Threshold values for Works contracts

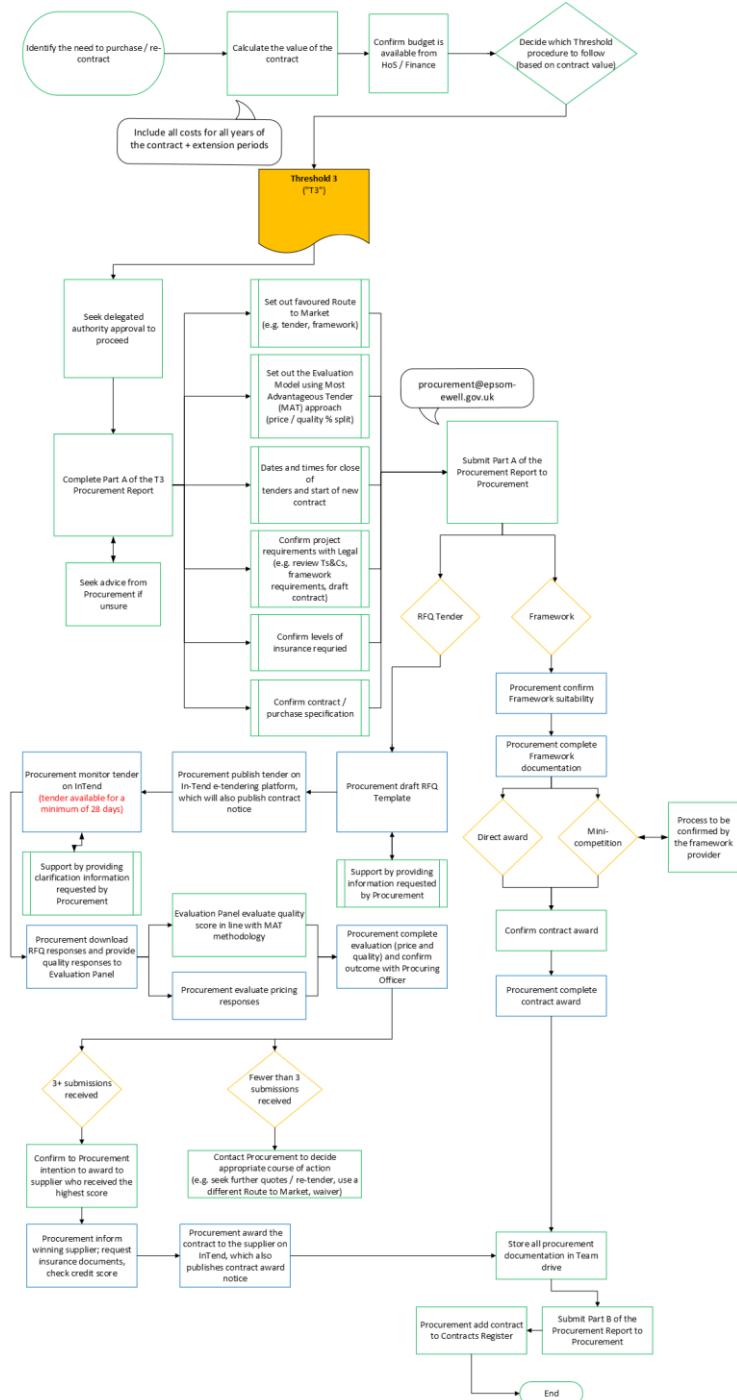
Threshold 1 Flowchart



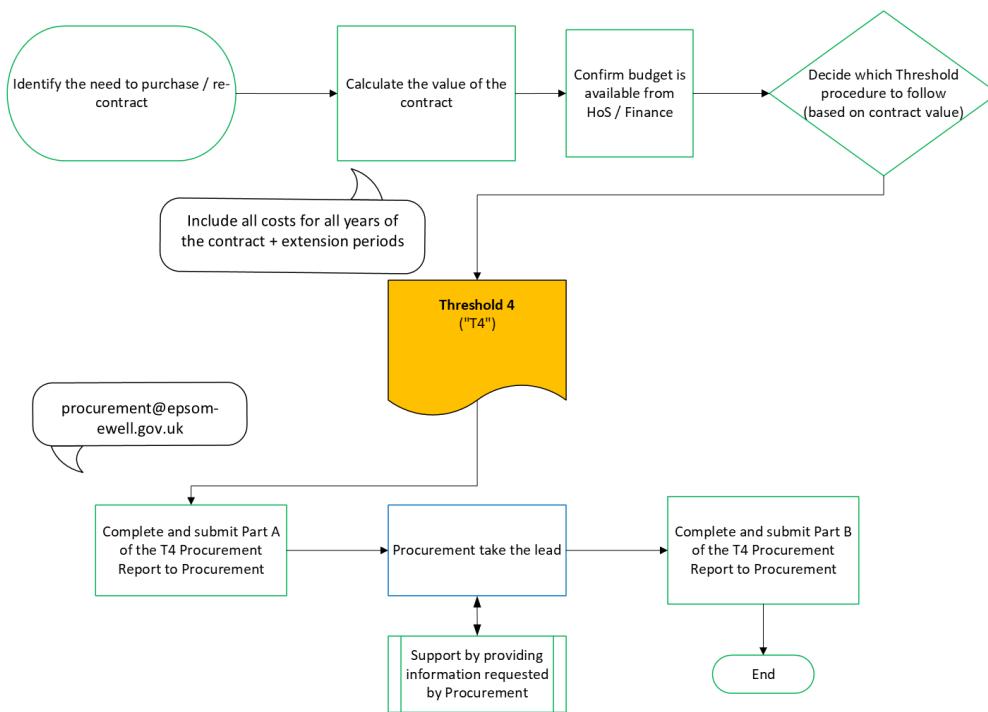
Threshold 2 Flowchart



Threshold 3 Flowchart



Threshold 4 Flowchart



Annex 2 – Statutory Thresholds

The financial Thresholds are inclusive of VAT and amended, usually, every 2 years. The most up to date Threshold figures can be found here: [Schedule 1 to the Procurement Act 2023](#)

Annex 3 – Procurement in the UK regulations:

1. [Procurement Act](#)
2. [National Procurement Policy Statement](#)
3. [Public Contracts Regulations 2015](#)
4. [The Utilities Contract Regulations 2016](#)
5. [The Concession Contracts Regulations 2016](#)
6. [The Public Services \(Social Value\) Act 2012](#)
7. [The Public Procurement \(Amendment etc.\) \(EU Exit\) Regulations 2020](#)
8. [Modern Slavery Act 2015](#)
9. [Social Value Act 2012](#)
10. [Local Government Transparency Code 2015](#)
11. [Freedom of Information Act 2000](#)
12. [IR35 Guidance](#)
13. [Local Government Act 1999 \(Section 3; Best Value Guidance\)](#)
14. [Local Government Act 1999 \(Revised Best Value Guidance\)](#)
15. [UK Government, Guidance: Below-Threshold Contracts](#)

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**Annex 4 – Notices Required Under the Procurement
Act 2023**

Type of notice	Relevant provisions	Purpose
Pipeline Notice	s93 PA 2023 Reg. 15 Procurement Regulations 2024 (PCR 2024)	Mandatory annual notice setting out planned procurement over £2 million (inc. VAT) for the next 18 months.
Preliminary Market Engagement Notice	s17 PA 2023 Reg. 17 PCR 2024	Mandatory if preliminary market engagement is undertaken.
Planned Procurement Notice	s15 PA 2023 Reg. 16 PCR 2024	An optional notice setting out the intention to undertake a tender exercise.
Tender Notice	s21, s87 PA 2023 Regs. 18 – 21 PCR 2024	Mandatory notice published inviting tenders for both Covered Procurement (s21) or an advertised contract over £30,000 (inc. VAT) (s87).
Dynamic Markets Notice	s39 PA 2023 Reg. 25 PCR 2024	Mandatory notice setting out the intention to set up a Dynamic Market.
Transparency Notice	s44 PA 2023 Reg. 26 PCR 2024	Mandatory notice setting out the intention to make a direct award.
Contract Award Notice	s50 PA 2023 Reg. 27 PCR 2024	Mandatory notice published on award of contract which commences the standstill period.
Contract Details Notice	s53, s87 PA 2023 Regs. 32 – 36 PCR 2024	Mandatory notice setting out the details when the contract is completed for the award of a Covered Procurement (s53) or a contract over £30,000 (inc. VAT) (s87).
Procurement Termination Notice	s55 PA 2023 Reg. 37 PCR 2024	Mandatory notice published when a decision is taken not to award a contract.

Contract Performance Notice	s52, s71 PA 2023 Reg. 39 PCR 2024	Mandatory notice every 12 months and on termination for contracts valued over £5 million (inc. VAT) to assess performance against KPIs.
Contract Change Notice	s75 PA 2023 Reg. 41 PCR 2024	Mandatory notice if a Covered Procurement is varied and there is an increase or decrease of the term by more than 10% or the value by more than 10% for goods and services or 15% for works.
Payments Compliance Notice	s69 PA 2023 Reg. 38 PCR 2024	Mandatory notice every 6 months setting out the Council's compliance with the 30 day payment term.
Contract Termination Notice	s80 PA 2023 Reg. 40 PCR 2024	Mandatory notice when a Covered Procurement contract is terminated.

COMMUNITY GOVERNANCE UPDATE

Head of Service:	Jackie King, Chief Executive
Report Author	Piero Ionta
Wards affected:	(All Wards);
Urgent Decision? (yes/no)	No
If yes, reason urgent decision required:	N/A
Appendices (attached):	None

Summary

This report outlines the progress made on the Council's 2025-2027 Strategic Priority 1.

Recommendation (s)

The Committee is asked to:

- (1) Note the update and progress made as set out in the report below.**

1 Reason for Recommendation

- 1.1 This report is the first opportunity to update this Committee as to the Community Governance Review (CGR) Strategic Priority that falls within its Terms of Reference.

2 Background

- 2.1 At its 6 May 2025 meeting, Full Council approved seven Strategic Priorities to be delivered in 2025-2027. The revised Priorities replaced the Council's Four-Year Plan and focused its strategic delivery in the context of Local Government Reorganisation (LGR) timescales.

- 2.2 This report covers the Strategic Priority 1, which stated:

Creation of new local government entities

On successful creation, transfer of assets (subject to financial viability) as part of Priority 4

- 2.3 It should be noted that the second limb of this strategic priority, in respect of the transfer of strategic assets, has not been progressed at this stage of the CGR process, as detailed within the recent report brought to full Council.
- 2.4 As a detailed report was brought to full Council on 9 December 2025, there is little to add save to ensure that this Committee is aware of the timeline adopted by Full Council and the next steps, as summarised below:
 - 2.4.1 Full Council at its meeting held on 9 December 2025, determined to proceed to the next stage of the CGR;
 - 2.4.2 A list of recommendations were adopted and are currently subject to a further public consultation that started on 16th December 2025 and ends on 1st February 2026
 - 2.4.3 An Extraordinary Full Council is now in the process of being scheduled to be held on 11th March 2026 to consider the outcome of the consultation and to determine if a Reorganisation Order will be made at that meeting.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 No direct implications.

3.2 Crime & Disorder

3.2.1 No direct implications.

3.3 Safeguarding

3.3.1 No direct implications.

3.4 Dependencies

3.4.1 None

3.5 Other

3.5.1 None

4 Financial Implications

4.1 **Section 151 Officer's comments:** None arising from the content of this report.

5 Legal Implications

5.1 **Legal Officer's comments:** None arising from the content of this report.

6 Policies, Plans & Partnerships

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

- At its meeting on the 6 May 2025, the Council agreed that the investigation into the creation of parish councils would be the Council's number one priority.

6.2 **Service Plans:** The matter is included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** No direct implications.

6.4 **Sustainability Policy & Community Safety Implications:** No direct implications.

6.5 **Partnerships:** No direct implications.

6.6 **Local Government Reorganisation Implications:** Members are reminded of a report brought to Full Council on 9 December 2025 with the title "Devolution and Local Government Reorganisation – Update" that sets out the recent decision by the Secretary of State to create an East and West Surrey unitary, with election held to their predecessor Shadow authorities on 7 May 2026.

7 Background papers

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

Previous reports:

- None

Other papers:

- None

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REVIEW OF CODE OF CONDUCT COMPLAINTS

Head of Service:	Jackie King, Chief Executive
Report Author	Piero Ionta
Wards affected:	(All Wards);
Urgent Decision? (yes/no)	No
If yes, reason urgent decision required:	N/A
Appendices (attached):	Appendix 1 - Procedures for dealing with complaints under the member code of conduct process

Summary

To provide an update on complaints made under the Code of Conduct for Members from 5 December 2023 to 17 December 2025.

Recommendation (s)

The Committee is asked to:

- (1) Note the update set out within paragraph 2.6

1 Reason for Recommendation

- 1.1 To demonstrate the promotion and maintenance of high standards of conduct by Councillors.

2 Background

- 2.1 Further to the work of the parliamentary Committee on Standards in Public Life (CPSL), a key recommendation within their 2019 report was that the Local Government Association (LGA) should develop a non-mandatory, model code of conduct.
- 2.2 Following consultation, the LGA published this Model Code. In June 2023, the LGA conducted a survey to gauge the impact of the Model Code on councils. The [survey](#) found that 82% of respondents had adopted the Model Code to at least some extent.

- 2.3 This Committee on 5 December 2023 considered the work of the Constitutional Working Group before recommending to Full Council that the Local Government Association Model Code of Conduct 2020 be adopted in its entirety. This is now [available](#) as Appendix 1 to the Council's Constitution.
- 2.4 This Committee is responsible for dealing with allegations that a member may have failed to observe the Council's Member Code of Conduct and has introduced procedures to ensure fairness and transparency whilst, at the same time, providing proportionate, cost effective and timely advice.
- 2.5 The procedure for dealing with complaints is published on the Council's website – a copy of which is attached at Appendix 1 to this report,
- 2.6 Since the last report was brought to this committee, eight formal councillor complaints were received, of which two remain live matters (a further two referrals - one from a member of the public and one from a Councillor - were received that were never formally submitted as complaints, so no further action was taken):
 - 2.6.1 A complaint was received from a Councillor who made a self-referral; an initial assessment took place in consultation with the Council's Independent Person, and it was held that no breach of para 2.3 of the Code has taken place and that the matter should be closed with no further action.
 - 2.6.2 Two complaints of a similar content were received from two members of the public against a Councillor; an initial assessment took place in consultation with the Council's Independent Person, and it was held that a breach of para 1 of the Code occurred. It was determined that due to the clear evidence in support of this finding that there was no merit nor need to investigate this any further and the complaint was resolved informally further to the Councillor offering their verbal apology to those identified within the Complaint.
 - 2.6.3 A complaint was received from Surrey Police against a Councillor; following an investigation, no evidence was provided that supported the asserted breach of the Code. The complaint was resolved informally.
 - 2.6.4 A complaint was received from an officer against a Councillor; following an investigation, it was upheld that a breach of the Code of Conduct occurred and a written apology was made by the Councillor with an agreement to settle the matter informally between the concerned parties.
 - 2.6.5 Two complaints were received from two officers against a Councillor; an initial assessment with the Council's Independent Person is currently ongoing.

2.6.6 A complaint was received from a member of the public against a Councillor, an initial assessment took place in consultation with the Council's Independent Person, and it was held that it would not be in the public interest to proceed with consideration of this complaint due to the length of time between those incidents complained of and when the complaint was received. The complaint was dismissed with no further action.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 None arising from the contents of this report.

3.2 Crime & Disorder

3.2.1 None arising from the contents of this report.

3.3 Safeguarding

3.3.1 None arising from the contents of this report.

3.4 Dependencies

3.4.1 None arising from the contents of this report.

3.5 Other

3.5.1 None

4 Financial Implications

4.1 **Section 151 Officer's comments:** None arising from the contents of this report.

5 Legal Implications

5.1 **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 arising from the contents of this report.

- 6.4 **Sustainability Policy & Community Safety Implications:** None arising from the contents of this report.
- 6.5 **Partnerships:** None.
- 6.6 **Local Government Reorganisation Implications:** None arising from the contents of this report.

7 **Background papers**

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

Previous reports:

- Standards and Constitution Committee, 22 February 2022
- Standards and Constitution Committee, 5 December 2023

Other papers:

- [Epsom & Ewell Borough Council Constitution Appendix 1 – Code of Conduct for Members](#)



Members Code of Conduct: How to make a Complaint

This leaflet tells you about the complaint process for making a complaint if you are unhappy about the way that a Councillor of this Authority has behaved.

If you have any questions or difficulties or are in need of any support in reading or understanding this leaflet, for example if English is not your first language or you have a disability, please contact or email the Council for assistance. The Council's contact information is contained at the end of this leaflet.

We can only investigate matters where you believe a Councillor has breached the Code of Conduct for Members. Your complaint must be in writing and cover all the points set out in the complaints form.

HOW TO MAKE A COMPLAINT

- You need to send your complaint in writing by completing a Members Code of Conduct Complaint Form and sending it to the address at the end of this leaflet.
- This leaflet helps you make sure you are sending us all the information we need. Please send any documents that support your complaint with your form.

YOUR CONTACT DETAILS

- Please provide your full name, address, contact telephone number and e-mail address.
- An officer from the Council may need to contact you personally to go through the details of your complaint.
- Your details and details of the complaint are unlikely to remain confidential as we need to share it with all parties involved in the process including the Councillor being complained about. The councillor being complained of is often referred to as the "Subject Member".

WHO YOU CAN COMPLAIN ABOUT

- We can only consider complaints that are about individual Councillors of Epsom & Ewell Borough Council
- The Monitoring Officer will determine whether the complaint needs to be investigated or whether another course of action is appropriate.

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WHAT YOU CAN COMPLAIN ABOUT

You can complain about a Councillor breaking any part of the Council's Code of Conduct for Members. A copy of the Code is available on the Council's website. A complaint can be made if you believe a Councillor has breached any part of the Code.

If your complaint does not address a Code of Conduct matter, we will not be able to deal with it.

WHAT WE CANNOT INVESTIGATE

There are some complaints we cannot investigate, including:

- Complaints where a Councillor is not named
- Complaints that are not in writing
- Incidents or actions that are not covered by the Code of Conduct
- Incidents that happened before a Councillor was elected

EVIDENCE

If you believe a Councillor has breached the Code of Conduct as described above, it would be useful to attach any evidence that you feel is relevant to your complaint. For example, details of any witnesses or details of any dates/times of any incidents etc. You should be as detailed as possible and substantiate your complaint where you can. Although you are not required to prove your complaint at this stage of proceedings, you do have to demonstrate that you have reasonable grounds for believing that the Member(s) complained about has breached the Code of Conduct.

If you are complaining about more than one member, you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

- You should be specific, wherever possible about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates, it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

CONFIDENTIAL COMPLAINTS

Before you send us your complaint, you should be aware that we are unlikely to be able to keep your identity confidential from the Councillor you have complained about, or others that are involved

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in the process of dealing with complaints. We believe in the interests of fairness and natural justice, Councillors complained of, have a right to know who has made a complaint and be provided with a summary of the complaint.

Requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The assessment of your request will be undertaken by the Council's Monitoring Officer who will carry out the initial assessment of your complaint.

The Monitoring Officer can only consider granting anonymity to the complainant where one of the following applies:

1. The complainant has reasonable grounds for believing that he or she will be at risk of harassment or physical harm if his or her identity is disclosed.
2. The complainant is an officer who has reasonable grounds for believing that he or she will be subject to intimidation, bullying or threats or physical harm.
3. The complainant suffers from a serious medical condition and there are medical risks associated with the disclosure of his or her identity. Medical evidence will be required in respect of this ground.

In each of the above cases the Monitoring Officer may only grant a request if it is considered that a fair investigation can still be carried out. If you believe your details should be withheld please specify the reasons for this on the Complaint Form.

If your request is not granted, your complaint will not be proceeded with unless you ask us to, on the Complaint Form. Please note the Section 3 on the complaint form. Your complaint will therefore be deemed as withdrawn.

WHAT HAPPENS TO YOUR COMPLAINT?

The responsibility of dealing with complaints for an alleged breach of the code of conduct rests with the Standards Hearings Sub-Committee.

Initial Assessment

When we receive your complaint, we will write to you to let you know that we have received it. The Monitoring Officer will make an initial assessment of your complaint. It is very important that you set your complaint out clearly and provide at the outset all the information you wish the Monitoring Officer to consider. It may be that the Monitoring Officer will decide that your complaint will not be investigated for one or more reasons. The Monitoring Officer may refer the matter on for investigation or take other action.

If the Monitoring Officer decides that your complaint should not be proceeded with, we will write to you explaining the reasons why. There is no right of appeal.

Investigation/ Determination Hearing

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If your complaint is referred by the Monitoring Officer for investigation, we will write to you and inform you of the timescales for completing the investigation, and details of any hearings (if appropriate). You will also have an opportunity to provide the investigator with any further information or documents that you consider relevant. We will of course write to you to tell you the outcome of the hearing.

Remember, a summary of the complaint and your details will be shared with the Subject Member and all parties involved in the case.

AT THE END OF AN INVESTIGATION

Following a hearing, a Standards Hearings Sub-Committee can make a range of findings about the Subject. As soon as reasonably practicable after the sub-committee has made its final decision, the Monitoring Officer will prepare a formal decision notice in consultation with the Chairman of the Hearings Sub-committee, and send a copy to the complainant and to the Member and will make that decision notice available for public inspection.

IF YOU HAVE ANY QUESTIONS YOU CAN CONTACT

We hope that the information in this leaflet has answered your questions about the complaint process. If you require any more information you can contact:

Confidential
The Monitoring Officer, Legal Services
Epsom & Ewell Borough Council
Town Hall The Parade Epsom KT18 5BY

Or by e-mail to monitoringofficer@epsom-ewell.gov.uk