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EPSOM & EWELL

TOWN HALL

EPSOM

11 July 2016

SIR OR MADAM

I hereby summon you to attend a meeting of the Council of the Borough of Epsom and Ewell which will be held at the Town Hall, The Parade, Epsom on **TUESDAY, 19TH JULY, 2016** at **7.30 pm**. The business to be transacted at the Meeting is set out on the Agenda overleaf.

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

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

Head of Legal and Democratic Services

COUNCIL

Tuesday 19 July 2016

7.30 pm

Council Chamber - Epsom Town Hall

For further information, please contact
Fiona Cotter, tel: 01372 732124 or email: fcotter@epsom-ewell.gov.uk

FIRE PRECAUTIONS

No fire drill is planned to take place during the meeting. If an alarm sounds, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate. Do not use the lifts.

On leaving the building, please make your way to the Fire Assembly point on Dullshot Green.

AGENDA

1. DECLARATIONS OF INTEREST

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

2. MINUTES (Pages 5 - 14)

To confirm the Minutes of the Annual Meeting of the Council held on 17 May 2016.

3. MAYORAL COMMUNICATIONS/BUSINESS

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

4. QUESTIONS FROM COUNCILLORS

To answer written questions from Councillors

Note: The deadline for questions is 5pm on Wednesday 13 July 2016 (17.00 hours on the third clear working day before the meeting).

5. RECOMMENDATIONS FROM COMMITTEES (Pages 15 - 34)

To receive, consider and, where appropriate, adopt the following recommendations from Committees:

Recommendation		From	<u>Background Papers</u>
1 A	Revision of Contract Standing Orders	Strategy and Resources Committee	Annexe 1

6. REPORTS FROM OFFICERS (Pages 35 - 38)

To receive, consider and, if considered appropriate, adopt the report of the Head of Legal and Democratic Services regarding appointments to the Independent Remuneration Panel.

7. ANNUAL REPORT OF THE AUDIT, CRIME AND DISORDER AND SCRUTINY COMMITTEE (Pages 39 - 42)

To receive the Annual Report of the Audit, Crime & Disorder Committee (attached)

8. MOTIONS TO COUNCIL (Pages 43 - 44)

In pursuance of the Council's Rules of Procedure, to consider Notices of Motions

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EPSOM AND EWELL

**Minutes of the Meeting of the COUNCIL of the BOROUGH of EPSOM and EWELL
held at the Town Hall, The Parade, Epsom on 17 May 2016**

PRESENT -

The Mayor (Councillor Chris Frost); The Deputy Mayor (Councillor George Crawford); Councillors Michael Arthur, Tony Axelrod, Richard Baker, Rekha Bansil, John Beckett, Steve Bridger, Alex Clarke, Lucie Dallen, Neil Dallen, Hannah Dalton, Graham Dudley, Robert Foote, Liz Frost, Rob Geleit, Eber Kington, Omer Kokou-Tchri, Jan Mason, Tina Mountain, Barry Nash, Peter O'Donovan, Martin Olney, Keith Partridge, David Reeve, Humphrey Reynolds, Guy Robbins, Clive Smitheram, Jean Steer, Alan Sursham, Mike Teasdale, Peter Webb, David Wood, Clive Woodbridge and Tella Wormington

Absent: Councillors Kate Chinn, Jane Race and Vince Romagnuolo

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

1 TO ELECT THE MAYOR

It was **PROPOSED** BY Councillor Clive Smitheram, **SECONDED** by Councillor David Reeve and

RESOLVED

That Councillor George Crawford be elected Mayor for the Municipal Year 2016/17

2 VOTE OF THANKS TO THE EX-MAYOR

It was **PROPOSED** by Councillor Neil Dallen and **SECONDED** by Councillor John Beckett that a vote of thanks be recorded to the Ex-Mayor, Councillor Chris Frost. Accordingly, it was

RESOLVED

That the Council place on record its high appreciation of the excellent and devoted service rendered by Councillor Christopher Frost during his term of office as Mayor

3 EX-MAYOR'S BADGE AND EX-MAYORESS'S BROOCH

The Chief Executive, on behalf of the Members of the Council, presented to Councillor Christopher Frost an Ex-Mayor's badge and to Councillor Liz Frost an Ex-Mayoress's brooch in acknowledgement of their service to the Borough. The gifts were acknowledged by Councillor Christopher Frost who spoke of his pleasure and privilege to have been Mayor of the Borough, thanking all who had helped him during his term of office.

(The retiring Mayor, Councillor Christopher Frost, thereupon vacated the Chair and the newly elected Mayor, Councillor George Crawford, took the chair)

4 DECLARATION OF ACCEPTANCE OF OFFICE

Councillor George Crawford made and subscribed the Declaration of Acceptance of Office and spoke in acknowledgement of his election.

5 TO ELECT THE DEPUTY MAYOR

It was **PROPOSED** by Councillor Clive Woodbridge, **SECONDED** by Councillor Rekha Bansil and

RESOLVED

That Councillor Liz Frost be elected Deputy Mayor for the Municipal Year 2016/17.

6 APPOINTMENT OF MAYOR'S CHAPLAIN

The Mayor announced that he had appointed the Revd Russell Dewhurst of St. Mary's, Ewell, to be his chaplain for the year of his occupancy of the office of Mayor.

7 THE CHIEF EXECUTIVE TO REPORT APOLOGIES FOR ABSENCE (IF ANY)

Apologies for absence were received from Councillors Kate Chinn, Jane Race and Vince Romagnuolo

8 DECLARATIONS OF INTEREST

No declarations of interest were made by members regarding business on the Agenda.

9 MINUTES

The Minutes of the Meeting of the Council held on 19 April were agreed as a true record and signed by the Mayor.

10 MAYORAL COMMUNICATIONS/BUSINESS

The Mayor announced that he would be fundraising for Macmillan Cancer Support during his year in office. He had chosen this charity as his great niece in Ireland had recently fought the disease and he also wanted to highlight the work done by his friends, the late Roy Richmond MBE (who was Chairman of Epsom Coaches) and his wife Nancy who worked tirelessly to better the lives of the people of Epsom and Ewell. It was with their valued support that the Macmillan Butterfly Centre in Epsom Hospital was built and they also funded some of the Macmillan Nurses at Epsom & St Helier University Hospitals, including a Colorectal Clinical Nurse Specialist and a Lung Cancer Clinical Nurse Specialist. A number of events would be held over the next twelve months to raise money for this cause.

11 CONSTITUTION OF COMMITTEES AND ADVISORY PANELS; ALLOCATION OF SEATS ON COMMITTEES AND ADVISORY PANELS; APPOINTMENTS TO COMMITTEES AND ADVISORY PANELS; APPOINTMENTS OF CHAIRMEN AND VICE CHAIRMEN

The Council considered a report which sought approval of the allocation of seats on Committees and Advisory Panels; the appointments to Committees and Advisory Panels and the appointment of Chairman and Vice Chairman for the 2016//17 Municipal Year.

RESOLVED

- (1) To approve the final recommended allocation of seats as set out in the report as follows:**

	Total Seats	RA	Con	Lab
Planning	13	11	1	1
Planning and Licensing Policy	10	8	1	1
Strategy and Resources	10	8	1	1
Environment	10	8	1	1
Community and Wellbeing	10	8	1	1
Standards	9	7	1	1
		50	6	6

Other Committees & Panels				
	Total Seats	RA	Con	Lab
Audit Crime & Disorder and Scrutiny Committee	10	8	1	1
Financial Policy Panel	8	6	1	1
Health Liaison Panel	7	6	1	0
Human Resources Panel	6	5	1	0
Licensing Hearings Panel	13	11	1	1
Nonsuch Park Joint Management Committee	3	2	1	0
Surrey First	1	1	0	0
Surrey Police and Crime Panel	1	1	0	0

(2) To allocate seats on the Committees and Advisory Panels in accordance with the wishes of the political groups set out in the Annexe to the report as follows:

Planning Committee (13): Humphrey Reynolds (**Chairman**); Mike Teasdale (**Vice Chairman**); Michael Arthur, John Beckett, Neil Dallen, Jan Mason, Tina Mountain, Peter O'Donovan, Martin Olney, David Reeve, Vince Romagnuolo, Clive Smitheram and David Wood

Community and Wellbeing Committee (10): Barry Nash (**Chairman**); Tony Axelrod (**Vice Chairman**); Rekha Bansil, Kate Chinn, Jane Race, Guy Robbins, Alan Sursham, Jean Steer, Peter Webb and Clive Woodbridge

Environment Committee (10): John Beckett (**Chairman**); Lucie Dallen (**Vice Chairman**); Richard Baker, Steve Bridger, Liz Frost, Rob Geleit Keith Partridge, Jane Race, Mike Teasdale, Tella Wormington

Licensing and Planning Policy Committee (10): Graham Dudley (**Chairman**); David Wood (**Vice Chairman**); Michael Arthur, Chris Frost, Rob Geleit, Tina Mountain, Martin Olney, David Reeve, Clive Smitheram and Jean Steer

Strategy and Resources Committee (10): Eber Kington (**Chairman**); Neil Dallen (**Vice Chairman**); Tony Axlerod, Richard Baker, Rekha Bansil, Kate Chinn, Omer KoKou-Tchri, Keith Partridge, Mike Teasdale and Clive Woodbridge

Audit, Crime & Disorder and Scrutiny Committee (10): David Reeve (**Chairman**); Clive Smitheram (**Vice Chairman**); Steve Bridger, Alex Clarke, Rob Geleit, Humphrey Reynolds, Peter O'Donovan, David Wood, Jan Mason and Tella Wormington

Standards Committee (9): Mike Teasdale (**Chairman**); Michael Arthur, John Beckett, Alex Clarke, Hannah Dalton, Guy Robbins, Eber Kington, David Reeve and Clive Smitheram

Financial Policy Panel (8): Eber Kington (**Chairman**); Richard Baker, John Beckett, Graham Dudley, Omer KoKou-Tchri, Barry Nash, Keith Patridge and Vince Romagnuolo

Health Liaison Panel (7): Liz Frost (**Chairman**); Richard Baker, Steve Bridger, Jane Race, Humphrey Reynolds, Jean Steer and Peter Webb

Human Resources Panel (6): Hannah Dalton (**Chairman**); Alex Clarke, Robert Foote, Guy Robbins, Jean Steer and Peter Webb

Licensing Hearings Panel (13): Tony Axelrod, John Beckett, Steve Bridger, Alex Clarke, Lucie Dallen, Neil Dallen, Peter O'Donovan, Rob Geleit, David Reeve, Humphrey Reynolds, Clive Smitheram, Jean Steer and Tella Wormington

Nonsuch Park Joint Management Committee (3): Alex Clarke, Graham Dudley and Mike Teasdale

Surrey First Joint Committee (1): Neil Dallen

Surrey Police and Crime Panel (1): David Reeve

12 REPRESENTATION ON EXTERNAL BODIES; NOMINATION TO EXTERNAL BODY AS REPRESENTATIVE OF THE SURREY LEADERS' GROUP

The Council was asked to consider appointments to representation on external bodies and a nomination to an external body as a representative of the Surrey Leaders' Group.

The Council was reminded that no substitutes were permitted for District/Borough Council co-opted members of Local Committees unless a Local Committee agreed otherwise at its first meeting following the Annual Council meeting (and in relation to all Local Committee meetings to be held until May 2017) that substitutes could be appointed.

The Council was further reminded that the Borough Council was currently requested annually to make nominations to a variety of external bodies as Surrey Leaders' Group (SLG) representatives. Nominations, which were made by all constituent authorities, were subsequently determined by SLG at its annual meeting. It did not necessarily follow, therefore, that a nominee of this Council would be appointed to the body concerned.

Appointments were usually for three years. There was only one position to be filled this year which was one of the three joint positions on the Surrey County Council Wellbeing and Health Scrutiny Board.

The Surrey County Council Wellbeing and Health Scrutiny Board (formerly known as the Surrey County Council Health Scrutiny Select Committee) performed a statutory function, looking at the work of the Clinical Commissioning Groups (CCGs) and National Health Service (NHS) provider trusts. It acted as a "critical" friend by suggesting ways in which health related services might be

improved. It also looked at the way the health service interacted with social care services, the voluntary sector, independent providers and other council services to jointly provide better health services to meet the diverse needs of Surrey residents and improve their wellbeing.

The deadline for receipt of the nomination was Friday 27 May 2016 and it was therefore proposed that, should more than one candidate be put forward, authority be delegated to the Democratic Services Manager, in consultation with the Chairman of the Strategy and Resources Committee, to nominate a councillor to the vacancy to be advised by the Surrey Leaders' Group.

Should any nominations be forthcoming, the successful nominee would also need to complete the appropriate nomination form and return it to the Democratic Services Manager by Friday 20 May 2016 at the latest.

There being more nominations than the number of positions to be filled on the Epsom and Ewell Local Committee, a ballot took place and the appointments made by an absolute majority of those present. Accordingly, it was

RESOLVED

(3) That the persons referred to below be appointed as representatives of the Council upon the respective bodies against which their names appear, such persons to hold office until the Annual Meeting of the Council in May 2017 unless stated otherwise:

(-) indicates Responsible Policy Committee to which the External Body is linked, e.g. E - Environment, CW - Community & Wellbeing, SR -Strategy and Resources

No.	Body on which Represented	(-)	No of Reps	Representative(s) Appointed
1.	Age Concern (Epsom and Ewell) – General Committee	CW	2	Councillor Guy Robbins Councillor Jean Steer
2.	Allotments Forum		2	This Group no longer exists
3.	Carers of Epsom Support Services – Management Committee	CW	1	Councillor Guy Robbins

No.	Body on which Represented	(-)	No of Reprs	Representative(s) Appointed
4.	Committee of Management of Local Citizens Advice Bureau	CW	2	Councillor Rob Geleit Councillor Liz Frost
5.	<p>Epsom & Ewell Local Committee</p> <p>NOTE: Appointment of Borough members who are nominated as substitutes on Surrey County Council's Local Committee will be subject to a decision by the Local Committee in June as to whether it wishes to have substitute members.</p> <p>NOTE: Returning co-opted Members will have 28 days to confirm that their register of pecuniary interests previously submitted to County Council remains current. Newly appointed members will have 28 days to complete a registration form (to be provided later in May)</p>	S & R	5 + 5 subs	<p>Councillor Kate Chinn</p> <p>Councillor Liz Frost</p> <p>Councillor Clive Smitheram</p> <p>Councillor Mike Teasdale</p> <p>Councillor Tella Wormington</p> <p>Subs:</p> <p>Councillor Michael Arthur</p> <p>Councillor Tony Axelrod</p> <p>Councillor Rekha Bansil</p> <p>Councillor Steve Bridger</p> <p>Councillor Vince Romagnuolo</p>
6.	Epsom and Ewell Town Twinning Association – Management Committee	S & R	2	Councillor Keith Partridge Councillor Clive Woodbridge
7.	Epsom Common Association	CW	1	Councillor Steve Bridger

No.	Body on which Represented	(-)	No of Reps	Representative(s) Appointed
8.	Epsom and Walton Downs Conservators	CW	6	<p>(4 year appointment to 2019)</p> <p>Councillor Rekha Bansil</p> <p>Councillor Lucie Dallen</p> <p>Councillor Liz Frost</p> <p>Councillor Robert Foote</p> <p>Councillor Jan Mason</p> <p>Councillor Clive Woodbridge</p>
9.	Epsom and Walton Downs Consultative Committee	CW	2	<p>Chairman of Epsom and Walton Downs Conservators</p> <p>Councillor Jean Steer</p>
10.	Epsom and Walton Downs Training Grounds Management Board	CW	3	<p>Chairman of Epsom and Walton Downs Conservators</p> <p>and</p> <p>Councillor Jean Steer</p> <p>Councillor Rob Foote</p>
11.	Equalities Forum	S & R	1	Chairman of Human Resources Panel
12.	Ewell Court House Strategic Management Forum	CW	3	This Group has been disbanded following completion of the reinstatement works

No.	Body on which Represented	(-)	No of Reps	Representative(s) Appointed
13.	Ewell Parochial Trusts	CW	3	Councillor Michael Arthur Councillor Humphrey Reynolds Councillor Clive Woodbridge
14.	Friends of Epsom and Ewell Parks	CW	1	Chairman of Community & Wellbeing Committee
15.	Hospital Cluster Group (Group has previously included representatives from Ruxley, West Ewell, Court and Stamford Wards)	S & R	5	This Group has completed its remit and been disbanded
16.	Local Government Association	S & R	1	Councillor Neil Dallen
17.	Relate Mid- Surrey	CW	1	Councillor Rekha Bansil
18.	Reserve Forces and Cadets Association for Greater London	-	1	RA vacancy TBC
19.	South East Employers	S & R	1	Chairman of Human Resources Panel
20.	South East England Councils (SEEC)	S & R	1	Councillor Clive Woodbridge

No.	Body on which Represented	(-)	No of Reps	Representative(s) Appointed
21.	Surrey Climate Change Partnership (Appointment invited by Surrey Leaders' Group)	E	1	Chairman of Environment Committee
22.	Surrey Countryside Management Board	CW	1	Councillor Jan Mason
23.	Surrey Leaders' Group	S & R	1	Councillor Neil Dallen
24.	Surrey Waste Partnership (Appointment invited by Surrey Leaders' Group)	E	1	Chairman of Environment Committee
25.	Voluntary Action Mid-Surrey	CW	1	Councillor Peter Webb

- (4) to note that the appointment of Borough members who are nominated as substitutes on Surrey County Council's Local Committee will be subject to a decision by the Local Committee in June as to whether it wished to have substitute members;
- (5) to delegate to the Democratic Services Manager, in consultation with the Chairman of the Strategy and Resources Committee, the nomination of a councillor to the vacancy advised by the Surrey Leaders' Group should more than one candidate be put forward in relation to the particular vacancy.

The meeting began at 7.00 pm and ended at 8.35 pm

Councillor George Crawford
MAYOR

21 June 2016

**Recommendations of the STRATEGY AND RESOURCES COMMITTEE
To the Council of the Borough of Epsom and Ewell**

PRESENT-

Councillor Eber Kington (Chairman); Councillor Neil Dallen (Vice Chairman);
Councillors Richard Baker, Omer Kokou-Tchri, Keith Partridge and Clive Woodbridge

Absent: Councillors Tony Axelrod, Rekha Bansil, Kate Chinn and Mike Teasdale

- 1** The Committee received and considered a report which outlined proposals to change Contract Standing Orders (the rules for letting contracts) to reflect the Public Contract Regulations 2015.

In response to a concern regarding the threshold at which contracts were awarded by the relevant Committee, it was noted that there were very few contracts awarded between the thresholds of £500,000 and £750,000. Therefore in practice, the vast majority high value contracts were awarded by the relevant Committee.

Accordingly, the Committee approved the new Contract Standing Orders and recommended to the Council that the Constitution be updated accordingly.

It was agreed to recommend

- A** That Council agree to update the Constitution accordingly

EBER KINGTON
Chairman

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**Section F - CONTRACT STANDING ORDERS
2016**

June

1. SCOPE AND APPLICABILITY

Introduction

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

Value of Contracts

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

2. STATUTORY REQUIREMENTS

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

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

3. CONTRACT TERMS

3.1 All contracts entered into by the Council shall be in writing utilising the e-procurement system with the exception of the disposal of Council assets, land and property referred to in CSO 9.

3.2 Before commencing any tender process or other procurement exercise officers must consider the need to consult with a Procurement Practitioner, their Head of Service and/or the Head of Legal & Democratic Services as necessary who will advise on the conditions of the contract required and the appropriate methods and procedures to be used. The Head of Legal & Democratic Services shall be consulted on any bespoke conditions of contract which might be required. Officers must have regard to all necessary legal, financial, procurement, insurance and other professional advice.

3.3 All contracts shall be made on the conditions of contract approved by the Head of Legal & Democratic Services.

3.4 All contracts shall:

- (i) contain a specification of requirements and the outcomes to be achieved;
- (ii) state the price to be paid with a statement of discounts or other deductions;
- (iii) state the time or times within which the contract is to be performed;
- (iv) require contractors to comply with all relevant policies of the Council;
- (v) require a contractor to comply with the provisions of the Human Rights Act 1998 as if it were a public body within the meaning of that act;
- (vi) require the contractor to indemnify and keep indemnified the Council against all actions, claims, demands, proceedings, damages, losses, costs, charges and expenses whatsoever in respect of any breach of CSO 3.4(v);
- (vii) require the Council to pay all undisputed invoices within 30 days (subject to any contractual or statutory obligation to pay earlier);
- (viii) require the Council to consider and verify all invoices submitted by a contractor in a timely fashion; and
- (ix) require any sub-contract awarded by the contractor to include the provisions of CSOs 3.4(vii) and (viii) and that such terms are passed down the supply chain.

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

4. QUALITY ASSURANCE

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

5. PROCUREMENT PROCESS

- 5.1 All contracts shall be awarded following the procedures set out in these CSOs or by such other public body's CSOs as provided for in CSO 7.1(ii).
- 5.2 All supplies, services and works will be procured in accordance with the requirements and value thresholds set out in CSO 5.14 unless the procurement falls within an exempt category or a waiver is obtained.
- 5.3 Where an external person or organisation is required to supervise a contract or procurement on the Council's behalf, the relevant Head of Service shall ensure that the external person or organisation complies with the requirements of these CSOs as though that external person or organisation were a Council officer.
- 5.4 Every tender issued shall include such documents as the Procurement Practitioners and Head of Finance may require. Where procurements are above the EU threshold all procurement documents, including the contract, must be available at the time the contract opportunity is advertised via the Council's e-procurement system. Procurements above £25,000 must be advertised on Contracts Finder within 24 hours of the initial advertisement having been placed via the Council's e-procurement system.
- 5.5 Every tenderer shall be required to accept the specification of requirements and terms and conditions of contract including a certificate of non-collusion (except where Quick Quotes (QQ) is used) and confirm as a minimum that they have answered in good faith the questions in the tender documentation correctly, accurately, in good faith and there is no conflict of interest.
- 5.6 Officers must take such steps as may be required to confirm the identity and bona fides of any prospective contractor and in relation to the transaction generally. This may require compliance with the client identification procedures required by the Money Laundering Regulations 2007 or the Land Registry (where applicable). Any suspicions in relation to money laundering must be reported immediately to the Council's Money Laundering Reporting Officer.
- 5.7 All invitations to tender, with the exception of Quick Quotes, must include the criteria and sub-criteria upon which tenders will be evaluated together with the respective weighting to be applied to each.

Framework Agreements

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

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

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

Competition Requirements

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

TABLE 1 SERVICES, SUPPLIES AND WORKS (INCLUDING CONSULTANTS) (EXCLUDING SERVICES SET OUT WITHIN SCHEDULE 3 OF THE PCR 2015)					
Estimated value	Advertising requirement	Minimum number of organisations to be invited to tender	Tender procedure	Evaluation	Authorisation required for contract award
Under £5,000	E-Procurement system	One (but preferably three)	QQ	Officer with delegated authority	Officer with delegated authority
£5,000 - £24,999	E-Procurement system	At least three	QQ or Request for Quotation (RFQ) if quality weighting is required for evaluation	At least two officers, one of whom not previously involved in the procurement	Head of Service
£25,000 - £74,999	E-Procurement system, Contracts Finder, trade journal where appropriate	Five	RFQ	At least two officers one of whom must be a representative from the Finance department	Head of Service in conjunction with a representative from Finance
£75,000 – below EU threshold	E-Procurement system, Contracts Finder, trade journal where appropriate	N/A – open procedure to be used	RFQ	At least three officers including one representative from Finance and one from Legal	Head of Service in conjunction with the Director of Finances & Resources
EU threshold - £750,000	OJEU, E-Procurement system, Contracts Finder, trade journal where appropriate	Five	EU compliant – open, restricted, others	At least three officers including one representative from Finance and one from Legal	The Director of Finances & Resources in conjunction with the relevant committee chairman
Over £750,000	OJEU, E-Procurement system, Contracts Finder, trade journal where appropriate	Five	EU compliant – open, restricted, others	At least three officers including one representative from Finance and one from Legal	The relevant committee

5.14 Competition - Threshold Requirements

TABLE 2 HEALTH, SOCIAL, EDUCATION, RECREATIONAL, CULTURAL, SPORTING, LEGAL SERVICES AND CERTAIN OTHER SERVICE CONTRACTS WITHIN SCHEDULE 3 OF THE PCR 2015					
Estimated value	Advertising requirement	Minimum number of organisations to be invited to tender	Tender procedure	Evaluation	Authorisation required for contract award
Under £5,000	E-Procurement system	One (but preferably three)	QQ	Officer with delegated authority	Officer with delegated authority
£5,000 - £24,999	E-Procurement system	At least three	QQ or Request for Quotation (RFQ) if quality weighting required for evaluation	At least two officers, one of whom not previously involved in the procurement	Head of Service
£25,000 - £74,999	E-Procurement system, Contracts Finder, trade journal where appropriate	Five	RFQ	At least two officers one of whom must be a representative from the Finance department	Head of Service in conjunction with a representative from Finance
£75,000 – below EU threshold	E-Procurement system, Contracts Finder, trade journal where appropriate	N/A – open procedure to be used	RFQ	At least three officers including one representative from Finance and one from Legal	Head of Service in conjunction with the Director of Finances & Resources
EU threshold - £750,000	OJEU, E-Procurement system, Contracts Finder, trade journal where appropriate	Five	EU compliant – open, restricted, others	At least three officers including one representative from Finance and one from Legal	The Director of Finances & Resources in conjunction with the relevant committee chairman
Over £750,000	OJEU, E-Procurement system, Contracts Finder, trade journal where appropriate	Five	EU compliant – open, restricted, others	At least three officers including one representative from Finance and one from Legal	The relevant committee

Tender Procedures

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

Permission to Tender

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

Tendering – Selection of Tenderers

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

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

Tenderers sought from Framework Agreements

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

Council Framework Agreements

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

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

Submission of Tenders – Electronic Submission

- 5.34 All tenders for the procurement of supplies, services and works will be submitted securely through the Council's e-procurement system. For the avoidance of doubt, the term "tenders" includes Quick Quotes (QQ) and Request for Quotation (RFQ).
- 5.35 For low value procurements (under £5,000), officers may obtain tenders without using the QQ system where it is expedient to do so. Prior authorisation must be obtained from the Head of Finance to obtain low value tenders without using the QQ system.

Submission of Tenders – Paper Submission

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

Tender Opening – Electronic and Paper Tenders

- 5.37 Tenders, QQs and RFQs will be opened through the e-procurement system within an hour of the time specified in the invitation to tender documentation.
- 5.38 No tender, QQ or RFQ received after the time and date specified in the invitation to tender documentation will be considered.
- 5.39 For tenders with a threshold of over £750,000 opening will be carried out by a representative nominated by the Head of Finance.
- 5.40 No person shall disclose the value, number or any other detail of the tenders received to any tenderer or anyone not involved in the tender evaluation procedure.

Tender Evaluation

- 5.41 For low value procurement (under £5,000) the awarding officer shall evaluate the tenders received.
- 5.42 For procurement valued between £5,000 and £25,000 tenders shall be evaluated by at least two officers one of whom must not have been directly involved in the procurement previously.
- 5.43 For procurement valued between £25,000 and £75,000 tenders shall be evaluated by at least two officers, one of whom must be a representative from the Finance department.

- 5.44 For procurement valued above £75,000, tenders shall be evaluated by at least three officers including a representative from the Finance department and a representative from the Legal department.
- 5.45 In all cases tender evaluation shall be carried out in an equitable, fair, non-discriminatory and transparent manner in accordance with the award criteria set out in the tender documentation and the procedures contained in the Procurement Toolkit.
- 5.46 Where a tender contains errors or discrepancies affecting the tender sum or rates the relevant Head of Service may, during the tender evaluation providing no information is given to the tenderer regarding the effect of such action, give the tenderer the option to:
- (i) correct the prices or rate concerned;
 - (ii) continue without correcting the prices or rates; or
 - (iii) withdraw the tender.
- 5.47 If a tender is received with an abnormally low price in proportion to the contract requirement the Council officer leading the procurement shall require the tenderer to explain the costs proposed in the tender.
- 5.48 If, after consulting the tenderer, the officer is not satisfied that the evidence or explanation provided can satisfactorily account for the low level of price or costs proposed, the officer must discuss what action should be taken with the Head of Finance.
- 5.49 Where QQ is used, the tenderer providing the cheapest quote will be awarded the contract and no qualitative assessment will be undertaken.
- 5.50 RFQ and EU procurement will be assessed using the most economically advantageous tender (MEAT) approach. MEAT uses both quality and price to evaluate tenders.
- 5.51 Where MEAT is to be used and prior to the tender being issued, the officer leading the procurement will, in conjunction with the Procurement Practitioner or Head of Finance, agree the criteria and weighting against which tenders will be assessed.

Criteria may include:

- (i) price;
- (ii) technical merit;
- (iii) aesthetic and functional characteristics;
- (iv) environmental characteristics;
- (v) running costs;
- (vi) cost effectiveness;
- (vii) after sales service;
- (viii) technical assistance;
- (ix) delivery date, delivery period and period of completion;
- (x) agility and ability to respond to contingencies;

- (xi) customer care;
- (xii) performance standards, quality monitoring and complaints;
- (xiii) accessibility; and
- (xiv) organisation, qualification and experience of staff.

5.52 This list is not exhaustive. Further details concerning MEAT can be found in the Procurement Toolkit.

Post Tender Negotiations

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

Acceptance of Tenders

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

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

Contract Notification and Standstill Period

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

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

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

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

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

5.59 If the decision to award is challenged by an unsuccessful tenderer the contract will not be awarded and the matter shall be referred to the Head of Legal & Democratic Services for advice.

- 5.60 The advice of the Head of Legal & Democratic Services must be sought in any situation where a face to face debrief is being considered.

Commencement of Work

- 5.61 No supply of works, supplies or services is to commence until a sufficiently binding contractual arrangement is in place between the Council and the contractor to the satisfaction of the Head of Legal & Democratic Services.

6 CONTRACT MANAGEMENT

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

Variations to Contracts

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

Contract Storage and Audit

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

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

7 EXEMPTIONS FROM TENDERING

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

- (i) call offs from framework agreements which have been tendered;
- (ii) the Council is acting as an agent for another organisation and is acting in accordance with that organisation's CSOs;
- (iii) employment contracts;
- (iv) disposal or acquisition of land (see CSO 9); and
- (v) legal advice and expert witnesses.

8 WAIVER

8.1 The requirement for the Council to conduct a competitive procurement process for contracts in excess of £5,000 but below the EU threshold may be waived in exceptional circumstances by a Director or Chief Executive.

8.2 All waivers from CSO are to be:

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

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

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

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

8.5 The relevant Head of Service will inform the relevant committee when a waiver has been granted and an annual report setting out the waivers granted will be presented to the Audit, Crime & Disorder and Scrutiny Committee.

9 DISPOSAL OF LAND AND OTHER ASSETS

Disposal of Land and Property

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

Disposal of Other Council Assets

- 9.2 Assets may be declared as being surplus to requirements by a Head of Service who shall assess the value of the assets using such expert assistance as they consider necessary and to dispose of the asset in accordance with this CSO.
- 9.3 The value of an asset shall be the estimated price for which the asset might reasonably be expected to be sold to a willing purchaser in the open market. Similar assets declared surplus to requirements at or about the same time shall be aggregated in value.
- 9.4 Assets having no realisable value or where the costs of disposal is likely to likely to exceed the price received may be disposed of as waste provided that the assets shall be recycled wherever reasonably practical and financially viable.
- 9.5 Assets with a value of £5,000 or less may be sold for the best price possible. Such assets may be advertised on internet based marketplaces (such as EBay). Where such sites are used, the Head of Finance will nominate a single council officer to be responsible for the disposal of assets using this method.
- 9.6 In the case of assets valued above £5,000, disposal shall be carried out by inviting bids for the assets through the open procedure or auction.
- 9.7 Council officers or members are not permitted to purchase any Council assets.
- 9.8 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 on in the case of IT equipment, the Head of ICT, must ensure that the personal information or confidential material is destroyed and documentation confirming this must be obtained from the contractor and retained by the Council.
- 9.9 Where items have to be written off and disposed of the write off must be approved in accordance with the following limits:
- (i) for items valued up to £5,000 Head of Service in consultation with the Director of Finance & Resources;
 - (ii) for items valued between £5,000 and £20,000, Director of Finance & Resources in consultation with the relevant committee chairman; and
 - (iii) for items valued over £10,000 the relevant committee.

10 OTHER PROVISIONS

Work for Third Parties

- 10.1 The Head of Legal & Democratic Services must approve the contractual arrangements for any work carried out by the Council for third parties or external bodies.

Partnerships

- 10.2 Partnerships with other local, public, private, voluntary and community sector organisations will be entered into subject to the approval of the relevant committee who shall agree:
- (i) the terms of reference; and
 - (ii) where appropriate, a scheme of delegation to officers to operate within the partnership.
- 10.3 Unless specifically agreed by the relevant committee, partnership arrangements shall only be entered into in accordance with the provisions of these CSOs.
- 10.4 The heads of terms for all partnership arrangements shall be approved by the relevant committee and full terms and conditions by the relevant committee and the Head of Legal & Democratic Services.
- 10.5 The Head of Legal & Democratic 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.

Council Members and Contracts

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

ANNEX A

EU THRESHOLD LEVELS

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

The current thresholds set out below are valid from 1st January 2016 to 31st December 2017.

		Supplies	Services	Works
A	Local authorities	£164,176	£164,176	£4,104,394
		€209,000	€209,000	€5,225,000
B	Social and other specific services (sch 3 PCR 2015)	N/A	£589,148 €750,000	N/A

Note: The threshold for social and other specific services in row B of the table above is a higher threshold as the European Commission decided that these services are not likely to attract cross-border interest and this gives local authorities flexibility in procuring these services. Whilst in the past services were divided into Part A and Part B services this distinction no longer exists and instead there are services which are subject to the full extent of the regulations and other services which are subject to the light touch regime.

The new threshold in row B for social and other specific services applies to procurements of the following services:

Health, social and related services;
 Administrative social, educational, healthcare and cultural services;
 Compulsory social security services;
 Benefit services;
 Other community, social and personal services including services furnished by trade unions, political organisations, youth associations and other membership services;
 Religious services;
 Hotel and restaurant services;
 Some legal services;
 Other administrative services and government services;
 Provision of services to the community;
 Some prison related services, public security and rescue services;
 Investigation and security services;
 International services; and
 Postal services.

Where the officer is seeking to procure any of the above services you should contact a Procurement Practitioner in order to check if the service falls within one of these areas and is therefore subject to the higher threshold set out in row B.

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APPOINTMENT OF INDEPENDENT REMUNERATION PANEL

<u>Report of the:</u>	Head of Legal and Democratic Services
<u>Contact:</u>	Simon Young
<u>Annexes/Appendices</u> (attached):	None
<u>Other available papers</u> (not attached):	Local Authorities (Members' Allowances) (England) Regulations 2003

REPORT SUMMARY

Under the Local Authorities (Members' Allowances) (England) Regulations 2003 ("the Regulations"), the Council is required to establish and maintain an Independent Remuneration Panel to make recommendations to it about the allowances to be paid to Members.

RECOMMENDATION (S)

That the Head of Legal and Democratic Services, in consultation with Group Leaders, be authorised to confirm appointments to the Independent Remuneration Panel.

Notes

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 There are no direct implications: the establishment of the Panel is a statutory requirement if the Council wishes to pay its Members any allowances.

2 Background

- 2.1 The previous Panel was appointed by the Council in February 2011 following an open recruitment process. The Panel originally reported to the Council on 14 April 2011 and undertook a limited interim review of the Special Responsibility Allowances payable to members in the summer of 2014, reporting to Council in the December of that year.
- 2.2 Regrettably, the term of office of the previous Panel members has expired and therefore a new Panel needs to be appointed. Whilst some members have indicated that they are still willing to help, we do need to appoint some new members.

- 2.3 We advertised the role on our website and by word of mouth. Whilst we did receive some applications, we did not have sufficient interest from individuals without any local political connections to make up a panel.

3 Proposals

- 3.1 We have recently contacted colleagues at Elmbridge Borough Council, and have established that, in principle, several current members of their Independent Remuneration Panel are prepared to assist us. We would therefore propose that they be appointed. Before doing so, we would intend to consult group leaders on each individual, in an effort to ensure that members are content with the appointments.

4 Financial and Manpower Implications

- 4.1 The members of the Independent Remuneration Panel are not themselves paid an allowance, but will be paid a contribution to any out of pocket expenses they occur in discharging their duties. These will be met from existing budgets. There are no other direct financial implications arising from this report. The setting of allowances will be a matter for the Council, which will do so having regard to the views of the Panel, as well as to the budgetary implications of any changes.

5 Legal Implications (including implications for matters relating to equality)

- 5.1 It is important that the Council appoints an Independent Remuneration Panel, and has regard to the views of the Panel before any decisions are made in respect of changes to the scheme of allowances for members.

6 Sustainability Policy and Community Safety Implications

- 6.1 There are no implications arising from this report.

7 Partnerships

- 7.1 The opportunity to appoint persons who are also appointed in the same capacity by another authority could help better inform the decisions of both authorities, as the panel members will be able to bring the perspective they have gained advising another authority.

8 Risk Assessment

- 8.1 It is not considered that there are significant risks in proceeding as planned. The risks of not doing so would appear to be greater, as the Council will need to undertake a further exercise in order to find suitable persons. In the meantime, we will not be able to make changes to the scheme of members allowances, which are required in order to reflect changes roles and responsibilities and changes to the support provided to members (such as in relation to ICT equipment and services).

9 Conclusion and Recommendations

- 9.1 In conclusion it is considered that the balance lies in favour of seeking to appoint some or all of the independent remuneration panel members who currently advise Elmbridge Borough Council, together with such other persons as we think fit. Before confirming any appointment, it is considered appropriate that Group Leaders be consulted, as this is a matter which affects all members.

WARD(S) AFFECTED: N/A

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Annual Report of the Audit, Crime & Disorder and Scrutiny Committee 2015/16

1. Introduction

- 1.1 This Annual Report provides Council with an overview of the work of the Audit, Crime & Disorder and Scrutiny Committee during 2015/16.
- 1.2 In 2015/16 the work of the Committee has been taken forward by its ten members, Councillors Clive Smitheram (Chairman), David Reeve (Vice Chairman), Steve Bridger, Kate Chinn, Alex Clarke, George Crawford, Robert Foote, Peter O'Donovan, Humphrey Reynolds and David Wood. Attendance at the four formal meetings of the committee and a Special meeting of the Committee held on 6 October 2015 is shown in the table below.

Member	Actual Attendance at Meetings	Nominated Substitute
Councillor Clive Smitheram	5	
Councillor David Reeve	5	
Councillor Steve Bridger	4	
Councillor Kate Chinn	4	
Councillor Alex Clarke	3	1
Councillor George Crawford	1	2
Councillor Robert Foote	4	
Councillor Peter O'Donovan	4	1
Councillor Humphrey Reynolds	4	
Councillor David Wood	3	1

- 1.3 An account of the main items considered by the Audit, Crime & Disorder and Scrutiny Committee across the year is set out below.

2. Effectively holding Decision makers to Account

- 2.1 The Audit, Crime & Disorder and Scrutiny Committee has the ability, subject to certain conditions, to examine Council decisions made by a policy committee and those taken by an officer under delegated decision making.
- 2.2 Members of the Audit, Crime & Disorder and Scrutiny Committee have a statutory power to call-in a decision of a policy committee where there is evidence to suggest a decision made but not yet implemented does not meet the principles of decision making set out in the Constitution. Although subject to specific time limits, following review the Audit, Crime & Disorder and Scrutiny Committee can refer a decision back to the policy committee for reconsideration, refer the matter to Full Council or take no further action. No decisions of the policy committees were called in for scrutiny during 2015/16.

- 2.3 The Scheme of Delegation to Officers requires a report to be presented to the Committee annually which sets out significant decisions taken by Officers under delegated powers in the year prior. At its meeting of 23 June 2015 the Committee received the annual report on the decisions taken under delegated powers (excluding Planning Committee decisions). No issues of particular note were raised.

3. Contributing to More Effective Policies and Improving Services

- 3.1 During the year the Audit, Crime & Disorder and Scrutiny Committee has continued to monitor progress on the Council's Corporate Plan receiving regular reports which highlighted progress made against the targets of four of the Council's policy committees (Environment, Leisure, Social, and Strategy & Resources Committees). The Committee was interested, in particular, in those actions which were recorded as not met, i.e. those actions not likely to be achievable at year end.
- 3.2 The Audit, Crime & Disorder and Scrutiny Committee did not raise any issues of concern with the policy committees. However, the Committee learned that the Council's Performance Management system would be reviewed once the new Corporate Plan had been agreed. The Committee requested that in future end of year reports, the broad reason for 'signing-off' an action should be given. In addition, it considered that Plan E was of interest to councillors and so requested that officers provide a Members' Briefing Evening on the topic in the future.
- 3.3 In June 2015 the Audit, Crime & Disorder and Scrutiny Committee appointed a scrutiny task group to review the Council's administrative arrangements for publicising and determining planning applications. The aim of this review was to identify potential ways in which customer satisfaction could be enhanced. The report and recommendations of the task group were considered and approved by the Committee at its meeting in April 2016.
- 3.4 Lastly, the Committee monitored different aspects of the Council's work including action taken against the Council's Corporate Equality Scheme and the Data Quality Strategy 2012/16. No areas of concern were raised.

4. Improving the Quality of Life for Local People

- 4.1 In June and November 2015 the Committee received an update on the work of the Epsom and Ewell Community Safety Partnership (CSP). The Committee learned that the loss of CSP funding had affected its ability to resource on-going intervention work, but that it had been successful in receiving some project specific funding from the Police and Crime Commissioner for Surrey. The potential to amalgamate with neighbouring CSPs to help address capacity and capability had been considered; this is being continually reviewed.

5. Adding Value

- 5.1 Under its Terms of Reference the Audit, Crime & Disorder and Scrutiny Committee has overall responsibility for audit and governance frameworks (including functions of an audit committee). To meet this responsibility the Committee has considered various audit reports throughout 2015/16. Internal auditors have attended each of the meetings of the Committee to present the findings of their audit reports and answer questions of the Committee. External audit attended the November 2015 and April 2016 Committee meetings.
- 5.2 In accordance with its annual work programme, in June 2015 the Audit, Crime & Disorder and Scrutiny Committee received the Internal Audit Assurance Report for 2014/15. The Council received assurance levels for governance, risk management and internal control according to a traffic light rating system. Governance and risk management received a green rating; internal control received an amber rating. Also at the June 2015 meeting, the Committee confirmed the adequacy of the arrangements for preparation of the Council's Annual Governance Statement 2014/15.
- 5.3 Throughout the year, the Committee received quarterly audit monitoring reports from the internal auditors; these have informed the Committee of progress made against the Audit Plan 2015/16, as well as the outcome of individual audits. In November 2015 and April 2016 the Committee received and considered a progress report from External Audit.
- 5.4 Lastly, in June 2015 the Committee agreed to carry out two service reviews on (i) the Social Centres and (ii) Routecall. Both reviews were to form part of the work programme for preparing the Medium Term Financial Strategy. Two task groups were appointed. These task groups reported their findings to the Special Meeting of the Committee held on 6 October 2016 and have since been considered by the Social Committee and Full Council. A third service review of Venues, the details of which were agreed by the Committee in February 2016, is on-going with an initial report anticipated in the autumn.

6. Conclusion

- 6.1 The Audit, Crime & Disorder and Scrutiny Committee wishes to thank all those who have contributed to the work of the Committee during 2015/16. In particular the Committee should like to thank all those who have attended meetings of the Committee to provide information and advice.

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In pursuance of the Council's Rules of Procedure, Councillor Alex Clarke will move and Councillor Jane Race will second, the following Motion:

"That this Council commend the efforts of Epsom General, especially the Doctors, Nurses, and Administrators of Emergency Care department, for the support and care they provide to the community of Epsom & Ewell... they are as such a vital part of community and deserve our thanks for all their efforts."

In pursuance of the Council's Rules of Procedure, Councillor Alex Clarke will move and Councillor Tina Mountain will second, the following Motion:

"That this Council commend Prince Harry and the other organisers of the Invictus Games, for their service to veterans, especially those whom have spent time at Headley Court, for example Nathan Cumberland and Andy Kelsey (to name but two)... "

In pursuance of the Council's Rules of Procedure, Councillor Eber Kington will move and Councillor Peter O'Donovan will second, the following Motion:

"This Council notes the outcome of the referendum on membership of the European Union and accepts there will be new and different challenges for local government and for our communities.

In light of the decision this Council agrees to:

- I. put in place processes and teams to ensure that nationally agreed changes affecting the powers and duties of local government can be analysed and, where appropriate, implemented as soon as practicable*
- II. seek support and advice from the Local Government Association as well as the national Government on transitional arrangements*
- III. respond quickly and in detail to any consultation requested by the national Government*
- IV. work with local partners and groups in our community to ensure a smooth, efficient and supportive transition over the next few years*

This Council also notes the recently reported national rise in racism, xenophobia and hate crimes following the referendum result. This Council condemns such behaviour, and Members and Officers will work with local partners and groups to combat and prevent racism and xenophobia and to ensure that all in our community feel safe and supported.

Note: The deadline for Notice of Motions was 5.00pm on Wednesday 6 July 2016 (17.00 hours on the eighth clear working day before the meeting)

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