

COUNCIL

Friday, 27 July 2007

11.00 a.m.

Council Chamber,
Council Offices,
Spennymoor

AGENDA and REPORTS



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العربية (Arabic)

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب ذلك منا.

বাংলা (Bengali)

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

(中文 (繁體字)) (Cantonese)

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

हिन्दी (Hindi)

यदि आपको सूचना किसी अन्य भाषा या अन्य रूप में चाहिये तो कृपया हमसे कहे

polski (Polish)

Jeżeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

ਪੰਜਾਬੀ (Punjabi)

ਜੇ ਇਹ ਜਾਣਕਾਰੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦੀ, ਤਾਂ ਇਹ ਸਾਥੋਂ ਮੰਗ ਲਓ।

Español (Spanish)

Póngase en contacto con nosotros si desea recibir información en otro idioma o formato.

اردو (Urdu)

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھیے۔

AGENDA

1. APOLOGIES

2. DECLARATIONS OF INTEREST

To notify the Mayor of any items that appear later in the agenda in which you may have an interest.

3. MINUTES

To confirm as a correct record the Minutes of the meeting held on 29th June 2007 (Pages 1 - 6)

4. MAYOR'S ANNOUNCEMENTS

5. ARRANGEMENTS FOR REVIEW OF THE CONSTITUTION: CHANGES TO CONTRACT PROCEDURE RULES

Report of Chief Executive (Pages 7 - 86)

6. ARRANGEMENTS FOR REVIEW OF THE CONSTITUTION

Report of Chief Executive (Pages 87 - 92)

7. ANNUAL REVIEW OF CORPORATE GOVERNANCE 2006-2007

Report of Director of Resources (Pages 93 - 100)

8. ANNUAL REVIEW OF TREASURY MANAGEMENT 2006-2007

Report of Director of Resources (Pages 101 - 120)

9. NOTICE OF MOTION

To consider the following Notice of Motion proposed by Councillor B.M. Ord and seconded by Councillor K. Thompson:-

“We the undersigned are concerned about the reduction of the “Carelink” services and understand that it now operates under the “Supporting People” Partnership.

The “Carelink” service is often a ‘Lifeline’ to both elderly and vulnerable people in both Council and private housing. Our leaflet says Sedgefield Carelink, Care and Reassurance. Put yourself in safe hands. Your local 24 hour, 7 day a week ‘care & reassurance service’

We are disturbed to find that elderly citizens, living on their own, may only receive a single visit per month and could receive telephone reassurance calls. Users say they prefer to have a daily warden contact.

The risks to the elderly users are obvious and we request the a detailed report be authorised, to outline the affects of these cutbacks and what can be done to restore the users confidence back into “Carelink”

B.Allen
Chief Executive

Council Offices
SPENNYMOOR

Councillor Mrs. S. J. Iveson (Mayor) and

All other Members of the Council

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection in relation to this Agenda and associated papers should contact
Liz North 01388 816166 ext 4237 email:enorth@sedgefield.gov.uk

Item 3

SEDGEFIELD BOROUGH COUNCIL

Council Chamber,
Council Offices,
Spennymoor

Friday, 29 June
2007

Time: 11.00 a.m.

Present: Councillor J. Robinson, J.P. (Deputy Mayor) and

Councillors Mrs. A.M. Armstrong, B.F. Avery J.P, W.M. Blenkinsopp, T. Brimm, D.R. Brown, V. Chapman, D. Chaytor, Mrs. K. Conroy, Mrs. P. Crathorne, V. Crosby, Mrs. L. M.G. Cuthbertson, T.F. Forrest, P. Gittins J.P., A. Gray, G.C. Gray, Mrs. J. Gray, B. Haigh, Mrs. S. Haigh, Mrs. I. Hewitson, J.E. Higgin, T. Hogan, Mrs. L. Hovvels, J.G. Huntington, Mrs. H.J. Hutchinson, Ms. I. Jackson, J.M. Khan, B. Lamb, Mrs. E. Maddison, C. Nelson, B.M. Ord, Mrs. E.M. Paylor, J. Robinson J.P, A. Smith, B. Stephens, K. Thompson, A. Warburton, T. Ward and W. Waters

Apologies: Councillors Mrs. D. Bowman, J. Burton, D. Farry, Mrs. B. Graham, D.M. Hancock, A. Hodgson, G.M.R. Howe, Mrs. S. J. Iveson, D.A. Newell, Mrs. C. Potts, J. Wayman J.P and Mrs E. M. Wood

MINUTES SILENCE

A minutes silence was held as a mark of respect for former Borough Councillor Tom Conley and Honorary Alderman Walter Nunn who had both recently died. Tributes were paid to both former Councillors.

C.30/07 DECLARATIONS OF INTEREST

No declarations of interest were received.

C.31/07 MINUTES

The Minutes of the meetings held on 18th May, 2007 and 20th April, 2007 were confirmed as correct records and signed by the Deputy Mayor.

C.32/07 MAYOR'S ANNOUNCEMENTS

The Deputy Mayor reported that a civic delegation from Rheinhausen had visited the Borough from 20th June to 25th June, 2007. He had attended a function for the delegation organised by Sedgfield Borough Twinning Association held at St. Lukes Church Hall, Ferryhill on Sunday 24th June, 2007. He thanked all involved in helping to organise the evening and those involved in organising the programme of events for the civic visit.

The Mayor would report on other functions and events at the next meeting.

C.33/07

THE NOTTINGHAM DECLARATION ON CLIMATE CHANGE

Consideration was given to a report of the Director of Neighbourhood Services (for copy see file of Minutes) regarding a proposal to sign the Nottingham Declaration on Climate Change.

It was explained that the Nottingham Declaration was a voluntary pledge to address the issues of climate change and represented a high level, broad statement of commitment. It acknowledged the increasing impact that climate change would have on communities during the 21st century and would commit Sedgefield Borough Council to tackling the causes and effects of a changing climate on the Borough.

Members were informed that the Declaration had originally been launched in October, 2005 and has now over 200 Local Government signatories and was supported by DEFRA, IDeA, LGA and the Environment Agency.

The strategy which was developed in consultation with senior managers, was based on the Council's current activities and service areas and reflected the Council's desire to make climate change an essential theme in future policy, strategies and activities.

RESOLVED : That the signing of the Nottingham Declaration by the Leader of the Council and the Chief Executive be endorsed.

C.34/07

IMPLEMENTATION OF THE REVISED MODEL CODE OF CONDUCT FOR MEMBERS

Consideration was given to a report of the Solicitor to the Council and Monitoring Officer (for copy see file of Minutes) regarding the Revised Code of Conduct for Members.

It was explained that the Revised Code of Conduct had been approved by the Government and had come into force on 3rd May, 2007.

The Code of Conduct had been amended so as to make it more effective and proportionate and clearer whilst maintaining a rigorous approach to the identification of serious misconduct.

All local authorities now had six months to adopt the revised Code. A brief presentation was given at the meeting outlining the main changes to the Code and the implications for the authority.

RESOLVED :

- 1. That the Revised Code of Conduct be adopted and that the ten General principles be adopted as an annex to the new Code.*
- 2. That Parish and Town Councils adopt the Parish and Town Council Model Code of Conduct.*
- 3. That consequential changes be made to the Council's Constitution.*

4. *That the Member's Planning Code of Good Practice be amended to take account of the changes and be submitted to the next Development Control Committee on 29th July, 2007.*

C.35/07

STATEMENT OF ACCOUNTS YEAR ENDED 31ST MARCH, 2007

Consideration was given to a report of the Director of Resources (for copy see file of Minutes) dealing with the statutory requirements set out in the Accounts and Audit Regulations 2003 for the production and publication of the Annual Statement of Accounts.

Under the Account and Audit Regulations 2003 Council was required to approve the Accounts of the Authority for the 2006/7 financial year by no later than 30th June, 2007 prior to publication and the formal signing off by the District Auditor.

The Director of Resources gave a short presentation outlining the key points in the Statement of Accounts and financial performance during 2006/7. Members were given the opportunity to ask questions and raise any concerns that they had in relation to the Accounts.

The Audit Committee had reviewed the Statement of Accounts and separately reviewed the contents of the Statement of System of Internal Control and Corporate Governance at its meeting on 25th June, 2007 and had recommended that Council approves both statements.

In view of the favourable outturn position on the General Fund and the incorporated LABGI grant, the Council had been able to make a contribution of £280,000 to the Budget Support Fund as opposed to the budgeted use of balances of £500,000.

The financial outturn position on the Housing Revenue Account showed the use of HRA balances of £1,264,610.

In respect of reserves, the overall level of resources available to the Council had fallen by £1.422m compared with balances as at 31st March, 2006, largely in line with expectations and the need to establish an equal pay provision of £773,000 from the HRA.

The Medium Term Financial Plan anticipated that £1.5m of the Budget Support Fund would be used over the next three years.

In respect of the Capital Programme the Council had spent £15,454,000 against a target of £20,742,000 with commitments and matching resources rolled forward into 2007/08.

As a consequence of slippage and other savings on the 2006/07 Capital Programme and the Capital Receipts generated during the year, the Council had useable capital receipts available to finance future capital works amounting to £15.196m as at 31st March, 2007. In accordance with decisions taken at Council in July, 2004 £13.642m of those capital receipts

were being earmarked specifically for major Regeneration and Affordable Housing Schemes.

- RESOLVED :*
1. *That the Statement of Accounts for year ended 31st March, 2007 be approved.*
 2. *That the Statement on the System of Internal Control and Corporate Governance be approved.*

C.36/07

CORPORATE PLAN 2007-10

Consideration was given to a report of the Chief Executive (for copy see file of Minutes) setting out arrangements for the development of the Council's Corporate Plan for the period 2007 to 2010.

Member's attention was drawn to the Corporate Plan which outlined the linkage between the LSP Community Strategy and the Council, the Corporate and Performance Management Framework and the priorities of the Council over the next three years.

The report set out Ambitions and Priorities for the mid term at a strategic, tactical and operational level and outlined how the Council would meet national performance targets and how it continued to progress towards organisational excellence.

The Corporate Plan was supported by five Delivery Plans, one for each of the Council's Ambitions and another for its Values. Each Delivery Plan provided detailed assessment of progress against aims, objectives and targets and explained any change and set out key activity the Council would undertake during the next three years to improve performance.

A Medium Term Financial Plan was developed in parallel to the Corporate Plan and defined resources available to deliver priorities and how they would be deployed.

- RESOLVED :* *That the Corporate Plan 2007 – 2010 be adopted.*

C.37/07

SEDGEFIELD BOROUGH LOCAL DEVELOPMENT FRAMEWORK

Core Strategy Preferred Options

Consideration was given to a report of the Director of Neighbourhood Services (for copy see file of Minutes) regarding the above.

It was explained that the Core Strategy Development Plan Document provided the strategic planning direction and policies for the Borough to 2021.

The publication of the Core Strategy Preferred Options followed the publication and consideration of responses to the Key Issues Paper and Alternative Options. The Core Strategy Preferred Options Report had been subject to Strategic Environmental Assessment, Sustainability Appraisal and Appropriate Assessment. Following a round of consultation

the Borough Council would prepare its Submission Document for publication in 2008.

RESOLVED : That Council authorises publication of the Document.

Major Allocations Alternative

Consideration was given to a report of the Director of Neighbourhood Services (for copy see file of Minutes) regarding the Major Allocations Development Plan. The Document would allocate new employment and housing sites across the Borough up to 2021.

A draft Search Sequence and Detailed Assessment was published in October 2006 which sought to develop a methodology helping to determine potential development sites. Following an assessment of the responses received, the Alternative Options Report had been developed considering the merits of each site. The responses received to this round of consultation would feed into the Preferred Options Report due for publication in July, 2008.

RESOLVED : That the Major Allocations Alternative Options Report be endorsed.

Draft Affordable Housing Supplementary Planning Document

Consideration was given to a report of the Director of Neighbourhood Services (for copy see file of Minutes) regarding the above.

It was explained that the need for Affordable Housing within the Borough was becoming more acute and a key recommendation of a Scrutiny Review Group looking at Affordable Housing was the production of an Affordable Housing Supplementary Planning Document.

Members were informed that the Draft Supplementary Planning Document had been successfully screened against the EU Directive on Strategic Environmental Assessment 2001/42/EC. Furthermore a draft had undergone a comprehensive Sustainability Appraisal report.

RESOLVED : That the Draft Affordable Housing Supplementary Planning Document be published.

Incorporating a Renewable Energy Obligation into Developments Core Strategy Preferred Options

Consideration was given to a report of the Director of Neighbourhood Services (for copy see file of Minutes) regarding the above.

It was explained that the report set out the case for the best practice guide to support the Local Planning Authority and required that all new development over 1,000²m should incorporate an on site reversible energy product capability.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That in accordance with Section 100(a)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12a of the Act.

C.38/07

CHIEF EXECUTIVE'S DEPARTMENT ESTABLISHMENT

Consideration was given to a report of the Chief Executive (for copy see file of Minutes) setting out details of proposed establishment changes.

RESOLVED : That the report be received and the recommendations contained therein adopted.

ACCESS TO INFORMATION

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Item 5

REPORT TO COUNCIL

27TH JULY 2007

REPORT OF CHIEF EXECUTIVE

PORTFOLIO: STRATEGIC LEADERSHIP GROUP

ARRANGEMENTS FOR REVIEW OF THE CONSTITUTION (1)

CHANGES TO CONTRACT PROCEDURE RULES

1 SUMMARY

- 1.1 The Council's Constitution was adopted on the 24th May 2002 as part of the Council's approach to implementing the Local Government Act 2000. A number of reviews have taken place to the Constitution to ensure it is up-to-date.
- 1.2 The Constitution itself must necessarily be kept under regular review so as to ensure that it reflects existing law and its operation continues to provide an efficient and effective framework for delivering the Council's aims and objectives. This report is concerned specifically with the Council's Contract Procedure Rules (CPRs) contained in Part 4 Section G of the Constitution.
- 1.3 This report provides details of the revised Contract Procedure Rules that have been developed following meetings of a review group of departmental representatives from across the Council and advice from the Council's Monitoring Officer.

2 RECOMMENDATIONS

- 2.1 It is recommended that Council:-
 - approve the revised Contract Procedure Rules shown in Appendix 1;
 - directs the Council's Monitoring Officer to amend the Constitution accordingly, make all necessary and consequential amendments; and to publish an amended version on the Council's website;

3 CONTRACT PROCEDURE RULES

Background

- 3.1 Contract Procedure Rules provide a corporate framework for the procurement of all goods, services and works for the Council. They are an important part of ensuring value for money and ensure the correct appointment of Contractors.

The existing Contract Procedure Rules (CPRs) have been in place since adoption of

the Constitution in 2002. Since that time there have been several significant influences that have had an impact on local government procurement activity:

- (a) The launch of the National Procurement Strategy, which sets out how central government, working together with partners from the public, private and voluntary sectors, intends to improve local government procurement
- (b) The Gershon Efficiency Review, which highlighted several workstreams where local government could achieve significant gains; procurement is one of these workstreams
- (c) The drive to increase shared service provision, driven by Central Government policies Local Area Agreements
- (d) The development of Centres of Excellence to develop procurement excellence and to co-ordinate strategic procurement activity
- (e) The increasing profile of purchasing consortia, such as the Office of Government Commerce (OGC Buying Solutions) and the North East Purchasing Organisation (NEPO)
- (f) Recent guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA).
- (g) As outlined in the Local Government White Paper “Strong and Prosperous Communities”, Government will continue to encourage cross-cutting reviews and service collaboration, and there will be increasing and changing demands on Councils budgets and departments to deliver services.

3.2 It is important to ensure that the Council’s procurement activity takes account of the national drivers mentioned above.

3.3 At a more local level, it is also important that Sedgefield BC continues to obtain value for money and propriety in the spending of public money and delivers services efficiently and effectively. It is therefore appropriate to review and improve the Council’s CPRs to further enhance the Council’s ability to procure works, goods and services more effectively.

The review of the existing CPRs also ensures that the Council is fully complying with recommended Corporate Governance arrangements issued by CIPFA and the Society of Local Authority Chief Executives (SOLACE).

The Council’s own Procurement Strategy is currently under review. The CPRs have an important role in the achievement of future Corporate and Procurement outcomes.

The revised rules are provided in full in **Appendix 1**.

Summary of Key Changes to Contract Procedure Rules

3.4 Key aspects of the changes that have been made to the contract procedure rules are detailed in the ensuing paragraphs and they cover the following broad areas of procurement:

- Financial Thresholds
- European Union Directives
- E-Procurement
- Procurement Consortia
- Engagement of Consultants
- Partnerships

A more direct comparison between the old contract procedure rules and the new procedure rules can be found in **Appendix 2**.

Financial Thresholds

3.5 The setting of financial thresholds is an important aspect of procurement that can have a major impact on the effectiveness and efficiency of an organisation's procurement practices. Setting thresholds that are too high can increase the risk of achieving poor value for money. On the other hand, setting thresholds that are too low creates beauracracy, additional administration and reduced flexibility which can compromise the Council's ability to provide responsive customer focused services.

3.6 Consultation was widely held in determining the new thresholds which included comparisons of thresholds in operation across other local authorities and advice from CIPFA and other legal advisors. However, the determination of thresholds is ultimately a local decision for each authority based on its own financial management arrangements and risk assessments.

3.7 The following table summarises the thresholds and related procurement rules for awarding and approving contracts that are now incorporated in the revised CPRs following the outcome of the consultation:

CPR	Total Contract Value	Award Procedure	Approval
2	Above EU thresholds £144,371 for goods and services £3,611,319 for works	<input type="checkbox"/> EU procurement procedure, or where not applicable <input type="checkbox"/> Invitation to Tender by advertisement/or select list to a minimum of 4 companies	Formally consult the Solicitor to the Council and Procurement Officer

5	Less than £1,000	<input type="checkbox"/> Regard to be given for need to obtain value for money	Chief Officer
6	£1,000 - £24,999.99	<input type="checkbox"/> Minimum 3 quotations required <input type="checkbox"/> Regard to be given for need to obtain value for money	Chief Officer
7	£25,000 - £49,999.99	<input type="checkbox"/> Invitation to Tender <input type="checkbox"/> Minimum 4 companies <input type="checkbox"/> No advert required	Chief Officer
CPR	Total Contract Value	Award Procedure	Approval
8	Schemes of a Specialist Nature In excess of £25,000	<input type="checkbox"/> Invitation to Tender <input type="checkbox"/> Minimum 3 companies <input type="checkbox"/> No advert required	Chief Officer
9	Single Tender (a) In excess of £25,000	<input type="checkbox"/> Invitation to Tender <input type="checkbox"/> Single contractor <input type="checkbox"/> No advert required <input type="checkbox"/> Single Tender action not to be undertaken prior to approval	Chief Officer, Director of Resources, Monitoring Officer, in consultation with appropriate Cabinet Member
10	Negotiated Tenders (b)	<input type="checkbox"/> Negotiate tender price with existing/previous contractor <input type="checkbox"/> Negotiated Tender action not to be undertaken prior to approval	Chief Officer, Director of Resources, Monitoring Officer, in consultation with appropriate Cabinet Member
11	Selective Tendering Select Lists (c) in excess of £50,000	<input type="checkbox"/> Invitation to Tender <input type="checkbox"/> Minimum 4 companies on Select List	Chief Officer
12	Selective Tendering Ad Hoc (d) lists in excess of £50,000	<input type="checkbox"/> Invitation to Tender <input type="checkbox"/> Minimum 4 companies <input type="checkbox"/> Advert required	Chief Officer

(a) Single Tender - where the Chief Officer has decided that there is only one possible contractor or supplier suitable for a given contract

(b) Negotiated Tenders - where the Chief Officer has decided that it is economic to re-engage a contractor who previously performed successfully on a similar project, or is carrying out an existing contract within a similar location. In such cases, the Chief Officer concerned may negotiate a tender price with the selected contractor.

- (c) Select Lists - "Lists" which are kept of companies to be invited to tender for contracts for the supply of goods services or materials of specified categories, values or amounts or for the execution of specified categories of works*
- (d) Adhoc Lists – "Lists" of companies who have replied to a public contract notice published by the Council*

3.8 The review of the financial thresholds has sought to adopt best practice, increase efficiency in the procurement process and to ensure compliance with competitive arrangements. The key changes include the raising of the threshold for undertaking a formal tendering exercise from £10,000 to £25,000 backed up by a requirement to ensure that a minimum number of comparative quotes are obtained for spending between £1,000 and £25,000.

3.6 European Union Directives

The procurement of goods, services and works must comply with European Union (EU) public procurement processes of inviting tenders through the Official Journal of the European Union (OJEU) where the value of goods, services and works exceeds prescribed financial thresholds. The EU thresholds were last amended in January 2006 and the revised CPRs (Rule 2) reflect the new limits, which are **£144,371 for goods and services** and **£3,611,319 for works**.

3.7 E-Procurement

E-procurement is concerned with the use of electronic methods in the purchasing process. Local authorities have been encouraged to take up e-procurement to realise financial efficiency and other benefits. The revisions to the CPRs take account of the emergence of electronic procurement such as electronic tendering (Rules 2, 23, 26, and 32).

3.8 Procurement Consortia

A consortium is a group of organisations coming together to carry out collective purchasing. Consortium working is becoming an important tool to improve value for money and achieve efficiency savings. These take two forms – 1) National Procurement Consortia and 2) Local Procurement Consortia. Much of the goods and services procured are 'common' to others and significant economies of scale can be achieved when buying through consortia. In addition, consortium procurement teams 'deal with contracts everyday' – so it avoids duplication and effort from other members of the consortium. The revised CPRs incorporate new guidance (Rule 14 and 15) relating to the procurement of goods, services and works via consortia arrangements.

3.9 Engagement of Consultants

The engagement of consultants is an increasing area of spend within local government as more challenging and innovative forms of service delivery are being

considered requiring specialisms and knowledge not normally held within Councils. The revised CPRs (Rule 21) clarify that the engagement of consultants is to be treated as a 'supply of services', which means that CPRs must be adhered to when appointing consultants.

3.10 Partnerships

Partnerships and other joint working arrangements are having a greater emphasis on the activities of the public sector. The Council cannot achieve its objectives by acting alone and is increasingly engaging with wider stakeholders and partners in delivering services. The revised CPRs contain new guidance surrounding procurement in partnerships arrangements (Rule 22) outlining the parameters for establishment and monitoring of partnerships. Specifically, the rules stipulate that in a partnership the **lead organisation's** own contract procedure rules are to be followed, providing that legal and value for money obligations are complied with.

Implementation and Training

- 3.11 To ensure that the revised CPRs are implemented and embedded effectively across the Council, a comprehensive training programme will be delivered to Directors, Heads of Service and senior managers/procurement staff. A "Plain English" guidance document, supported by a series of process flow-charts, will be prepared for reference purposes and disseminated to all departments. Additionally, support and guidance will be available via the Procurement Officer within the Financial Services Section of the Resources Department.
- 3.12 To ensure that the training is delivered to the correct audience, Management Team are requested to provide the names of officers responsible for procurement within each Department across the Council as soon as possible.
- 3.13 A Procurement Toolkit is being developed collaboratively by the Durham Procurement Partnership. This toolkit will provide access to a vast range of Procurement guidance.

4 RESOURCE IMPLICATIONS

- 4.1 The contents of this report do not contain any material resource implications other than officer time required in preparing and delivering training packages and small printing costs associated with preparing guidance documents. These can be met from existing budgeted resources.

5. CONSULTATIONS

- 5.1 The proposed amendments to the CPRs have been developed following a robust consultation process between officers with procurement responsibility from all departments of the Council and reflect the results of these consultations.
- 5.2 Account has been taken from CIPFA guidance on Contract Procedure Rules issued in 2006.

6 OTHER MATERIAL CONSIDERATIONS

Links to Corporate Objectives/Values

- 6.1 The amendments to the CPRs contribute significantly to the Councils Corporate Value to “*Be responsible with and accountable for public finances.*” Contract Procedure Rules are central to the delivery of modern local government services and also contribute to the Corporate Value to “*Achieve continuous improvement and innovation in service delivery.*”

Risk Management

- 6.2 The revision to the CPRs facilitate an improvement in the Councils existing procurement arrangements, particularly by addressing key risks around Partnerships, Procurement Consortia and e-Procurement. These are procurement issues, which have emerged since the adoption of the current CPRs and represent an area of risk to the procurement activity currently undertaken by the Council. The changes to the financial thresholds are also aimed at improving the efficiency and effectiveness of procurement practice and reducing the risk of not achieving value for money. Further details can be found in **Appendix 3**, which contains a detailed risk assessment.

Health & Safety

There are no Health & Safety implications resulting from this report.

Equality & Diversity

There are no Equality & Diversity implications resulting from this report.

Legal & Constitutional

This report recommends a change to the Council’s Constitution, in that the existing Contract Procedure Rules are to be amended/replaced with the revised rules set out in Appendix 1 of this report.

Other Material Considerations

No other material considerations have been identified.

7 **LIST OF APPENDICES**

Appendix 1 – Revised Contract Procedure Rules

Appendix 2 – Contract Procedure Rules, showing amendments made to the current CPRs

Appendix 3 – Risk Assessment

Contact Officer Susan Docherty – Procurement Officer
Telephone Number 01388 816166 Ext. 4389
E-mail address sdocherty@sedgefield.gov.uk

Wards: Not applicable

Key Decision Validation: This report does not represent a key decision.

Background Papers:

Sedgefield Borough Council – The Constitution
National Procurement Strategy for Local Government

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPARISON OF NEW AND OLD CONTRACT PROCEDURE RULES

New CPR Ref	Description	Old CPR Ref	Description
1	Introduction		Introduction
2	Contracts to Comply with Procedure Rules	1	Contracts to Comply with Procedure Rules
3	Public Notice of Contracts - European Union Directives	2	Public Notice of Contracts - EC Directives
4	Exceptions to Contract Procedure Rules NEW	3	Lists of Tenderers Drawn Up on a Regular Basis
5	Setting up Select Lists of Contractors		
6	Summary of Competition Requirements and Financial Thresholds NEW		
7	Contracts estimated to cost less than £1,000	7	Tenders Not Required in Certain Circumstances - estimated value £10,000 or less
8	Contracts estimated to cost between £1,000 and £24,999.99	5	Contracts estimated to cost between £10,000 and £25,000
9	Contracts estimated to cost between £25,000 and £49,999.99 NEW		
10	Schemes of a Specialist Nature - estimated contract value in excess of £25,000	6	Schemes of a Specialist Nature - estimated contract value in excess of £25,000
11	Single Tenders – estimated contract value in excess of £25,000 NEW		
12	Negotiated Tenders	8	Negotiated Tenders - Estimated Cost in Excess of £10,000
13	Selective Tendering – Select Lists Estimated contract value in excess of £50,000	4	Selective Tendering - Estimated contract value in excess of £25,000
14	Selective Tendering – Ad Hoc Lists Estimated contract value in excess of £50,000 NEW		
15	Emergency Works	9	Emergency Works
16	Use of Central Government Purchasing Arrangements or Organisations NEW		
17	Use of Local Purchasing Organisations NEW		
18	Purchase and Sale of Land/Property	10	Purchase and Sale of Land/Property
	Sale of Vehicles, Plant, Machinery, Equipment etc.	11	Sale of Vehicles, Plant, Machinery, Equipment etc.
	Scheme Proposal - Capital Programme	15	Scheme Proposal - Capital Programme

New CPR Ref	New Description	Old CPR Ref	Old Description
19	'Main Contractor' Arrangements NEW	14	Nominated Sub-Contractors and Suppliers
20	Nominated/Named Sub-Contractors and Suppliers		
21	Engagement of Consultants NEW		
22	Partnerships NEW		
23	Tender Envelopes and Electronic Tendering System	12	Tender Envelopes
24	Late Tenders NEW		
25	Attempted Alteration of Tender	18	Attempted Alteration of Tender
26	Opening of Tenders	13	Opening of Tenders
27	Acceptance of Tenders	16	Acceptance of Tenders
28	Acceptance of Tenders above an approved budget/ estimate	17	Acceptance of Tenders above an approved budget/ estimate
29	Negotiations following Receipt of Tenders NEW		
30	Contracts to be in Writing	19	Contracts to be in Writing
31	Signing of Contracts/Use of Common Seal of the Council	20	Signing of Contracts/Use of Common Seal of the Council
32	Contract Conditions NEW		
33	Contract Bond	21	Contract Specification/Contract Bond
34	Cancellation of Contracts - Inducements	23	Cancellation of Contracts - Inducements
35	Standard/Specification	22	Standard/Specification
36	Extending Existing Contracts NEW		
37	Expenditure in excess of approved Tender Sum / Variation and Extra Works Orders	24	Expenditure in excess of approved Tender Sum
38	Compliance with Financial Procedure Rules	25	Compliance with Financial Regulations
39	Non-Commercial Matters	26	Non-Commercial Matters
40	Review of Cash Limits	27	Review of Cash Limits
41	Lease or Credit Arrangements NEW		
42	Claims NEW		
A	Keeping of Records of Correspondence/Prices/Negotiations	A	Keeping of Records of Correspondence/Prices/ Capital Expenditure Approval Protocol.
B	Capital Expenditure Approval Protocol.	B	Capital Expenditure Approval Protocol.
C	Compilation of Select Lists and selection of Contractors to be invited to tender for specific contracts	C	Compilation of Select Lists and selection of Contractors to be invited to tender for specific contracts

New CPR Ref	New Description	Old CPR Ref	Old Description
D	Purchase and Sale of Land/Property (Buildings)	D	Purchase and Sale of Land/Property (Buildings)
E	Non-Commercial Matters	E	Non-Commercial Matters

RISK ASSESSMENT

RISK ASSESSMENT MATRIX						
Likelihood of Risk Happening	A	Very high				
	B	High		7	1,3,4,6	
	C	Significant		2	5	
	D	Low				
	E	Very low				
	F	Almost impossible				
<p>1. Write down the risks below and score them.</p> <p>2. Enter the risk number from the left hand column below into the relevant box in the matrix above.</p> <p>3. Identify the target score, enter in the matrix above and note the appropriate actions to deal with the risk in the right hand column below.</p>			4	3	2	1
			Negligible	Marginal	Critical	Catastrophic
			Impact			
<p>RED: HIGH Priority AMBER: MEDIUM Priority GREEN: Low Priority</p>						
No	Description of risk	Likelihood of risk	Impact	Overall score	Target score	Actions required to achieve the target score
1	Non-compliance with EU Procurement Directives	High	Critical	B2	F2	Ensure EU Procurement forms part of Procurement Training and that EU Thresholds are readily updated and accessible
2	Freedom of Information	Significant	Marginal	C3	D3	Ensure Procurement staff are aware of FOI and the procedures for dealing with requests
3	Failure to achieve Value for Money and efficiency savings	High	Critical	B2	D3	Increase awareness and adherence to Contract Procedure Rules through training and guidance
4	High Value of Non contracted spend	High	Critical	B2	E2	Increase awareness and adherence to Contract Procedure Rules

						through training and guidance
5	Lack of Procurement awareness, knowledge and skills	Significant	Critical	C2	D3	Increased awareness and improved knowledge and skills through training and guidance
6	Lack of aggregated and collaborative spend	High	Critical	B2	D3	Communicate importance of aggregating spend, collaboration and adherence to Contract Procedure Rules through training and guidance
7	Electronic procurement not being used	High	Marginal	B3	D3	Promote and utilise eMarketplace and eTendering

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PART 4 – RULES OF PROCEDURE

G – Contract Procedure Rules

Contents

Rule No.	Title	Page
	Introduction	148
SECTION A: COMPLIANCE		
1.	Contracts to Comply with Procedure Rules	149
2.	Public Notice of Contracts - European Union Directives	150
3.	Exceptions to Contract Procedure Rules	151
4.	Setting up Select Lists of Contractors	153
SECTION B: COMPETITION REQUIREMENTS AND PROCUREMENT THRESHOLDS		
	Summary of Competition Requirements and Financial Thresholds	155
5.	Contracts estimated to cost less than £1,000	157
6.	Contracts estimated to cost between £1,000 and £24,999.99	158
7.	Contracts estimated to cost between £25,000 and £49,999.99	159
8.	Schemes of a Specialist Nature - estimated contract value in excess of £25,000	160
9.	Single Tenders – estimated contract value in excess of £25,000	161
10.	Negotiated Tenders	162
11.	Selective Tendering – Select Lists Estimated contract value in excess of £50,000	163
12.	Selective Tendering – Ad Hoc Lists Estimated contract value in excess of £50,000	164
13.	Emergency Works	166
14.	Use of Central Government Purchasing Arrangements or Organisations.	167
15.	Use of Local Purchasing Organisations	168
16.	Purchase and Sale of Land/Property	169
17.	Sale of Vehicles, Plant, Machinery, Equipment etc.	170
18.	Scheme Proposal - Capital Programme	171
19.	‘Main Contractor’ Arrangements	172
20.	Nominated/Named Sub-Contractors and Suppliers	173
21.	Engagement of Consultants	174
22.	Partnerships	175

SECTION C: TENDER RECEIPT & ACCEPTANCE

23.	Tender Envelopes and Electronic Tendering System	176
24.	Late Tenders	177
25.	Attempted Alteration of Tender	178
26.	Opening of Tenders	179
27.	Acceptance of Tenders	180
28.	Acceptance of Tenders above an approved budget/ estimate	181
29.	Negotiations following Receipt of Tenders	182

SECTION D: CONTRACT & OTHER FORMALITIES

30.	Contracts to be in Writing	183
31.	Signing of Contracts/Use of Common Seal of the Council	184
32.	Contract Conditions	185
33.	Contract Bond	188
34.	Cancellation of Contracts - Inducements	189
35.	Standard/Specification	190
36.	Extending Existing Contracts	191
37.	Expenditure in excess of approved Tender Sum / Variation Orders and Extra Works Orders	192
38.	Compliance with Financial Procedure Rules	193
39.	Non-Commercial Matters	194
40.	Review of Cash Limits	195
41.	Lease or Credit Arrangements	196
42.	Claims	197

Guidance Notes

	Title	Page
A	Keeping of Records of Correspondence/Prices/Negotiations	198
B	Capital Expenditure Approval Protocol.	200
C	Compilation of Select Lists and selection of Contractors to be invited to tender for specific contracts (Procedure Rule 4).	204
D	Purchase and Sale of Land/Property (Buildings) (Procedure Rule 16).	208
E	Non-Commercial Matters (Procedure Rule 39).	209

INTRODUCTION

The Contract Procedure Rules provide a corporate framework for the procurement of all goods, services and works for the Council. These Procedure Rules have been developed to ensure that all procurement activity is carried out with high regard for the Council's Code of Conduct. They are designed to ensure the Council obtains value for money together with the required level of quality and performance in all contracts that are let.

The Contract Procedure Rules are divided into four sections:

- ❑ Section A deals with compliance of the Procedure Rules and explains the main exceptions to these Procedure Rules.
- ❑ Section B deals with the competition requirements and the relevant procurement thresholds.
- ❑ Section C deals with tendering procedures.
- ❑ Section D deals with contracts and other formalities.

These Contract Procedure Rules set out how the Council selects contractors and suppliers to perform the works and supply the goods, materials and services the Council needs to carry out its duties. Many Council contracts are also subject to UK and European laws, which specify how they must be let. These laws must be complied with and if they conflict with the Contract Procedure Rules, the law must be followed.

Rules are minimum requirements demanded of officers and members. However, where circumstances justify it, any procurement situation can be subjected to a more comprehensive competitive approach than that laid out in these Contract Procedure Rules.

Any text formatted in *italics* throughout this document is deemed to be Guidance and is not intended to be part of the Rules.

Each individual procurement exercise must be carried out with a duty to achieving Value for Money.

The submission of reports to Cabinet can often be deemed appropriate in order to keep elected members informed of project proposals, as well as the procurement aspects.

PROCEDURE RULE 1**Contracts to Comply with Procedure Rules**

- 1.1 Every contract made by or on behalf of the Council shall comply with these Procedure Rules. Any exception to this Procedure Rule may only be made subject to approval first being granted by the Cabinet.
- 1.2 Subject to Procedure Rules 1.1 and 1.3 every contract for the supply of goods and services and for the execution of works made by or on behalf of the Council shall comply with these Rules and the Council's Financial Procedure Rules. All Council employees and organisations or companies engaged to act in any capacity to procure, manage or supervise a contract must be provided with a copy of (or access to) these Procedure Rules and comply with them.
- 1.3 Every contract made under these Procedure Rules shall comply with any legislative requirement of the United Kingdom NB Local Government Act 1999 and of the European Union (EU Directives).
- 1.4 All procurement activity must be undertaken with regard to high standards of probity and in accordance with the relevant sections of the Council's Constitution. Officers shall undertake procurement activity with integrity, to the highest ethical standards, and be ensure the process is well-documented to provide an "auditable trail" and in a manner, which:
 - (a) avoids any conflicts added or potential conflicts of interest, and if any such conflicts of interest do arise, these shall be referred immediately to the Head of Organisational Development and recorded in the Register of Interests.
 - (b) is open and transparent and in all cases a central file in respect of each individual procurement exercise undertaken shall be retained by the relevant Chief Officer and will contain a record of all stages in the procurement process including a record of decisions, who made them, the rationale for the decisions and, where required, signed by the appropriate officers and members as referred to throughout the Contract Procedure Rules. Where required by the individual Procedure Rules a copy of the necessary documentation shall be sent to the Head of Organisational Development.
- 1.5 Reporting requirements in respect of Capital Programme schemes are contained in Procedure Rules 18 and 38 must be complied with.

Guidance Note (A) attached relating to keeping records of correspondence/negotiations etc. must be followed.

PROCEDURE RULE 2**Public Notice of Contracts - European Union Directives**

2.1 The procurement of goods services and works must comply with the European Union public procurement legislation where applicable. Where such legislation is applicable and any conflict with these Rules arises, it takes precedence over these Rules. Current regulations require tenders to be advertised in the EU Journal where the value exceeds:

- (a) £3,611,319 for works, and *
- (b) £144,371 for the purchase of goods and services *

In estimating relevant values, officers shall have regard to the rules regarding aggregation.

2.2 Where the EU Procedure is required, the Officer shall consult the Solicitor to the Council and the Procurement Section to determine the method of conducting the purchase.

** Above figures apply from 1st January 2006 and are reviewed periodically by the EC. For any further update to these figures refer to the Council's Procurement Section.*

Guidance Note (A) attached relating to keeping records of correspondence/negotiations etc. must be followed.

PROCEDURE RULE 3

Exceptions to Contract Procedure Rules

- 3.1 Subject to statutory requirements tenders need not be invited in accordance with these Rules in the following cases:
- (a) In the case of the supply of goods where:
 - (i) the goods or materials are proprietary articles and in the opinion of the appropriate Chief Officer no reasonably satisfactory alternative is available, or
 - (ii) the prices of goods or materials are wholly controlled by statutory bodies, trade organisations or Government Order and in the opinion of the appropriate Chief Officer no reasonably satisfactory alternative is available.
 - (b) Where the purchase of a named or proprietary product is required to be compatible with an existing installation as approved by the Chief Officer.
 - (c) The work to be executed or the goods or services to be supplied are controlled by a statutory body.
- 3.2 Where the contract for the execution of work or the supply of goods or services certified by the appropriate Chief Officer to be required so urgently as to preclude the invitation of tenders, providing the value of this contract does not exceed the current European threshold (taking account of the rules of aggregation). The Chief Officer in consultation with the appropriate Cabinet Member shall agree the appropriate procurement option to be undertaken and prepare a report for submission to the next Cabinet, for information, reflecting the urgency of the situation. A record of the decision shall be retained on a central file held by the relevant Chief Officer and a copy sent to the Head of Organisational Development (in accordance with Procedure Rule 1.4)
- 3.3 In respect of **Consortium Arrangements** tenders need not be invited in accordance with these Rules where they have been previously undertaken by or on behalf of any consortium, collaboration or similar body, of which the Council is either a member or is able to access contracts for goods, services or works (in accordance with Procedure Rules 14 and 15). Officers shall ensure that any contracts let by such a consortium, collaboration or similar body are in accordance with UK and EU procurement directives and regulations.
- 3.4 Where the Council acts as lead body on a consortium or collaborative arrangement, the procedures for tendering contained within these Rules shall be followed (including the delivery, opening and acceptance of tenders) unless those provisions are inconsistent with the method by which tenders are dealt with by the consortium, collaboration or other body concerned and are not detrimental to the Council.

Guidance Note (A) attached relating to keeping records of correspondence/negotiations etc. must be followed.

Exemptions under this rule shall be notified to the Head of Organisational Development.

When entering into 'contracts' with suppliers/sub-contractors, the 'Contractor' must ensure that maximum protection which 'contracts' offer is secured, e.g. contracts to be "Under Seal" (Procedure Rule 31) and use of "Contract Bonds" (Procedure Rule 33) wherever appropriate.

PROCEDURE RULE 4**Preparation of Select Lists of Contractors**

- 4.1 This Procedure Rule shall have effect where the Chief Officer in consultation with the appropriate Cabinet Member has determined that "Lists" be kept of persons to be invited to tender for contracts for the supply of goods services or materials of specified categories, values or amounts or for the execution of specified categories of works.
- 4.2 The "Lists" shall:-
- (a) be compiled and maintained by the Chief Officer;
 - (b) contain the names of all persons who are approved; and
 - (c) indicate whether a person whose name is included in them is approved for contracts for all, or only some, of the specified values or amounts or categories.
 - (d) be open to inspection by any Member of the Council.
- 4.3 The use of an approved list must be structured in order to ensure open and fair competition with an appropriate rotation of suppliers from the list.
- 4.4 At least four weeks before a list is first compiled, notices inviting applications for inclusion in it shall be published:
- (a) On the Council's website
 - (b) In at least one local newspaper, unless, in the opinion of the appropriate Chief Officer following consultation with the appropriate Cabinet Member, if applicable, this will not elicit any response because of the specialist nature of the contract, in which case public notice shall be given as set out in paragraph (c) below,
 - (c) In at least one newspaper or journal circulating among such persons or bodies as undertake such contracts.
- 4.5 After the expiration of the period specified in the public notice the Chief Officer must consider the expressions of interest returned and will record all the persons who have expressed an interest and those who have satisfied the criteria of technical, health and safety and financial capability, this record will remain on the central file held by the relevant Chief Officer.
- 4.6 The said "Lists" shall be amended as required from time to time with appropriate records maintained and kept on the central files as to the removal and/or addition of companies to the said "Lists" and shall be reviewed at regular intervals of not less than one year or more than five years.
- 4.7 At least four weeks before each review every person or body whose name appears in the "Lists" shall be asked whether they wish their name to remain on the "Lists" and notices shall be published as required by paragraph (4.4) of this Procedure Rule.
- 4.8 The appropriate Chief Officer shall be responsible for notifying a supplier/contractor of inclusion/non-inclusion on any "List".

- 4.9 Firms included in any "Lists" must satisfy the criteria of technical, health and safety and financial capability as determined by the appropriate Chief Officer and the Director of Resources.
- 4.10 The reasons for disqualifying any contractor on the basis of failing to meet technical, health and safety and financial capability or other pre-qualification criteria must be recorded.

Guidance Note (C) attached relating to preparation of "Lists" and procedures for selecting firms to tender for schemes must be followed.

If expenditure relates to Capital Programme reporting arrangements detailed in Procedure Rules 18 and 38 must be adhered to.

COMPETITION REQUIREMENTS - SUMMARY OF FINANCIAL THRESHOLDS

The following table summarises the procurement and approval process that needs to be taken for various financial thresholds. **REFER TO THE SPECIFIED PROCEDURE RULES FOR MORE DETAILED OPERATIONAL INFORMATION.**

CPR	Total Contract Value	Award Procedure	Approval
5	Less than £1,000	Regard to be given to the need to obtain value for money.	Chief Officer
6	£1,000 - £24,999.99	3 quotations required. Regard to be given to the need to obtain value for money.	Chief Officer
7	£25,000 - £49,999.99	Invitation to tender to 4 companies, no advert required.	Chief Officer
8	Schemes of a Specialist Nature. In excess of £25,000	A minimum number of 3 contractors or suppliers shall be invited to tender, where possible. No advert required.	Chief Officer
9	Single Tender In excess of £25,000	Single tender action shall not be taken prior to approval Invitation to tender to single contractor identified, no advert required.	Chief Officer, Director of Resources, Monitoring Officer Appropriate Cabinet Member
10	Negotiated Tenders.	Single tender action shall not be taken prior to approval Negotiate tender price with existing/previous contractor.	Chief Officer, Director of Resources, Monitoring Officer Appropriate Cabinet Member
11	Selective Tendering– Select Lists. In excess of £50,000	Invitation to tender to 4 companies on Select List.	Chief Officer
12	Selective Tendering – Ad - Hoc Lists. In excess of £50,000	Invitation to tender to 4 companies, advert required.	Chief Officer

CPR	Total Contract Value	Award Procedure	Approval
2	<p>Above EU Threshold</p> <p>£3,611,319 for works & £144,371 for goods and services *</p> <p><i>* Figures apply from 1st January 2006 and are reviewed periodically by the EC</i></p>	<p>EU Procedure or, where this does not apply, Invitation to Tender by advertisement/list to at least four contractors.</p>	<p>Formally consult the Solicitor to the Council and the Procurement Section – see Contract Procedure Rule 2</p>

PROCEDURE RULE 5**Contracts estimated value less than £1,000**

- 5.1 Where it is estimated by the appropriate Chief Officer that the value of goods, materials or services to be supplied or works to be executed at any one time or during a specified period is less than £1,000 and the provisions of Procedure Rule 4 in relation to “Lists” of Tenderers are not considered appropriate, the Chief Officer may enter into a contract for the supply of those goods or materials or for the works to be executed without obtaining tenders. However, regard must be had to the need to obtain value for money and to the fact that the expenditure can be accommodated within the appropriate budget.
- 5.2 The Chief Officer shall keep a record of all correspondence/negotiations to ensure that the appropriate evidence is available to demonstrate compliance with its duty to achieve Value for Money (subject to Procedure Rule 1.4).

Delegation referred to in 5.1 included in Schedule of Powers Delegated to Officers.

Guidance Note (A) attached relating to keeping records of correspondence/negotiations etc. must be followed.

When entering into 'contracts' with suppliers/sub-contractors, the 'Contractor' must ensure that maximum protection which 'contracts' offer is secured, e.g. contracts to be "Under Seal" (Procedure Rule 30) and use of "Contract Bonds" (Procedure Rule 33) wherever appropriate.

PROCEDURE RULE 6**Contracts estimated to cost between £1,000 and £24,999.99**

- 6.1 Where it is estimated by the appropriate Chief Officer that the value of goods, materials or services to be supplied or works to be executed at any one time or during a specified period is more than £1,000 and up to £24,999.99 and the provisions of Procedure Rule 4 in relation to “Lists” of Tenderers are not considered appropriate, the Chief Officer may enter into a contract for the supply of those goods or materials or for the works to be executed without obtaining tenders.
- 6.2 Where appropriate a minimum of 3 written quotations are required to be sought, and kept on a central file retained by the relevant Chief Officer for audit purposes (in accordance with Procedure Rule 1.4). Regard must be had to the need to obtain value for money and to the fact that the expenditure can be accommodated within the appropriate budget.
- 6.3 The Chief Officer shall keep a record of all correspondence/negotiations to ensure that the appropriate evidence is available to demonstrate compliance with its duty to achieve Value for Money (subject to Procedure Rule 1.4).

If expenditure relates to Capital Programme reporting arrangements detailed in Procedure Rules 18 and 38 must be adhered to.

Delegation referred to in 6.1 included in Schedule of Powers Delegated to Officers.

Guidance Note (A) attached relating to keeping records of correspondence/negotiations etc. must be followed.

When entering into 'contracts' with suppliers/sub-contractors, the 'Contractor' must ensure that maximum protection which 'contracts' offer is secured, e.g. contracts to be "Under Seal" (Procedure Rule 30) and use of "Contract Bonds" (Procedure Rule 33) wherever appropriate.

PROCEDURE RULE 7**Contracts estimated to cost between £25,000 and £49,999.99**

- 7.1 Where the total value of goods, services or works is estimated to cost between £25,000 and £49,999.99, the persons to be invited to tender (at least 4 wherever possible) shall be selected by the Chief Officer.
- 7.2 In cases where the goods, services or works are covered by an approved list maintained under Procedure Rule 4, the approved list must be used and at least four tenders obtained (and more where, in the opinion of the Chief Officer, there is a reasonable level of competition or variety of solutions). The use of an approved list must be structured in order to ensure open and fair competition with an appropriate rotation of suppliers from the list.
- 7.3 In determining the persons to be invited to tender regard shall be had to current technical ability and any other relevant factors with a view to ensuring that the Council obtains value for money.

Delegation included in Schedule of Powers Delegated to Officers.

If expenditure relates to Capital Programme reporting arrangements detailed in Procedure Rules 18 and 38 must be adhered to.

Guidance Note (A) attached relating to keeping records of correspondence/negotiations etc. must be followed.

When entering into 'contracts' with suppliers/sub-contractors, the 'Contractor' must ensure that maximum protection which 'contracts' offer is secured, e.g. contracts to be "Under Seal" (Procedure Rule 30) and use of "Contract Bonds" (Procedure Rule 33) wherever appropriate.

PROCEDURE RULE 8**Schemes of a Specialist Nature - Estimated Contract Value in Excess of £25,000**

- 8.1 This Procedure Rule shall apply where a Chief Officer considers that, because of the specialist nature of works to be undertaken, it is appropriate to invite tenders only from those firms with the relevant experience and expertise. Examples of when this rule can be used are:-
- The purchase or repair of patented or proprietary articles or articles sold only at a fixed price;
 - Works primarily involving specialist professional or technical skills or competencies or expertise in a subject or area where it is recognised that such skills or expertise are not generally available.
- 8.2 A minimum number of 3 contractors or suppliers shall be invited to tender, where possible.
- 8.3 The Chief Officer shall identify the firms to be invited to tender. The reasons for selecting the particular contractors or suppliers shall be recorded and retained on the central file held by the relevant Chief Officer (subject to Procedure Rule 1.4).
- 8.4 Firms must satisfy the criteria of technical, health and safety and financial capability as determined by the appropriate Chief Officer and Director of Resources before any contract is awarded.
- 8.5 The Chief Officer shall keep a record of all correspondence/negotiations to ensure that the appropriate evidence is available to demonstrate compliance with its duty to achieve Value for Money (subject to Procedure Rule 1.4).
- 8.6 This Procedure Rule cannot be used if EU Procedure applies (refer to Procedure Rule 2).

Delegation referred to in 8.2 included in Schedule of Powers Delegated to Officers.

If expenditure relates to Capital Programme reporting arrangements detailed in Procedure Rules 18 and 38 must be adhered to.

Guidance Note (A) attached relating to keeping records of correspondence/negotiations etc. must be followed. This note also contains guidance as to the definition of Schemes of a Specialist Nature.

When entering into 'contracts' with suppliers/sub-contractors, the 'Contractor' must ensure that maximum protection which 'contracts' offer is secured, e.g. contracts to be "Under Seal" (Procedure Rule 31) and use of "Contract Bonds" (Procedure Rule 33) wherever appropriate.

PROCEDURE RULE 9**Single Tenders - Estimated Contract Value in Excess of £25,000**

- 9.1 This Procedure Rule shall apply where the Chief Officer has decided that there is only one possible contractor or supplier suitable for a given contract. Where this is the case, the Chief Officer concerned may invite and accept a tender from a single person or body.
- 9.2 Before single tender action is to be taken, a report shall be prepared for written approval by the Chief Officer in consultation with the Director of Resources, the Monitoring Officer and the appropriate Cabinet Member and a record of the decision shall be retained by the service. This report will set out in detail the justification for the single tender.
- 9.3 Single tender action shall not be taken prior to approval from the Director of Resources, the Monitoring Officer and the appropriate Cabinet Member.
- 9.4 The Chief Officer shall keep a record of all correspondence/negotiations to ensure that the appropriate evidence is available to demonstrate compliance with its duty to achieve Value for Money (subject to Procedure Rule 1.4).

Delegation referred to in 9.2 included in Schedule of Powers Delegated to Officers.

If expenditure relates to Capital Programme reporting arrangements detailed in Procedure Rules 18 and 37 must be adhered to.

Guidance Note (A) attached relating to keeping records of correspondence/negotiations etc. must be followed.

When entering into 'contracts' with suppliers/sub-contractors, the 'Contractor' must ensure that maximum protection which 'contracts' offer is secured, e.g. contracts to be "Under Seal" (Procedure Rule 31) and use of "Contract Bonds" (Procedure Rule 33) wherever appropriate.

PROCEDURE RULE 10**Negotiated tenders**

- 10.1 This Rule shall apply where the Chief Officer has decided that it is economic to re-engage a contractor who previously performed successfully on a similar project, or is carrying out an existing contract nearby the proposed contract. In such cases, the Chief Officer concerned may negotiate a tender price with the selected contractor.
- 10.2 Before negotiations take place a report shall be prepared for written approval by the Chief Officer in consultation with the Director or Resources, the Monitoring Officer and the appropriate Cabinet Member and a record of the decision shall be retained by the service and a copy sent to the Head of Organisational Development (in accordance with Procedure Rule 1.4).
- 10.3 This report will set out in detail the justification for entering into negotiations - financial (e.g. outcome of recent competitive tendering) and non-financial, together with criteria governing cost increases if the negotiations relate to contractual arrangements for specific categories of work.
- 10.4 Negotiated tender action shall not be taken without prior approval from the Director of Resources and the Monitoring Officer.
- 10.5 As with all issues of this nature regard must be had to achieving value for money.

Delegation referred to in 10.2 included in Schedule of Powers Delegated to Officers.

If expenditure relates to Capital Programme reporting arrangements detailed in Procedure Rules 18 and 38 must be adhered to.

Guidance Note (A) attached relating to keeping records of correspondence/negotiations etc. must be followed.

When entering into 'contracts' with suppliers/sub-contractors, the 'Contractor' must ensure that maximum protection which 'contracts' offer is secured, e.g. contracts to be "Under Seal" (Procedure Rule 31) and use of "Contract Bonds" (Procedure Rule 33) wherever appropriate.

PROCEDURE RULE 11**Selective Tendering - Select List - Estimated contract value in excess of £50,000**

- 11.1 Select Lists may be used for the selection of suitable contractors (including national frameworks such as Construction Line, G-CAT or S-CAT) for contracts that are estimated to be for amounts exceeding £50,000. The procedures for establishing Select Lists are outlined in Procedure Rule 4.
- 11.2 Where invitation to tender for a contract is limited to persons whose names appear on the "Lists" maintained under Procedure Rule 4, an invitation to tender for that contract shall be sent to:
- (a) at least four of those persons whose names appear in the "Lists" as being approved for a contract for that value or amount or of that category.
 - (b) the selection of potential sub-contractors to be invited to submit bids from select lists will be strictly by rotation, except whereby otherwise justified and agreed with the appropriate Chief Officer.
 - (c) If there are fewer than four such persons on the list then the invitation to tender shall be sent to all such persons unless the Chief Officer believes that there is a reasoned justification for not doing so. The reasons for which must be recorded and retained on the central file held by the appropriate Chief Officer (in accordance with Procedure Rule 1.4).
 - (d) If there are more than four such persons, the persons invited to tender shall be determined by the appropriate Chief Officer who shall have regard to current technical capability and any other relevant factors with a view to ensuring that the Council obtains value for money.
- 11.3 Where the value of the contract is likely to exceed the European threshold (taking account of the rules of aggregation), it must be tendered in accordance with the relevant European procurement directive and procurement regulations. The exception to this Rule is in cases where goods, services or works can be obtained through an approved list or framework contract which has been established via the relevant EU procurement process (for example, S-CAT).

Delegation referred to in 11.3 included in Schedule of Powers Delegated to Officers.

If expenditure relates to Capital Programme reporting arrangements detailed in Procedure Rules 18 and 38 must be adhered to.

Guidance Note (A) attached relating to keeping records of correspondence/negotiations etc. must be followed.

When entering into 'contracts' with suppliers/sub-contractors, the 'Contractor' must ensure that maximum protection which 'contracts' offer is secured, e.g. contracts to be "Under Seal" (Procedure Rule 31) and use of "Contract Bonds" (Procedure Rule 33) wherever appropriate.

PROCEDURE RULE 12**Selective Tendering – Ad Hoc List - Estimated contract value in excess of £50,000**

- 12.1 This Procedure Rule shall apply where the Chief Officer has decided that invitation to tender for a contract whose estimated value exceeds £50,000 is to be limited to some or all of those contractors who have replied to a public notice published in accordance with this Procedure Rule.
- 12.2 For the purpose of this Procedure Rule public notice shall be given:
- (a) on the Council's website;
 - (b) in at least one local newspaper, circulating in the Borough unless, in the opinion of the appropriate Chief Officer, this will not elicit any response because of the specialist nature of the contract, in which case public notice shall be given as set out in paragraph (c) below, and
 - (c) where the value of the proposed contract exceeds £100,000 in at least one newspaper or journal circulating among such persons or bodies who undertake such contracts, and
 - (d) at the discretion of the Chief Officer to all or a selected number of persons or bodies named in a list maintained under Procedure Rule 4. The Chief Officer shall record their reasons for selection and criteria adopted in making such selection.
- 12.3 The public notice shall
- (a) specify details of the contract into which the Council wish to enter and state where further details can be obtained;
 - (b) invite expressions of interest from persons or bodies wishing to be considered in the tender list and
 - (c) specify a time limit, being not less than 14 days, within which such applications are to be submitted to the Council.
- 12.4 After the expiration of the period specified in the public notice invitations to tender for the contract shall be sent out to not less than 4 of the persons or bodies who applied for permission to tender, selected by the Chief Officer, or where fewer than 4 persons or bodies have applied and are considered suitable, to such of those persons or bodies as the Chief Officer considers suitable.
- 12.5 The Chief Officer shall keep a record of all correspondence/negotiations to ensure that the appropriate evidence is available to demonstrate compliance with its duty to achieve value for money (subject to Procedure Rule 1.4).

Delegation referred to in 12.1, 12.2, 12.3 included in Schedule of Powers Delegated to Officers.

If expenditure relates to Capital Programme reporting arrangements detailed in Procedure Rules 18 and 38 must be adhered to.

Guidance Note (A) attached relating to keeping records of correspondence/negotiations etc. must be followed.

When entering into 'contracts' with suppliers/sub-contractors, the 'Contractor' must ensure that maximum protection which 'contracts' offer is secured, e.g. contracts to be "Under Seal" (Procedure Rule 31) and use of "Contract Bonds" (Procedure Rule 33) wherever appropriate.

PROCEDURE RULE 13**Emergency Works**

- 13.1 Where the contract is for the execution of work or the supply of goods or materials where, in the opinion of the appropriate Chief Officer emergency action is necessary to render a building, highway or structure safe and watertight, or to preserve property for which the Council is responsible or to deal with a source of danger to persons (including a danger to health). A report of action and expenditure incurred under this part of this Procedure Rule of an amount exceeding that delegated to the relevant Chief Officer shall be made to Management Team.

Delegation referred to in 13.1 included in Schedule of Powers Delegated to Officers.

Guidance Note (A) attached relating to keeping records of correspondence/negotiations etc. must be followed.

PROCEDURE RULE 14**Use of Central Government Purchasing Arrangements or Organisations**

- 14.1 This rule shall apply where the Chief Officer has decided that the most appropriate method of appointing a contractor or supplier is to utilise a central government purchasing arrangement or organisation such as the Office of Government Commerce(2), Construction Line etc. The procedures established by Central Government for the use of such an arrangement or organisation must be followed, as must any relevant European Union Procurement rules and any applicable requirement of this constitution.
- 14.2 The reasons for using a central government purchasing arrangement or organisation shall be recorded and personally signed by the Chief Officer and retained on a central file held by the said Chief Officer (subject to Procedure Rule 1.4).

Delegation referred to in 14.2 included in Schedule of Powers Delegated to Officers.

Guidance Note (A) attached relating to keeping records of correspondence/negotiations etc. must be followed.

PROCEDURE RULE 15**Use of Local Purchasing Organisations**

- 15.1 This rule shall apply where the Chief Officer has decided that the most appropriate method of appointing a contractor or supplier is to utilise a local purchasing organisation such as the North East Purchasing Organisation (NEPO).
- 15.2 The procedures established by such a local purchasing organisation for its use must be followed, as must any relevant European Union procurement rules and any applicable requirement of this constitution.
- 15.3 References to a “local purchasing organisation” shall include participation in informal consortia of other public and private bodies where the lead organisation is from the public sector and uses tendering procedures which are broadly comparable with these rules.
- 15.4 The reasons for using a local government purchasing organisation arrangement shall be recorded and personally signed by the Chief Officer and retained on a central file held by the said Chief Officer (in accordance with Procedure Rule 1.4).

Delegation referred to in 15.4 included in Schedule of Powers Delegated to Officers.

Guidance Note (A) attached relating to keeping records of correspondence/negotiations etc. must be followed.

PROCEDURE RULE 16**Purchase and Sale of Land/Property**

- 16.1 Before disposing of an interest in land/property held by the Council the appropriate Chief Officer shall prepare a report for submission to the Cabinet containing full details of the most appropriate method of disposal, the price and other terms and conditions.
- 16.2 In so doing, regard shall be had to the requirements of sections 123 to 127 of the Local Government Act 1972 (or any statutory modification thereof) and, in particular, shall consider (where applicable) the need for obtaining ministerial consent in those cases where a disposal is contemplated at less than the best consideration reasonably obtainable.
- 16.3 The Chief Officer shall determine the most appropriate method of the disposal and if appropriate tendering shall be undertaken in accordance with Procedure Rules.
- 16.4 As far as possible reserve prices shall be placed in order to ensure that the Council obtains value for money. However, there is a need to consider the provisions of the 1972 General Disposal Consent (England) 2003 which gives Local Authorities freedom to dispose of lands at less than best price reasonably obtainable where the Council considers that such disposal will secure the promotion or improvement of the economic social or environmental well-being of its area.
- 16.5 Where there is a proposal to dispose of land at less than the best which is reasonably obtainable, using the provisions of the 2003 General Disposal Consent this shall be included in the report prepared for submission to Cabinet.
- 16.6 Any proposal to acquire any interest in land/property shall be the subject of a report by the appropriate Chief Officer to the Cabinet containing full particulars of the interest to be acquired, price and other terms and conditions.

The Council's Cabinet has the following delegated power where urgent action is essential:-

"To agree to the acquisition, management and disposal of all land and buildings and to confirm terms."

Guidance Note (D) attached - must be followed.

If expenditure relates to Capital Programme reporting arrangements detailed in Procedure Rules 18 and 38 must be adhered to.

With respect to the sale of land or property, consideration needs to given to whether VAT needs to be included. Accountancy Section must be consulted for guidance in this area.

PROCEDURE RULE 17**Sale of Vehicles, Plant, Machinery, Equipment etc.**

- 17.1 The Chief Officer of each Department shall have authority to declare that the Council has vehicles, plant, machinery, equipment etc. surplus to requirements and that he wishes to dispose of them accordingly.
- 17.2 The Chief Officer shall decide upon an estimated residual value for each item he wishes to dispose of.
- 17.3 Where individual items to be disposed of are valued at £1,000 or less, then the Chief Officer shall arrange to dispose of such items by whatever means is considered the most cost effective.
- 17.4 Where individual items to be disposed of are valued in excess of £1,000 but less than £25,000 the Chief Officer concerned shall invite quotations to purchase from interested parties by way of public notice or he shall arrange to sell the items by public auction, if he considers this latter course of action more suitable.
- 17.5 If it is proposed to sell an item(s) by public auction, proper arrangements shall be made with a reputable organisation, normally involved with such business on a regular day-to-day basis, and those arrangements shall include confirmation by the organisation that the auction will be open to members of the general public.
- 17.6 If the estimated value of individual items to be sold is £25,000 or more, or, in the opinion of the Chief Officer, the item(s) are of a specialist nature (whether or not the value exceeds £25,000), then the Chief Officer may, as an alternative to sale by public auction, invite quotations to purchase by means of advertisement in trade or specialist publications instead of, or in addition to, local newspaper advertisement.
- 17.7 The disposal of any assets subject to leasing arrangements must be in a manner approved by the leasing company.
- 17.8 Detailed records must be kept to ensure that the appropriate evidence is available to demonstrate compliance with its duty to achieve value for money (in accordance with Procedure Rule 1.4).

Delegation referred to in 17.3, 17.4, 17.6 included in Schedule of Powers Delegated to Officers.

Guidance Note (A) attached relating to keeping records of correspondence/negotiations etc. must be followed.

With respect to the sale of land or property, consideration needs to be given to whether VAT needs to be included. Accountancy Section must be consulted for guidance in this area.

PROCEDURE RULE 18

Scheme Proposal - Capital Programme

18.1 Before tenders or quotations for the execution of any works included in the Capital Programme are invited, the Cabinet shall obtain from the appropriate Chief Officer a report on the proposals including the relevant financial information.

Link to Procedure Rule 38.

Guidance Note (B) attached relating to Capital Programme procedures must be followed - also relates to Procedure Rule 38.

PROCEDURE RULE 19**‘Main Contractor’ Arrangements**

- 19.1 Where it is necessary to enter into sub-contracts and/or supply arrangements whilst operating as a ‘main contractor’ such arrangements will be approved by the relevant Chief Officer in relation to the use of select lists of contractors and short-listing arrangements (all “Select Lists” shall be prepared in accordance with Procedure Rule 4).
- 19.2 The selection of potential sub-contractors to be invited to submit bids from select lists will be by rotation, except whereby otherwise justified and agreed with the appropriate Chief Officer.
- 19.3 In respect of Procedure Rule 19.1 above the appropriate Chief Officer shall not be obliged to seek tenders in accordance with these Procedure Rules but shall be required to ensure that value for money is obtained and keep detailed records of quotations, processes and negotiations on the central file of sub-contractors selection criteria, quotations, prices and negotiations to ensure that the appropriate evidence is available to demonstrate compliance with its duty to achieve value for money.

Delegation referred to in 19.3 included in Schedule of Powers Delegated to Officers.

Guidance Note (A) attached relating to keeping records of correspondence/negotiations etc. must be followed.

When entering into ‘contracts’ with suppliers/sub-contractors, the ‘Contractor’ must ensure that maximum protection which ‘contracts’ offer is secured, e.g. contracts to be “Under Seal” (Procedure Rule 30) and use of “Contract Bonds” (Procedure Rule 33) wherever appropriate.

PROCEDURE RULE 20**Nominated/Named Sub-Contractors and Suppliers**

- 20.1 Tenders for sub-contracts and supplies to be performed by sub-contractors and suppliers shall be invited in accordance with the methods and arrangements prescribed in these Procedure Rules.
- 20.2 The appropriate Chief Officer is authorised to nominate or name to the main contractor the sub-contractor or suppliers whose tender, obtained in accordance with the preceding sub-paragraph is, in his or her opinion, the most satisfactory; provided that, where the tender is not the most economically advantageous received, the Chief Officer sets out in writing the reasons for this which shall be personally signed by the Chief Officer concerned, or his or her nominee and retained on a central file held by the said Chief Officer (in accordance with Procedure Rule 1.4). The appropriate Cabinet Member shall be kept informed.

PROCEDURE RULE 21**Engagement of Consultants**

- 21.1 A Chief Officer may only appoint external consultants (including Construction and Catering) or advisors providing professional or consulting services if such services are not available within the Council or if Council officers providing them do not have the resources to meet the needs of the service. Where such services are available in-house, the Chief Officer must consult with the Director of Resources before taking any decision to make an external appointment.
- 21.2 External consultants and technical officers engaged to supervise contracts must follow these Rules as applicable and their contracts for services must state this requirement.
- 21.3 All contracts for external consultants and advisors shall explicitly require that the consultants or advisors provide without delay any or all documents and records maintained by them relating to the services provided on request of the Chief Officer,.
- 21.4 The Chief Officer shall ensure that any consultant working for the Council has appropriate professional indemnity insurance.
- 21.5 The engagement of a Consultant shall follow the agreement of a brief that adequately describes the scope of the services to be provided and shall be subject to completion of a formal letter or contract of appointment.

PROCEDURE RULE 22**Partnerships**

- 22.1 These Rules apply to any proposal for the Council to become involved in a partnership, including the management and termination of any such arrangement.
- 22.2 A 'partnership' is a joint-working arrangement involving the Council and one or more legally independent organisations through which either a specific programme or project or through which services within any of the functions of the Council are to be provided.
- 22.3 Partnerships represent a variety of arrangements both statutory and non-statutory including public sector joint committees, joint boards and consortia, partnering arrangements/pooled budgets, joint ventures with private sector companies, companies limited by guarantee (trust) and a charities.
- 22.4 The development of a partnership must always be subject to the Council's formal approval mechanism, in which Corporate Management Team and Cabinet must approve a business case for the proposed partnership demonstrating its contribution to corporate objectives. The business case will include a proportionate cost benefit analysis of each potential option for delivery including a full risk assessment in order to support the case for partnership creation.
- 22.5 If the partnership is prescribed by statute, all partners will sign a formal and comprehensive partnership agreement and the partnership managed accordingly.
- 22.6 If the proposal is for a discretionary partnership, the Contract Procedure Rule relevant to the value of the proposed contract will be followed in order to select the best value partner.
- 22.7 Discretionary partnerships will be subject to formal contractual agreement appropriate to the partnership structure to be adopted. Advice must be sought from Legal Services in the preparation of such contracts.
- 22.8 Each partnership will be recorded in the corporate partnerships database and its performance managed and monitored in accordance with the corporate guidance on partnerships governance.
- 22.9 Procurements within partnerships will be undertaken in line with the lead organisation's contract procedure rules, provided this complies with all legal obligations and the Council's objectives in respect of value for money.
- 22.10 Termination of partnerships before the scheduled end-date will be determined by a range of factors, including poor performance, partner relationships and external factors such changes in the operating environment. Any decision on early termination will be subject to Cabinet approval.

PROCEDURE RULE 23**Tender Envelopes**

23.1 Where invitation to tender is required in accordance with these Procedure Rules, every notice of such invitation shall state that no tender will be received except in the envelope provided by the Council or, where no such envelope is available, in a plain sealed envelope which shall bear the word "Tender -" followed by the subject to which it relates and the closing date and time for receipt of the tender, but shall not bear any name or mark indicating the sender, and such envelopes shall remain in the custody of the Chief Executive Officer or an official of the Council designated by him until the time appointed for their opening.

Electronic Tendering System

23.2 Where the Council's electronic tendering system is used for invitation to tender every notice of such invitation shall state that a fully priced tender is to be returned, via the Council's electronic tendering system delivered electronically to the Chief Executive Officer. In the event that tenderers are unable or unwilling to submit a response electronically officers shall ensure that procedures in respect of 'opt out' are adhered to. Completed tenders shall be returned in the sealed tender envelope, which must not bear any name or mark indicating the sender. Particular care should be taken that the Tenderer's identity is not apparent from any image, resulting from a postal franking device, appearing on the envelope or package.

PROCEDURE RULE 24**Late Tenders**

- 24.1 Where a tender is submitted in competition and is received after the specified time then it shall be disqualified. Any such tender shall be returned promptly to the tenderer who should be notified accordingly. The tender envelope may be opened to ascertain the name and address of the tenderer concerned.
- 24.2 The only exception to Procedure Rule 24 where a late tender may be considered is if none of the other tenders received have been opened or no other tenders have been received. The officer responsible for the opening of tenders must keep a record of the date and time of receipt of late tenders and the circumstances resulting in their acceptance.

PROCEDURE RULE 25

Attempted Alteration of Tender

- 25.1 If any person, firm or company who, having submitted to the Council a tender shall, subsequent to the opening of tenders, seek to amend such tender (other than may be provided for in the tender documents) then such amendment shall disqualify that tender from further consideration by the Council.

PROCEDURE RULE 26

Opening of Tenders

- 26.1 All tenders will be opened at the same time as soon as possible after the deadline for their receipt.
- 26.2 If all tenders are received via the electronic tendering system, they will be opened by 2 officers representing the Chief Executive.
- 26.3 If at least one is received in a tender envelope, all tenders will be opened in the presence of:-
- (i) Two Members of the Council - wherever possible one will be a member of the Cabinet, and
 - (ii) The Chief Executive or an official of the Council designated by him.
- 26.4 The Chief Executive will keep a record of all tenders received, which will be signed by those present when the tenders are opened.

PROCEDURE RULE 27**Acceptance of Tenders**

- 27.1 The most economically advantageous tender for the supply of goods or services to the Council shall be accepted by the Chief Officer and where it has been judged as the most appropriate against a pre-determined evaluation model available at the time the tenders are sought. Due regard must be made to achieving value for money.
- 27.2 The most economically advantageous tender for the purchase of goods or services from the Council shall be accepted by the Chief Officer.
- 27.3 Any tender not satisfying Rules 27.1 and 27.2, shall not be accepted except as authorised by the Chief Officer following consultation with the appropriate Cabinet Member, the Monitoring Officer and Director of Resources where it is in the interests of the Council as being the most suitable having regard to the Budget and Policy Framework. Full details should be retained on the central files held by the relevant Chief Officer.
- 27.4 The appropriate Chief Officer shall have authority to negotiate with any tenderer for the purpose of rectifying or taking account of some error or omission appearing in any tender or priced bill of quantities.
- 27.5 For all procurements covered by the EU Procurement Directives, a minimum of 10 calendar days mandatory standstill period is required between the communication of the notification of the award decision and contract conclusion, with day 1 being the day after the award decision is issued, by fax or email and in writing to all tenderers. This is to allow contractors/suppliers an opportunity to challenge the decision. The notification of the award decision, based on the most economically advantageous tender, shall contain:
- the award criteria;
 - the score the tenderer obtained against those award criteria;
 - the score the winning tenderer obtained;
 - the name of the winning tenderer.

Delegation referred to in 27.1 included in Schedule of Powers Delegated to Officers.

For guidance on Evaluation Criteria, contact the Procurement Officer.

PROCEDURE RULE 28

Acceptance of Tenders above approved budgets/estimates

28.1 A report in writing shall be made to the Cabinet seeking approval where the acceptance of a tender would exceed an approved budget/estimate.

Need to comply with Financial Procedure Rules.

If expenditure relates to Capital Programme reporting arrangements detailed in Procedure Rules 18 and 38 must be adhered to.

PROCEDURE RULE 29**Negotiations Following Receipt of Tenders**

- 29.1 This Procedure Rule applies only to negotiations following the receipt of a quotation or tender submitted in accordance with these Procedure Rules.
- 29.2 Subject always to the statutory procurement framework the Chief Officer may, after consulting with the Council's Procurement Section, authorise negotiations with the two most economically advantageous tenderers (and such other tenderers as the appropriate Chief Officer decides in the interests of genuine competition) or quotation providers if he or she considers that none of the tenders or quotations are acceptable and it is in the Council's interest to do so. In cases where a procurement process is for multiple providers, the number of tenderers selected for negotiation may be increased appropriate to the number of contracts to be let.
- 29.3 Negotiations shall be conducted on behalf of the Council by at least two appropriate officers from the service concerned. The Council's Procurement Section shall be invited to the negotiation meetings. A full written record shall be kept of the results of the negotiations, signed by the Chief Officer or his or her nominee personally, retained on a central file held by the said Chief Officer and a copy sent to the Procurement Section (in accordance with to Procedure Rule 1.4). The appropriate Cabinet Member shall be kept informed.
- 29.4 An amended tender following negotiations under Procedure Rule 29 may not be accepted unless it is demonstrably more economically advantageous than all of the written tenders previously obtained.
- 29.5 Procedure Rule 29 shall not apply to any contract that is governed by EU procurement directives.

Guidance Note (A) attached relating to keeping records of correspondence/negotiations etc. must be followed.

PROCEDURE RULE 30**Contracts to be in Writing**

- 30.1 All contracts shall be in writing in a form approved by the Chief Executive Officer.
- 30.2 The Chief Executive Officer's approval of forms of contracts is deemed to be given in respect of any form of contract approved by the relevant professional association or other recognised body appropriate to the subject matter of the contract concerned.

The Chief Executive Officer's approval of forms of contracts may be given by the Director of Resources or the Solicitor to the Council. Such approval shall not be necessary in the case of forms of contract issued by the following professional associations or other recognised bodies:-

- Institute of Civil Engineers*
- Joint Contractors Tribunal*
- Joint Contracts Landscapes Industries*
- Institute of Electrical Engineers*
- Law Society*
- Royal Institution of Chartered Surveyors*
- Royal Institute of British Architects*
- Chartered Institute of Building Services Engineers*

However, forms of contract which, in the ordinary course of business, are commonly used by suppliers of goods or services, will still require approval e.g. computer contracts or contracts for the provision of software.

In cases of doubt then the matter shall be referred to the Director of Resources or the Solicitor to the Council well in advance of the time when contract commitments are to be entered into.

PROCEDURE RULE 31**Signing of Contracts/Use of Common Seal of the Council**

- 31.1 Every contract which does not exceed £50,000 shall be signed by the appropriate Chief Officer or an officer designated on his behalf - this shall not apply to contracts entered into under the Common Seal of the Council.
- 31.2 Every contract which exceeds £50,000 shall be signed by the Chief Executive Officer or the Director of Resources or the Solicitor to the Council.
- 31.3 Every contract which exceeds £100,000 shall be entered into under the Common Seal of the Council and where appropriate.
- 31.4 In addition to (3) above the use of the Common Seal shall be obligatory in the following circumstances:-

The Common Seal shall be used in connection with the Council entering into a Deed, unless otherwise required by statute, for the disposal or acquisition of interests in land, in connection with any building contract, construction contract or contract for works of an engineering or technical nature where the use of the Seal will afford additional protection to the Council. In these situations the use of the Seal shall be dispensed with only with the approval of the Chief Executive Officer, the Director of Resources or the Solicitor to the Council.

Delegations referred to in 31.1 and 31.2 included in Schedule of Powers Delegated to Officers.

Procedure Rule 38 in Part VI of Procedure Rules relating to Meetings and Proceedings states the signing of documents to which the Common Seal is affixed can only be undertaken by the Chief Executive Officer, Director of Resources or the Solicitor to the Council.

Essential that in order to maximise protection the conditions in this Procedure Rule be used as appropriate in respect of contracts/sub-contracts entered into.

PROCEDURE RULE 32**Contract Conditions**

32.1 Every contract in writing or electronic format shall, where appropriate, specify:-

- (a) the goods, materials or services to be supplied and the work to be executed;
- (b) full details of all prices to be paid, detailing the frequency and method of calculation (if any) with a statement of discounts or other deductions; and
- (c) the period of time within which the contract is to be performed;
- (d) such other conditions and terms as may be agreed between the parties.

32.2 Liquidated and Ascertained Damages

Every contract which exceeds:-

- (a) £100,000 and is anticipated to exceed 12 months duration; or
- (b) £250,000 irrespective of duration;
- (c) or where appropriate;

and is either for the execution of works or for the supply of goods, materials or services otherwise than at one time shall provide for liquidated damages to be paid by the Contractor in case the terms of the Contract are not duly performed.

A clause shall be inserted to secure that, should the contractor fail to execute the work or deliver the goods or materials, either in whole or in part, within the time(s) specified in the contract, the Council, without prejudice to any other remedy for breach of contract, shall be entitled to determine the contract, either in whole or in part, or to the extent of the default, and to make alternative arrangements for the execution of the work or to purchase other goods or materials, as the case may be to make good:

- (i) such default, or
- (ii) in the event of the contract being wholly determined, the unexecuted work or the goods or materials remaining to be delivered.

The clause shall further secure that the amount of work by which the cost of providing for the execution of the work by other means, or the purchasing of other goods or materials, exceeds the amount which would have been payable to the contractor, within the time or times specified, shall be payable by the contractor.

Essential that in order to maximise protection the conditions in this Procedure Rule be used as appropriate in respect of contracts/sub-contracts entered into.

32.3 Breach

Every written or electronic contract must contain a clause to secure that if the contractor fails to comply with its contractual obligations in whole or in part, or commits a fundamental breach of the contract, the Council may, without prejudice to any other remedy available to it:

- (a) Terminate the contract, either wholly or to the extent of such default;
- (b) Complete the contract itself or through another contractor or agent to make good the default,
- (c) Recover from the contractor any additional costs incurred in completing the contract to the original specification.

32.4 Late Payment

The contract shall require that if one or more sums of money to be received by the Council, the contractor responsible for the payment of such sum or sums must pay interest in respect of late payment at the rate stated in the contract from the date when payment is due until the date when payment is received.

In every written or electronic contract consideration will be given to inserting the following clauses or a variant thereof:

32.5 Statutory Requirements - Equality & Diversity

In the performance of the contract, the contractor must comply with all statutory requirements and current legislation relating to the promotion of equality on the grounds of race, gender, ethnicity, age, disability, religion or belief and sexual orientation.

32.6 Statutory Requirements – Health & Safety

In the performance of the contract, the contractor must comply with the requirements of the Health and Safety at Work etc. Act 1974 and of any other relevant Acts, Regulations or Orders pertaining to health and safety.

32.7 Statutory Requirements – Best Value

Contractors discharging Council functions must comply with the duty of Best Value under the Local Government Act 1999 (as amended).

32.8 Transferring, Assigning and Sub-letting

In every written or electronic contract for the execution of work or for the supply of goods or materials the following or equivalent clauses shall be inserted.

“The contractor shall be prohibited from transferring or assigning directly or indirectly, to any person or persons whatever, the whole or any portion of its contract without the written permission of the Council. Sub-letting of any part of the work shall be prohibited, except to the extent permitted in writing by the officer concerned in accordance with the provisions of the contract”.

32.9 Performance Information

Every written and electronic contract shall contain detail of relevant performance criteria, targets, standards and information on how the contract will be monitored, reviewed and managed by the Council.

32.10 Freedom of Information Act 2000

All tenders and contracts must contain a notice relating to the Freedom of Information Act and a schedule that clearly identifies those sections of clauses that are commercially confidential within the terms of the Freedom of Information Act.

32.11 Other

Other contractual conditions shall be included as required within these Procedure Rules, the Code of Practice or as directed by the Solicitor to the Council.

PROCEDURE RULE 33

Contract Bond

33.3 The Council will also require a contractor to give sufficient security for the due performance of any Contract as follows:-

- (i) The Contractor will be required to enter into a Contract Guarantee Bond in a sum equal to 10% of the Contract sum or 10% of the annual sum if the Contract exceeds 12 months duration and he must allow in his tender for the cost of this provision.
- (ii) In the event of the Contractor being unable to obtain a satisfactory Contract Guarantee Bond within 14 days of notification to him of acceptance of his Tender, the acceptance of his Tender may be revoked.

Essential that in order to maximise protection the conditions in this Procedure Rule be used as appropriate in respect of contracts/sub-contracts entered into.

PROCEDURE RULE 34**Cancellation of Contracts - Inducements**

- 34.1 In every written contract a clause shall be inserted to ensure that the Council shall be entitled to cancel the contract, and to recover from the contractor the amount of any loss or damages resulting from such cancellation, if the contractor or its employees or agents (with or without its knowledge):
- (a) does anything improper to influence the Council to award the contractor any contract; and/or
 - (b) commits an offence under the Prevention of Corruption Acts 1889 to 1916 (as amended) or under Section 117 of the Local Government Act 1972.
- 34.2 For the purposes of this Procedure Rule the term "contractor" includes any person acting on behalf of the contractor or with his knowledge or consent and whether or not the contract is in writing or oral or made by way of order for goods or services.

It is essential that all parties with whom the Council has dealings must be aware of the Council's attitude regarding 'inducements'.

Correspondence leading to a contract can be construed as part of the contract.

The following must be incorporated into all orders/correspondence:-

"This order is subject to the current Procedure Rules of the Council".

"The Council may cancel this contract/order if any inducement has been offered to any employee".

Standard Forms of Contract e.g. ICE, JCT etc. usually contain a specific section relating to 'inducements' etc.

PROCEDURE RULE 35**Standard/Specification**

- 35.1 Except where the law requires otherwise, where an appropriate International Standard, British Standard Specification, or British Standard Code of Practice issued by the British Standards Institution is current at the date of the tender, every written contract the value or amount of which exceeds £25,000 shall require that, as the case may be, all goods and materials used and supplied, and all workmanship, shall be in accordance with that standard, any equivalent European Union standard, or of a higher standard.

A clear specification of requirements (identifying outputs or outcomes rather than inputs, unless there is a demonstrable need to specify inputs) shall be produced.

PROCEDURE RULE 36**Extending Existing Contracts**

- 36.1 The Chief Officer, after consultation with the appropriate Chief Officer, may extend a contract up to a limit of 10% of the original contract value and subject to the extension being within the scope of the original scheme. All such decisions shall be recorded and personally signed by the Chief Officer concerned, or his or her nominee and retained on a central file by the said Chief Officer (in accordance with Procedure Rule 1.4). A copy of the decision shall also be sent to the Procurement Section, and the Chief Officer shall ensure that the appropriate Cabinet Member is kept informed.
- 36.2 Extensions to capital project contracts that will fall outside the scope of the original scheme will require the approval of the relevant Chief Officer for values below £100,000. Extensions with a value of £100,000 or more must go to the Cabinet for approval. This does not apply to operational contracts for goods and services that are not key decisions (i.e. where annual or periodic contracts are to be extended). The definition of a key decision is set out in Part 3, Responsibility for Functions, B - Cabinet Functions, of the Constitution. In such cases the Chief Officer or the Cabinet must, before taking the decision, consider tendering or negotiating the additional work, and ensure that any additional required funding is secured. A written record of the decision with reasons shall be personally signed by the Chief Officer concerned or his or her nominee and the record be retained on a central file held by the said Chief Officer, and a copy sent to the Procurement Section.
- 36.3 If the original contract was subject to the EU procurement regulations, the contract can only be extended within the parameters identified in the original EU contract notice, or if the notice explicitly contained provision for extension.
- 36.4 If the contract was not subject to the EU procurement regulations, any extension must not take the total value of the contract above the EU thresholds.
- 36.5 If the contract was awarded as a framework contract, the total contract period, including any extensions, cannot exceed four years.

PROCEDURE RULE 37***Variation Orders and Extra Works Orders***

- 37.1 The Chief Officer must record every variation order or extra works order immediately it is raised. If the issue of Variation Order(s) would at the date of the Variation Order(s) increase the original contract price by more than 10% these must be reported to the Director of Resources who will consider if it should be reported to Cabinet.
- 37.2 Where contracts are entered into on fluctuating basis, the 10% relates to the original tender sum as adjusted under the terms of the contract.
- 37.3 Where the contract price is inclusive of a sum for contingencies, the limits outlined in paragraph 37.1 above must relate to the total contract price.
- 37.4 Where such additional expenditure relates to a Capital Scheme, every effort must be made to meet the cost from within the overall Capital Programme for that Service. If this is not possible, a report must be submitted to the Cabinet.

Included in Schedule of Powers Delegated to Officers.

Link to Capital Programme and Contracts Sections of Financial Procedure Rules – paragraphs 24 and 54.

PROCEDURE RULE 38

Compliance with Financial Procedure Rules

38.1 The Cabinet and Officers of the Council shall comply with the Council's Financial Procedure Rules. Particular attention is drawn to the Rule relating to Capital Programmes.

Link to Procedure Rule 18.

Guidance Note (B) attached relating to Capital Programme procedures must be followed - also relates to Procedure Rule 18.

PROCEDURE RULE 39

Non-Commercial Matters

- 39.1 In relation to the making of a Public Supply or Works contract within the meaning of Section 17 of the Local Government Act 1988 consideration shall be given to the duty imposed by that section to exercise the functions regulated by that section without reference to non-commercial matters.

Guidance Note (E) attached details the non-commercial matters which must not be referred to in making Public Supply or Works Contracts.

PROCEDURE RULE 40

Review of Cash Limits

- 40.1 The cash limits referred to in these Procedure Rules shall be reviewed annually by the Procurement Section and an appropriate notification shall be provided to each Chief Officer. Such notification shall not amount to a formal amendment of the Constitution.

PROCEDURE RULE 41

Lease or Credit Arrangements

- 41.1 The Chief Officer must consult with the Head of Financial Services prior to entering into any lease or credit arrangement.

PROCEDURE RULE 42

Claims

- 42.1 The Chief Officer must inform the Solicitor to the Council immediately of any claims (or anticipated claims) by or against contractors that are the subject of dispute between the Council and the contractor.

Guidance Note A

KEEPING OF RECORDS OF CORRESPONDENCE/NEGOTIATIONS ETC.

The Contract Procedure Rules provide varying degrees of delegated power for officers to obtain and accept competitive prices and enter into contracts on behalf of the Council for goods, materials or services to be supplied or works to be executed.

Throughout the exercise of these delegated powers it is essential to ensure that value for money is achieved.

In addition officers exercising these delegated powers must ensure that detailed records are kept of all quotations, prices and negotiations etc. in a form acceptable to the Chief Executive Officer and the Director of Resources held on a central file by the relevant Chief Officer.

Where the Total Value is **less than £25,000**, the following records must be kept:

- any exemption under Rule 3** together with the reasons for it
- any reasons for deciding that the provisions of Rule 4 in relation to “Lists” of Tenderers are not considered appropriate
- how and why persons etc. invited to submit quotations were selected
- invitations to quote and Quotations
- methods of receiving and recording quotations
- a record:
 - of any exemptions and the reasons for them
 - of the reason if the most economically advantageous quotation is not accepted
- written records of communications with the successful contractor or an electronic record if a written record of the transaction would normally not be produced
- details of acceptance of finally agreed prices, terms and conditions

Where the Total Value **exceeds £25,000** the Officer must record:

- any exception under Rule 3** together with the reasons for it
- any reasons for deciding that the provisions of Rule 4 in relation to “Lists” of Tenderers are not considered appropriate
- any reasons for not selecting particular contractors in relation to Rule 8

- the nature of the specialist works, the reasons for deciding that works are of a specialist nature and why fewer than three contractors have been selected in relation to Rule 8*
- the method for obtaining bids
- any Contracting Decision and the reasons for it
- the Award Criteria in descending order of importance
- Tender documents sent to and received from Candidates
- pre-tender market research
- clarification and post-tender negotiation (to include minutes of meetings)
- the contract documents
- post-contract evaluation and monitoring
- communications with Candidates and with the successful contractor throughout the period of the contract
- the reasons why it is considered that selection from the List referred to in Rule 7 is not considered appropriate

**** Definition of Specialist Works – Works primarily involving specialist, professional or technical skills or competencies or expertise in a subject or area where it is recognised that such skills or expertise are not generally available.***

***** Definition of “Urgent” - The urgency must be unforeseen – for example, a current supplier ceases to operate, or a contract is terminated for poor performance. Urgency caused by previous delay by the Council or a requirement to implement a strategy or project urgently will not justify an exception to the financial thresholds.***

Guidance Note B**CAPITAL EXPENDITURE APPROVAL PROTOCOL**

The Council's Corporate Capital Strategy, Asset Management Plan, Housing Revenue Account Business Plan and Medium Term Financial Plan will set the framework for developing and evaluating capital projects over a three year period (reviewed and agreed on an annual basis) – from the preparation of bids (CP1's) through to the reporting of capital expenditure at

- Strategic Working Group
- Management Team
- Cabinet.

This is summarised as follows:-

1. PREPARATION OF CAPITAL PROGRAMMES

- 1.1 From July/August onwards, Working Groups will begin preparation of initial Capital Programmes for the following three years. Account will be taken of national, local priorities, corporate and portfolio priorities, schemes already underway and others previously agreed by reviewing progress / outcomes of existing programmes. In accordance with good risk management practice, all schemes must be risk assessed using the risk prioritisation matrix (as per the CP1 proforma);
- 1.2 All potential capital projects must be detailed in CP1 forms and considered by the Strategic Working Groups using the agreed corporate assessment methodology and guidance in order to prepare a scored/prioritised list of potential schemes. Potential schemes will be considered in light of spend to date information and all bids must be accompanied by a detailed justification statement - identifying contributions to Aims, Community Outcomes and Corporate Values;
- 1.3 The indicative timetable to be used for preparation and monitoring of Capital Programmes is as follows:

DATE	ACTION
July / August	Departmental Directors, Heads of Service and Strategic Working Groups commence review of current Capital Programme and emerging CP1 forms. <ul style="list-style-type: none"> □ Update current/ongoing schemes □ New proposals
September / October	Consideration of CP1s by Directors/Heads of Service <ul style="list-style-type: none"> □ Rank/prioritise CP1 bids
November / December	Management Team consider and review CP1 bids

DATE	ACTION
January / March	Strategic Working Groups □ consider proposed CP1 schemes against allocated resources and reprioritise where necessary
March	Report to Management Team and then Cabinet to finalise programme (complete by 31 March 20XX).
During Year (April – March 20XX)	Quarterly finance/performance report submitted to SWG/MT/Cabinet to monitor implementation/progress on Capital Programme

NB: In determining the recommended allocation of resources, Management Team will adhere to the following key principles:

- Resources will be directed towards achieving the Council's vision and priorities and asset management plan requirements.
- All potential sources of external grant funding will be explored in resourcing priorities.
- Impact on revenue budgets.
- Alternative approaches to procurement (such as partnering).

2. PROCEDURE RULES AND FINANCIAL REGULATIONS

2.1 Procedure Rules relating to Contracts (18 and 38) and Financial Procedure Rules (paragraphs 3.3.5) make specific reference to Capital Programme expenditure.

Capital Programme expenditure, like other expenditure, must comply with Procedure Rules as far as the process of obtaining prices for work, etc., is concerned – this relates to tenders/quotations/negotiations, etc.

In addition Contract Procedure Rules and Financial Regulations impose additional controls in the way Capital Programme expenditure is reported to the Cabinet.

Procedure Rule 18 states:-

“Before tenders or quotations for the execution of any works included in the Capital Programme are invited, the Cabinet shall obtain from the appropriate Chief Officer a report on the proposals including the relevant financial information.”

2.2 Following the allocation of capital resources by Council and no later than 31st March each year, detailed programmes for each portfolio area will be prepared by the relevant Chief Officer and reported to Cabinet for approval, as follows:-

PORTFOLIO	CHIEF OFFICER
<ul style="list-style-type: none"> □ Strategic Leadership □ Social Regeneration and Partnership □ Learning and Employment 	Chief Executive
<ul style="list-style-type: none"> □ Community Health □ Leisure and Culture 	Director of Leisure
<ul style="list-style-type: none"> □ Housing Revenue Account 	Director of Housing
<ul style="list-style-type: none"> □ Safer Communities □ Environment □ Planning 	Director of Neighbourhood Services

NB: These reports will be based on the prioritised schedule of schemes agreed by the Strategic Working Group and include estimated costs for each scheme in an itemised programme. The report will clearly identify those schemes required for asset management and Decent Homes Standards purposes. The report will also contain the recommendation for Cabinet to approve the programme and that, subject to the necessary arithmetic checks, the appropriate Chief Officer is authorised, in consultation with the appropriate Cabinet Member, to accept the most economically advantageous tender provided that the figure is within approved budgets/estimates.

2.3 No further reports will be submitted to Cabinet in relation to the individual schemes, unless:

- There is a significant change in the nature of the project
- The gross value of the project is in excess of £50,000 and is in relation to an outward facing service area.

NB: The £50,000 trigger will not apply to schemes included in the Asset Management Plan and Decent Homes Standards Plan. In other cases, the itemised capital programme report will note that further reports will be submitted as the year progresses in relation to these schemes to ensure sufficient engagement of members in these proposals.

- There is a change in the year due to resource availability (grant related issues) or a change in priorities that impacts on the programmed use of capital resources for the portfolio;

NB: In such cases the itemised capital programme will be redrawn and re-submitted for approval, with a clear rationale given for the required change and impact on the existing three year programme.

- Once tenders/quotations, etc. have been sought and received in accordance with the Procedure Rules, it is necessary to report details to Cabinet in accordance with Contract Procedure Rules 18, 16 and 17.

2.4 Cabinet will receive monitoring reports on the progress of Capital Schemes at least three times per annum, [position as at 31/7/20XX, 30/9/20XX and 31/12/20XX

Actual Outturn against the approved capital programmes for each portfolio will be reported to Cabinet no later than 30 June each year, together with reasons for the difference and any learning issues etc, where the actual cost exceeded approved budget by more than 5%.

- NB: All overspends will be automatically deducted from the resources available in the following financial year and appropriate adjustments made against the programmes reported to Council by 30 June. Any committed underspend may be carried forward, subject to approval by the Director of Resources.

3. CONTRACTS - GENERAL

- 3.1 It is essential to ensure that Contract Procedure Rules and Financial Regulations are adhered to in respect of all schemes, whether or not they are included in Capital Programmes.
- 3.2 Particular attention is drawn to the need for expenditure in excess of approved tender sums to be reported to the Cabinet in accordance with Contract Procedure Rule 37.

Guidance Note C**COMPILATION OF SELECT LISTS AND SELECTION OF CONTRACTORS TO BE INVITED TO TENDER FOR SPECIFIC CONTRACTS****(PROCEDURE RULE 4)**

This note has been prepared as guidance to members of staff who are involved with the establishment of Select Lists and to those who are involved with the procedures for selecting contractors from those for each scheme within a particular financial year.

It relates to the selection of contractors for works in relation to Procedure Rule No. 3 4.

A COMPILATION OF SELECT LISTS**1. Through the process of advertising**

- (a) Advertising procedures will comply with the appropriate UK and EC regulations as described in Procedure Rules 4 and 12.
- (b) Those contractors who respond to the advertisements are required to complete a questionnaire and provide various documentation which is evaluated in order to ascertain the company's financial, safety and technical suitability.

The general principles given below will be complied with.

- (c) The timetable for the production of select lists is:-
 - *Advertise locally and nationally.*
 - *Carry out checks for technical, financial and safety requirements on all applications.*
 - *A list of all applicants for each category, with those recommended for each list being highlighted, is submitted to Cabinet for approval.*

2. Through the use of Constructionline* (See note on page 207)

Where Contractors are to be selected through the Constructionline process, it will be necessary to identify Contractors from the list providing the appropriate category of work and taking into consideration the various matters detailed in this Guidance Note Para. B(i) to (vi) below. The "final checks" described in Para. C will also be applied.

B SELECTION OF CONTRACTORS FOR A PARTICULAR TENDER

Upon completion of either of the above processes the following criteria shall be considered before Contractors are selected to tender for particular schemes:-

(i) Is the company of an appropriate size?

(eg as the majority of the schemes undertaken by the Highways Group are less than £20,000 in value, the larger companies who are normally involved in multi-million pound projects are not, as a rule, able to compete with the small, locally based operator). The size of the contractor is therefore matched with the price range of works for which he may compete.

(ii) Is the company fairly local?

(eg it is unlikely that a small company based in Leeds say, will be able to compete with a similar sized firm located in Middlesbrough or Bishop Auckland).

(iii) Do they have any financial restrictions?

As part of its submission, the company must include certain financial information for examination by the Council's Resources Department.

The result of these would be to identify if the company is financially sound enough to be included on a particular list and whether there would be any limitations to the value of work for which they would be allowed to tender.

(iv) Do they have relevant experience?

(e.g. a number of firms apply for the Highways category list who are largely building-orientated with their civil engineering experience limited to footpaths and parking associated with buildings. As there is a considerable difference between this and working in the Adopted Highway these firms are rejected). Matters such as size of project, experience, reputation for quality, efficient organisation are taken into account.

(v) Is the Health and Safety document satisfactory?

All Health and Safety documentation shall be examined by the Council's Human Resources Officer (Policy and Safety) every 3 years.

(vi) Have they carried out work for the Authority before?

If not, have they been able to submit the names of referees who could give some indication of their capabilities? If the answer to both these questions is NO then the firm is rejected.

C SELECTION OF CONTRACTORS FOR A PARTICULAR CONTRACT FROM THE ABOVE SELECT LISTS

Once the contractors have been identified for each select list they are put into a randomly ordered list.

Contractors are then selected in succession for each subsequent scheme subject to continued satisfactory performance by each of the contractors included.

A number of final checks would be made including:-

- (A) *What work are contractors currently tendering for SBC?*
- (B) *What is their financial limit?*
- (C) *Who else is on the list (comparing past tender prices (too high etc.)?*
- (D) *Are any of the contractors currently working on other schemes within another category of work?*
- (E) *Inadequate performance on a particular scheme may preclude a contractor from future tender opportunities.*
- (F) *Past performance both positive and negative may influence whether or not a company is invited to tender for a particular contract.*

It will be standard practice to invite four contractors to tender for contracts unless circumstances require otherwise. The Housing Department will always be invited to tender for contracts it is capable of carrying out.

An explanation will be placed on file, sanctioned by the Section Head, as to why those firms listed for each particular scheme were included (i.e. on rotation; or why out of rotation eg a particular contractor failed to perform and was therefore precluded from a particular list). The overall aim in selecting contractors to tender is to achieve value for money for the Council.

Constructionline:

Constructionline is the UK's largest register of qualified construction services. It is designed to streamline pre-qualification procedures, increase quality and reduce costs by supplying the construction industry and clients with a single national qualification system. That is a system of vetting contractors and consultants according to strict technical and financial criteria, so as to allow them to pre-qualify for tender lists for public and private sector contracts. By providing a central source of information, Constructionline cuts through the current duplication of effort by both firms and clients in applying for inclusion on and maintaining individual in-house lists.

Created and owned by the Department of Communities and Local Government (DCLG), Constructionline is a key part of the Government's drive to improve quality and efficiency in the construction industry. Anyone who procures construction services has a duty to examine how Constructionline can strengthen their own internal procedures and realise their own savings. DCLG has ensured that the service is FREE to all public sector clients.

There are over 8,000 contractors and consultants registered on Constructionline operating from 16,000 branch offices across the UK. They are qualified to criteria set and audited by DCLG. They cover the full spectrum of construction activities, from architecture to demolition, and range in size from small specialists to the largest main contractors.

Guidance Note D**PURCHASE AND SALE OF LAND/PROPERTY****(PROCEDURE RULE 16)**

1. The terms "Purchase" and "Sale" shall respectively include purchases and sales of freehold and leasehold interests, the grant of leases and land assembly exercises undertaken for the purposes of the Council's functions.
2. Every report to the Cabinet shall contain such information as to the terms of the transaction as is reasonably necessary to enable the Committee to arrive at its decision in an informed manner.
3. In particular, Cabinet shall be given full details of the terms, including consideration for money or monies worth, obligations to be imposed upon the Council, e.g. in respect of the grant of planning permission or the exercise of other statutory functions.
4. If "early entry" is being requested, the date shall be specified in the report, together with details of arrangements for advance payment and appropriately worded indemnities in order to protect the Council's position pending final completion of the transaction.
5. Full details of costs and fees which are to be incurred shall also be set out in the report or an estimate thereof.
6. Where the Council is contemplating compulsory acquisition, details of the planning justification, together with particulars of proposed applications for planning permissions shall also be set out in the report.

Guidance Note E**NON-COMMERCIAL MATTERS****(PROCEDURE RULE 39)****Non-Commercial Matters which must not be referred to in making Public Supply or Works Contracts:-**

- (a) Terms and conditions of employment.
- (b) Terms of sub-contracts which constitute contracts, in the case of individuals, for the provision by them as self-employed people of their services only.
- (c) Involvement of contractors in irrelevant fields of Government Policy.
- (d) The conduct of contractors or their employees in industrial disputes.
- (e) Country of origin of supplies to, or the location in any country of the business interests of contractors.
- (f) Any political industrial or sectarian affiliations or interests.
- (g) Financial support or lack of it towards any institution which the local authority either supports or withholds support.
- (h) The use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984.

(Local Government Act 1988 - Section 17(5))

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Item 6

REPORT TO COUNCIL

27TH JULY 2007

REPORT OF CHIEF EXECUTIVE

ARRANGEMENTS FOR REVIEW OF THE CONSTITUTION (2)

1. SUMMARY

- 1.1 The Council's Constitution was adopted on the 24th May 2002 as part of the Council's approach to implementing the Local Government Act 2000. A number of reviews have taken place. This is the second of two review reports to be tabled at Council on the 27th July.
- 1.2 The Constitution itself must necessarily be kept under regular review so as to ensure that it reflects existing law and its operation continues to provide an efficient and effective framework for delivering the Council's aims and objectives. This report is a further review for the purposes of Article 16 of the Constitution.
- 1.3 The recommendations in this report, based on advice from the Council's Monitoring Officer, and following meetings of the Constitutional Review Group, reflect those areas where it is considered appropriate to make some further changes, viz:
 - changes to the remit of the Audit Committee (Part 10 refers).
 - various changes to the Officer Delegations at Part 3 – Responsibility for Functions – C. Officer Delegations:
 - (a) to amend R6 and R18.
 - (b) a new CE61 to deal with decisions in recess proposed by the Chief Executive.
 - (c) a new NS **** to cover Sections 29 and 350 of the Gaming Act 2005 proposed by the Inspection and Licensing Services Manager.
 - (d) a new NS *** to cover the Local Authorities (Functions and Responsibilities) (England) (Amendment) (No. 2) Regulations 2007, under the Health Act 2006 No Smoking Regulations.
 - changes to the Officers Code of Conduct at Part 5 – Codes and Protocols – B. Officer Code of Conduct, proposed by the Head of Organisational Development.

2. RECOMMENDATIONS

- 2.1 That Council approves the amendments set out in the Appendix and directs the Council's Monitoring Officer:
- (a) to amend the Constitution accordingly and make all necessary and consequential amendments; and
 - (b) to publish an amended version on the Council's website.

3. BACKGROUND

- 3.1 Work is ongoing in reviewing the Constitution. A number of officers have formed a Constitutional Review Group, headed by the Monitoring Officer, and its purpose is to consider proposals for change with a view to reflecting the law and improving the efficiency of decision taking within the authority.
- 3.2 Previous reviews are identified in the list of background papers accompanying this Report.

4. LEGAL IMPLICATIONS

- 4.1 It is intended that these changes shall have immediate effect.
- 4.2 The principal changes are referred to in paragraph 1.3 above.

5. CONSULTATIONS

- 5.1 Management Team has been consulted on the proposed changes. Standards Committee considered this Report on the 5th July 2007.
- 5.2 All Departments of the Council have been consulted with regard to the amendments suggested in this report.

Contact Officer: D.A. Hall, Solicitor and Monitoring Officer
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Email Address: dahall@sedgefield.gov.uk

Ward(s)

Key Decision Validation

Background Papers

Reports:

- Council - 16th May 2003
- Council - 26th June 2003
- Standards Committee - 4th November 2003
- Council - 26th November 2003
- Council - 21st May 2004
- Cabinet - 25th November 2004
- Council - 25th February 2005
- Standards Committee - 3rd November 2005
- Council - 25th November 2005
- Standards Committee - 9th February 2006
- Council - 24th February 2006
- Standards Committee - 6th April 2006
- Council - 21st April 2006
- Standards Committee – 5th May 2006
- Council – 19th May 2006
- Standards Committee – 6th July 2006
- Council – 28th July 2006
- Standards Committee – 2nd November 2006
- Council – 24th November 2006
- Standards Committee – 8th February 2007
- Council – 27th February 2007
- Standards Committee – 5th April 2007
- Council – 20th April 2007
- Standards Committee (Special Meeting) – 27th April 2007
- Council – 18th May 2007
- Standards Committee – 5th July 2007

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PROPOSED CHANGES FOR COUNCIL APPROVAL – 27TH JULY 2007

Page Reference and Proposed Amendment	Basis for Change
<p>Page 17 - Articles of the Constitution – Article 10 – Audit Committee Paragraph 10.3 – Role and Function</p> <p>To amend as follows:</p> <p>(i) To be satisfied that the Council’s Treasury Management arrangements are effective and comply with current CIPFA guidance. To set and review the indicators associated with the Prudential Code for Local Authorities.</p>	<p>Omitted from the original role and function of the Audit Committee.</p>
<p>Page 58 - Part 3 – Responsibility for Functions – C. Officer Delegations:</p> <p>(a) Amend R6 – LGA 1972 – S112 – Signing of cheques.</p> <p>Delete Audit Services Manager and replace with Audit and Resources Manager.</p> <p>Delete Policy and Finance Manager and replace with Risk and Governance Manager.</p> <p>(b) Amend R18 – Certification of Grant Claims</p> <p>Delete Audit Services Manager and replace with Audit and Resources Manager.</p> <p>(c) a new CE61 to deal with decisions in recess:-</p> <p>“Determination of operational matters such as might otherwise require Cabinet approval during the period of recess subject to prior consultation with the Leader of the Council: these determinations shall be reported to the next Cabinet for retrospective approval insofar as necessary.”</p> <p>(d) a new NS **** to cover:</p> <p>Section 29 of the Gaming Act 2005 – to provide information to the Gambling Commission.</p> <p>Section 350 of the Gaming Act 2005 – to provide information to persons and bodies listed in Schedule 6, Part 1.</p>	<p>Director of Resources – Redesignation of Posts</p> <p>Director of Resources – Redesignation of Posts</p> <p>Chief Executive Officer</p> <p>Director of Neighbourhood Services; Head of Environment Services; Inspection and Licensing Services Manager and Principal Licensing Officer</p>

Page Reference and Proposed Amendment	Basis for Change
<p>(e) the Local Authorities (Functions and Responsibilities) (England) (Amendment) (No. 2) Regulations 2007 under the Health Act 2006 No Smoking Regulations.</p> <p>(1) Power to transfer enforcement functions to another enforcement authority.</p>	<p>Director of Neighbourhood Services, Head of Environment Services</p>
<p>Page 190 - Part 5 – Codes and Protocols – B. Officers' Code of Conduct : Paragraph 13.3</p> <p>To change "£20" to "£25".</p>	<p>Head of Organisational Development</p>

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Item 7

REPORT TO COUNCIL

27TH JULY 2007

REPORT OF DIRECTOR OF RESOURCES

Portfolio: STRATEGIC LEADERSHIP

ANNUAL REVIEW OF CORPORATE GOVERNANCE 2006-07

1. SUMMARY

This report has been prepared in accordance with the Local Code of Corporate Governance, as approved by Council in December 2002 (Minute C54/02 refers) and is an annual report detailing compliance with, content of and progress against the action plans established to develop the Councils corporate governance arrangements during the 2006/07 financial year.

2. RECOMMENDED

It is recommended that

- 2.1 The Annual Report for 2006/07 be approved.
- 2.2 Following the review of compliance with, content of and progress against the actions plans established, the Local Code of Corporate Governance, as approved by Council in December 2002, remains unchanged.
- 2.3 The Chief Executive continues to monitor, through Management Team, progress against the Corporate Governance action plans and further reports be submitted to Cabinet on an annual basis.

3. BACKGROUND

- 3.1 The Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives and Senior Managers (SOLACE) issued a framework document "Corporate Governance in Local Government: A Keystone for Community Governance" and an accompanying guidance note in 2001. The framework defined the principles that should underpin corporate governance and every Local Authority was urged to: -
 - Review its existing Corporate Governance arrangements against the framework.
 - Prepare, adopt and maintain an up to date Local Code of Corporate Governance, including arrangements for ensuring its implementation and ongoing application.
 - Make a statement annually in its financial statements and refer to it in its Best Value Performance Plan (BVPP), on how the Council is complying with its Local Code,

- including how it monitored the effectiveness of its Corporate Governance arrangements in the year and any planned changes in the coming year.

3.2 Strong and effective Corporate Governance arrangements enable the Council to demonstrate that:

- it has community focus;
- effective service delivery arrangements;
- robust structures and processes;
- effective risk management and internal controls; and
- proper standards of conduct.

The principles underpinning these five 'dimensions' are accountability, integrity and openness and inclusivity.

3.3 Council approved the Local Code of Corporate Governance at its Special meeting in December 2002, detailing the measures the Council takes to demonstrate how it meets the requirements of the five dimensions of Corporate Governance. An action plan was compiled to ensure that any tasks that needed to be undertaken to fully comply with the Code were identified and regular monitoring of progress against these actions (to strengthen the Councils Corporate Governance arrangements) have been reported to Management Team since that date.

3.4 CIPFA and SOLACE are still reviewing and updating the original framework and a number of key areas are being addressed:

- Partnership arrangements;
- the emerging Local Government Agenda;
- the fit with the Statement of Internal Control;
- the Operating and Financial Review;
- the good governance standard for public services;
- monitoring and review arrangements;
- the role of the Monitoring Officer;
- the role of the Standards and Audit Committees.

A draft of the new framework had been drawn up and a consultation document issued giving local authorities and other interested parties an opportunity to influence the outcome. The revised recommended arrangements are expected to be published shortly.

4. IMPROVING CORPORATE GOVERNANCE ARRANGEMENTS DURING THE YEAR

4.1 The Chief Executive has specific responsibility for:

- Overseeing the implementation and monitoring of the operation of the Code.
- Reviewing the operation of the Code in practice.
- Reporting annually to the 'Body charged with Governance' (which, in accordance with the Constitution, is the full Council) on the compliance with the Code and to identify any changes that may be necessary to maintain it and ensure its effectiveness in practice

- 4.2 The Head of Financial Services is responsible for co-ordinating and monitoring progress against the action plans developed to further strengthen the Councils Corporate Governance arrangements and for preparing update reports for consideration. Management Team has considered progress made against the outstanding/ongoing tasks on two occasions in respect of the 2006/2007 financial year.
- 4.3 Members will recall that there was a schedule showing 7 tasks that were in the process of being undertaken at the end of the 2005/06 financial year. During the 2006/07 financial year, a number of those tasks have been completed, including:
- *Develop an organisational development plan.*
 - *Undertake a self-appraisal of key partnerships, including SCB, Surestart, Community Safety and develop a partnership protocol/framework.*
 - *Develop appropriate governance arrangements for the local area agreement.*
 - *Ensure that there are procedural notes/manuals in place for those systems that are business critical.*
 - *Develop and communicate a formal ICT System Business Continuity/Disaster Recovery Plan.*

It is noted that whilst some of the initial tasks have now been completed, a number of Action Plans have subsequently been developed to ensure ongoing progress is being achieved or maintained and progress against these Action Plans should be considered by the Council's Strategic Working Groups.

- 4.4 A full list of outstanding tasks as at the end of 2006/07 financial year is shown at Appendix 1.

5. EXTERNAL AUDITOR JUDGEMENT

- 5.1 The Audit Commission review the Council's Corporate Governance arrangements on an annual basis as part of their normal audit programme. In the 2006/07 Annual Management and Inspection Letter, recently presented to Audit Committee, the Audit Commission concluded that the Council's overall Corporate Governance arrangements are robust and provide a sound basis for continued improvement. The Audit Commission also confirmed that there are good working relations among political parties, councillors and officers and the Council had worked with partners to address the weaknesses in the local strategic partnership identified by the Government Office North East.
- 5.2 During the 2005/06 financial year the Audit Commission consulted with all local authorities on a review methodology for undertaking Corporate Governance Inspection and its associated Key Lines of Enquiry. The Audit Commission did consider the responses to the consultation but have delayed publishing their final framework for Corporate Governance Inspection until after the revised guidance from CIPFA/SOLACE had been published. It is intended that a small group of Heads of Service will review the revised framework and any consequent actions required to achieve full compliance will be included in a revised action plan, with progress being monitored by Management Team.

6. ANNUAL STATEMENT OF ASSURANCE ON CORPORATE GOVERNANCE

- 6.1 In accordance with recommended best practice, the Chief Executive and Leader of the Council are required to both sign a 'Statement of Assurance on Corporate Governance' for inclusion in the annual Statement of Accounts.
- 6.2 The 'Statement of Assurance' in the 2005/06 Statement of Accounts stated that, on the basis of information supplied to them, the Chief Executive and Leader were satisfied that the Council's arrangements were adequate and operating effectively. It was acknowledged that there were several aspects of the Code of Corporate Governance that were not in place but that actions were being undertaken which were being monitored by Management Team to ensure that full compliance will be achieved.
- 6.3 Given the findings of the 2005/06 Corporate Governance Audit by the Audit Commission and progress achieved in the last year, the 'Statement of Assurance' in the 2006/07 Statement of Accounts will again, in the opinion of the Chief Executive and the Leader, state that the Council's arrangements are adequate and operating effectively. Monitoring of progress against the actions identified will continue to be undertaken to ensure that full compliance will eventually be achieved over a reasonable timescale.

7. CONCLUSIONS

- 7.1 The Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives and Senior Managers (SOLACE) existing framework document "Corporate Governance in Local Government: A Keystone for Community Governance" is about to be revised and the Audit Commission will also issue revised methodology for undertaking its Corporate Governance Inspection and its associated Key Lines of Enquiry. Officers of the Council will review these documents when available and consider the implications in order to determine the extent of the Council's compliance with their revised requirements.
- 7.2 The Councils Corporate Governance arrangements will continue to be subject to annual external and internal review and audit and the operation of the existing or revised Code in practice, through regular update reports to Management Team on progress achieved against action plans is designed to strengthen these arrangements.
- 7.3 Therefore, there is no reason as yet to change, amend or alter the existing Local Code of Practice, until further information is available from CIPFA, SOLACE and the Audit Commission.

8. RESOURCE IMPLICATIONS

- 8.1 There are no financial issues arising directly from this report.

9. CONSULTATIONS

Responsible officers allocated to the individual outstanding tasks have been fully consulted in the production of this report.

10. LINKS TO CORPORATE OBJECTIVES/VALUES

Reviewing and monitoring the Council's Corporate Governance arrangements ensures that the following corporate value is being addressed:

- *Being open, accessible, equitable, fair and responsive.*

11. RISK MANAGEMENT

If the Council is not able to demonstrate to the Audit Commission during a Comprehensive Performance Assessment (CPA) Review, that it had good governance arrangements in place, or any weaknesses were not being addressed, it would inevitably have a detrimental impact on the overall assessment and it would not be possible for the Council to achieve the highest possible score.

If there are not adequate Governance arrangements in place when the Council is engaged with partners for the delivery of services, there is also a risk that the Council may be required to deal with any financial liabilities resulting from any failure in the partnership arrangements.

12. HEALTH AND SAFETY

No additional implications have been identified.

13. EQUALITY AND DIVERSITY

No additional implications have been identified.

14. LEGAL AND CONSTITUTIONAL

No new implications have been identified.

15. OTHER MATERIAL CONSIDERATIONS

No other material considerations have been identified.

Contact Officer: Harold Moses
Telephone Number: (01388) 816166 Ext. 4385
Email address: hmoses@sedgefield.gov.uk

Ward(s) Proposals are not ward specific

Background Papers

- Corporate Governance in Local Government: A Keystone for Community Governance Framework and Accompanying Guidance Note – issued by CIPFA and SOLACE.
- Local Code of Corporate Governance – Report to Special Council 20.12.02
- Corporate Governance – Task Updates – Reports to Management Team 16.10.06; 5.02.07.
- Audit Commission Annual Audit and Inspection Letter 2005/06 – Report to Audit Committee April 2007
- Local Code of Corporate Governance – Annual Report and Review of Corporate Governance 2005/06 – Report to Council July 2006

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Council's Head of the Paid Service or his representative.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Council's S.151 Officer or his representative.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Management Team has approved the report.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

APPENDIX 1

<i>Task</i>	<i>Description</i>	<i>Responsible Officer</i>	<i>Revised Target Date for Completion</i>
1.	Develop an ICT Security Policy	Head of ICT	December 2007
2.	Review (and amend where necessary) the Contract Procedure Rules within the Constitution.	Head of Financial Services	July 2007

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Item 8

REPORT TO COUNCIL 27th JULY 2007

REPORT OF DIRECTOR OF RESOURCES

Portfolio: STRATEGIC LEADERSHIP

ANNUAL REVIEW OF TREASURY MANAGEMENT 2006-07

1.0 SUMMARY

1.1 The purpose of this report is to review the performance of the Council's Treasury Management activities during the 2006-07 financial year.

2.0 RECOMMENDATIONS

2.1 That performance and compliance with the approved Treasury Management Strategy in 2006-07 be noted.

3.0 TREASURY MANAGEMENT REVIEW

3.1 Council initially approved the Local Code of Practice for Treasury Management Activities (the Local Code) in December 2002. This was reviewed in 2005-06, following changes to regulations governing treasury activities and Council subsequently approved a revised Local Code in September 2005 that took into account these developments.

3.2 This code encouraged local authorities to put into place formal policies and practices, strategies and reporting arrangements for the effective management and control of Treasury Management activities.

3.3 Included in the agreed clauses for incorporation into the Council's formal processes, was the requirement to produce:

- a) an annual Treasury Management Strategy in advance of the commencement of the year, and:
- b) a report on performance against this in an Annual Report by 30th September the following financial year.

3.4 The attached report sets out details of the Council's performance and compliance with the strategy approved by Council in February 2006 (minute C. 69/06 refers) and details the effects of the decisions taken and the transactions executed in the past year. The report confirms that the Council fully complied with its approved strategy, treasury management practices and Local Code in 2006-07. Key aspects of performance in 2006-07 that should be noted are as follows:

- The policy of ensuring that **long-term borrowing** and the **capital financing requirement** are at broadly the same level was achieved with figures of **£18.640m** and **£18.983m** respectively.
- Rescheduling of **£9.618m** of debt during the year, replacing loan debt at **5.16%** with a lower rate of **4.40%**, resulting in revenue savings of around **£73,000** per year on interest payments.

- ❑ Average rate of return achieved on investments was **5.01%** - which is **0.19%** greater than the benchmark comparator of **4.82%**.
- ❑ Reduction in the average rate of interest paid on external debt from **7.20%** to **6.34%** - a reduction of **0.86%**.
- ❑ Compliance with all prudential indicators in accordance with the Prudential Code for Capital Finance in Local Authorities.

4.0 RESOURCE IMPLICATIONS

The specific resource implications and financial performance of the Council's Treasury Management activities are set out in detail in the Annual Review of Treasury Management 2006-07 Report.

5. CONSULTATIONS

The content of the report has been developed in consultation with Butlers - the Council's external Treasury Management consultants. No other specific consultations were deemed appropriate or necessary.

6. OTHER MATERIAL CONSIDERATIONS

Links to Corporate Objectives/Values

- 6.1 Effective treasury management activities provide support towards achievement of the Council's business and service objectives. The principal direct link is to the corporate value of *'being responsible with and accountable for public finances.'*

Risk Management

- 6.2 The Local Code contains detailed guidance on the management of risk associated with the Council's treasury activities. The successful identification, monitoring and management of risk are the prime criteria by which the effectiveness of its treasury management activities will be measured. Treasury management activities in 2006-07 continued to be focused on securing principal sums invested.

Legal and Constitutional

- 6.3 The annual review is prepared in accordance with the constitutional requirement that 'reports will be prepared on Treasury Management policies, practices and activities, including an annual strategy and plan in advance of the year, and *an annual report will be presented after the close of the financial year to Council*, in the form prescribed in TMP's' (Part 4 Rules of Procedure – Financial Regulations).

7. OVERVIEW AND SCRUTINY IMPLICATIONS

- 7.1 The report will be subject to normal Overview and Scrutiny arrangements.

8. AUDIT COMMITTEE

- 8.1 This Report was presented to the Audit Committee at its meeting on 25th June 2007. The Committee noted that all of the Treasury Management strategic aims and objectives set by the Council had been achieved in 2006-07.

9. List of Appendices

APPENDIX 1 - Annual Review of Treasury Management 2006-07

Contact Officer: Harold Moses (Head of Financial Services)
Telephone No.: (01388) 816166 ext. 4385
E-Mail Address: hmoses@sedgefield.gov.uk
Ward(s): Not Ward Specific

Background Papers:

Code of Practice for Treasury Management Activities - Council 20th December 2002
Review of Local Code of Treasury Management Practices – Council 30th September 2005
The Treasury Management Strategy 2006-07 – Council 24th February 2006

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	

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ANNUAL REVIEW OF TREASURY MANAGEMENT

2006-07



1. Introduction

- 1.1** The purpose of this report is to review the performance of the Council's Treasury Management activities during the 2006-07 financial year, in accordance with Treasury Management Practice (TMP) Number 6 'Reporting Requirements and Management Information Arrangements'.
- 1.2** The Council's constitution (Part 4 Rules of Procedure – Financial Regulations) requires that an annual report be presented after the close of the financial year in the form prescribed in TMP's.

2. Performance Against Strategy

2.1 Long Term Borrowing from the Public Works Loan Board (PWLB)

The objective set out in the Strategy was to continue the policy of ensuring that the level of external debt and the capital financing requirement were broadly at similar levels. This is achieved by a combination of loans being repaid at the end of their normal loan period and prematurely redeeming other debt.

The capital financing requirement and external PWLB loan debt at 31st March 2007 was **£18.983m** and **£18.317m** respectively.

There was a requirement for long term borrowing from the PWLB to facilitate a debt rescheduling exercise, details of which are provided below in paragraph 2.2.

An analysis of the PWLB Loan Debt as at 31st March 2007 is attached at **Appendix A**.

2.2 Premature Redemption of Debt

Debt rescheduling opportunities were constantly monitored throughout the year, taking into account interest rate fluctuations and recommendations made by our external Treasury Management Consultants.

The Council's actual level of external debt and the capital financing requirement were broadly similar throughout the year and therefore no debt repayment activities were necessary to bring the two measures together.

However, the Council did reschedule **£9.618** of PWLB loan debt during the year, to achieve savings on interest payments. The Council was successful in replacing loan debt at **5.16%** with a lower rate of **4.40%** resulting in annual savings of £73,000 after taking into account the cost of premiums. Details are shown in the following table:

Table 1: Changes in PWLB Debt during 2006-07

Loan No.	Date of Borrowing	Principal Amount Repaid £	No. of Years	Rate of Interest (%)	Date Repaid	Premium/ (Discount) Paid £
Loans Repaid						
470733	09/03/92	1,594,779	25	10.125	08/02/07	656,989
487165	17/02/02	2,183,125	25	4.625	08/02/07	(35,643)
487463	06/02/03	2,000,000	25	4.500	08/02/07	(65,818)
491154	23/01/06	3,840,000	45	3.700	08/02/07	(555,528)
		9,617,904		5.160		Nil
Replacement Loans						
492884	08/02/07	3,617,904	45	4.400	06/07/52	N/a
492885	08/02/07	3,000,000	46	4.400	06/07/53	N/a
492886	08/02/07	3,000,000	47	4.400	06/07/54	N/a
		9,617,904		4.400		N/a

The Council holds premiums and discounts amounting to **£1.118m** on its balance sheet (as a prepayment) relating to debt restructuring exercises conducted in previous years. In line with proper accounting practices, these premiums are being charged to the appropriate revenue accounts over a number of years. As at 31st March 2007, the General Fund element of these pre-payments equates to **£0.436m** and the HRA share is **£0.682m**. Full provision is made in the budget framework for the annual charge to both the General Fund and HRA and summary details are provided in the following table.

Table 2: Premiums and Discounts charged to Revenue Accounts

Timescale	General Fund £000	HRA £000
1 – 2 years	65	401
2 – 5 years	98	229
5 – 10 years	164	52
More than 10 years	109	-
Total	436	682

2.3 Long Term Debt - Other than PWLB

The objective in the Strategy was to monitor money market rates, in order to borrow additional sums within the overall borrowing limit, from sources other than the PWLB - had it been in the Council's best interests to do so.

It was not necessary to borrow from these sources during 2006-07.

The Council had **£0.323m** loans outstanding with financial institutions other than the PWLB on 31st March 2007 and there have been no significant changes in this amount during the year.

2.4 Summary – All Long Term Loan Transactions

An analysis of all long term loan transactions (both PWLB and non-PWLB) during 2006-07 is as follows:-

Table 3: All Long Term Loan Debt 2006-07

Type of Institution	Balance at 01.04.06 £m	New Borrowing £m	Normal Repayments £m	Premature Repayments £m	Balance at 31.03.07 £m
PWLB	18.349	9.618	(0.032)	(9.618)	18.317
Other	0.330	-	(0.007)	-	0.323
Total	18.679	9.618	(0.039)	(9.618)	18.640

NB: The Council's assets, against which the debt is effectively secured, have a book value of **£377m** at the 31st March 2007.

2.5 Investments

Officers assess the Council's cash flows on a daily basis, taking into account detailed forecasts of funds needed throughout the year, and invest surplus funds and in accordance with approved Treasury Management Practices (TMPs) and only to authorised counter parties. Excess funds that are held temporarily for only a few days, for cash flow purposes, are invested in three specific accounts - the Anglo Irish Bank, Bank of Scotland or the Co-operative Bank – depending on which of these is offering the best rate of interest at the time.

The objective in the strategy was to optimise investment income in accordance with the Council's Treasury Management Statement by achieving a level of return greater than that which would have accrued if all surplus cash was invested at interest rates applicable to the average seven day investment rate, as quoted by the Council's nominated brokers.

The average seven-day compounded London Inter Bank Bid rate (LIBID) for 2006-07 was **4.82%**.

The actual return achieved by this Council during 2006-07 was **5.01%**, which is 0.19% higher than the above comparator. In financial terms this equates to an additional £52,411 interest earned during 2006-07.

INVESTMENTS	<i>Target</i> %	<i>Outturn</i> %
Return compared with the 7 day LIBID Rate	+ 0.10	+ 0.19

Initial estimates for the total level of investment income earned in 2006-07 were set at £1.310m. Actual total investment income received during 2006-07 was **£1.382m** - £72,000 more than the budget - which reflects the

higher level of interest being earned on investments following successive bank base rate increases.

The total value of investments at the start of the year was **£28.580m**, and this was broadly maintained at the end of the year with investments of **£27.260m** as at 31 March 2007. An analysis of the investments is shown at **Appendix B**.

3. Economic Trends During 2006-07

- 3.1 The Council employs external Treasury Management Consultants to advise on the Treasury Strategy, provide economic data and interest rate forecasts, assist in planning and reduce the impact of unforeseen adverse interest rate movements. Throughout the course of the year the Council received weekly guidance and advice on interest rate changes from the external consultants and, together with cash flow forecasts and within approved TMPs, this was fully taken into account in determining investment decisions
- 3.2 The Bank of England's monetary policy objective is to deliver price stability (i.e. low inflation) and to support Government objectives for growth and employment. Price stability is defined by the Government's inflation target of 2%. The Bank seeks to meet the inflation target by setting and adjusting the interest rate level. Lowering or raising the interest rate affects spending in the economy, which affects the level of inflation.
- 3.3 The 2006-07 financial year featured a rising trend in short term interest rates as policy makers and financial markets responded to the twin effects of strengthening economic activity and rising inflation. Base rates started the financial year at 4.50% and were increased by 0.25% to 4.75% in August 2006. Expectations about higher inflation prompted additional rate increases during the year. Two quarter point rate increases were announced in November 2006 to 5% and then in January 2007 to 5.25%.
- 3.4 Long-term interest (PWLB) rates followed an erratic course but the overall trend was towards higher levels. Inflation expectations on both the domestic (UK) and international fronts was the principal force driving rates higher.

4. Compliance with the Council's Procedures and External Requirements

- 4.1 The Council fully complied with its internal procedures and the requirements of the CIPFA Code of Practice on Treasury Management during 2006-07. The Council was bound by the requirements of the Local Government Act 2003, which introduced '*The Prudential Code for Capital Finance in Local Authorities*' (The Prudential Code) in April 2004.

4.2 The Prudential Code sets out a framework of self-regulation of capital spending, in effect allowing Councils to invest in capital projects as long as they are affordable, prudent and sustainable. In general terms, the Council complies with the Prudential Code by:

- Having medium term plans (Corporate Capital Strategy, Revenue and Capital Budgets);
- Having plans to achieve sound capital investment (Capital Strategies, Capital Project Appraisals and Asset Management Plans);
- Complying with the Treasury Management Code of Practice.

4.3 To support capital investment decisions, the Prudential Code requires the Council to agree and monitor a number of Prudential Indicators. These indicators are mandatory and cover capital expenditure, affordability, prudence, external debt levels and Treasury Management activities. The indicators are purely for internal use by the Council and are not to be used as comparators between Councils.

4.4 Council adopted and approved its prudential indicators in February 2006 - as part of the 2006-07 Treasury Management Strategy. Actual performance against these indicators is shown in **Appendix C**, which demonstrates that all limits have been adhered to. A summary of the key controls surrounding the treasury and capital finance position is shown below:

	<i>Key Prudential Indicators</i>	<i>2006-07 Budget £'000</i>	<i>2006-07 Outturn £'000</i>
	Gross Borrowing	18,640	18,640
	Investments	(20,000)*	(27,260)
(1)	Net Borrowing	(1,360)	(8,620)
(2)	Capital Financing Requirement	19,307	18,983
(3)	Authorised Limit	30,000	18,640
(4)	Operational Boundary	22,000	18,640

* in accordance with the risk assessment of the Budget Framework 2006/07, no budgetary provision had been made for significant capital receipts arising from housing land sales in 2006/07 that would lead to additional investment income in that year.

- The **Capital Financing Requirement** (CFR) in 2) above shows the Council's underlying need to borrow for a capital purpose. Under normal circumstances, actual borrowing should be broadly in line with the CFR. The table above shows that the Council's gross borrowing is just under the CFR.

- The **Authorised Limit** in 3) above is the statutory 'Affordable Borrowing Limit' required by Section 3 of the Local Government Act 2003. The table demonstrates that during 2006-07 the Council has maintained gross borrowing within its Authorised Limit.
- The **Operational Boundary** in 4) above is the expected borrowing position of the Council during the year, and periods where the actual position is either below or over the Boundary is acceptable subject to the Authorised Limit not being breached.

4.5 Treasury Management Practices set out in the Local Code establish strict controls governing the day-to-day investment activity of the Council. All investments in the year were made in accordance with these practices in terms of the authorised counter parties that the Council deals with and the maximum deposits applying to those individual institutions and the investment periods. An analysis of the investment maturity profile at the year-end is shown at **Appendix D**, which shows that 64% of investments were for periods of less than 12 months and at no point in the year were the limits and control totals set out in the Local Code exceeded.

5. Risk, Performance and Corporate Governance

5.1 The Council is aware of the risks of passive management of Debt and Investment and, with the support of Butlers, the Council's Treasury Management advisers, has proactively managed the debt and surplus cash flows over the year.

5.2 As a result of the above, the Council has been able to redeem high interest related debt and take advantage of lower interest rates prevailing in the market. This has led to a reduction in the average rate of interest on its outstanding long-term debt, from **7.20%** in 2005-06 to **6.34%** in 2006-07 – a reduction of **0.86%**. There is no risk of volatility of costs in the current debt portfolio as the interest rates are all at fixed, long-term levels.

LONG TERM DEBT	<i>Target</i> %	<i>Outturn</i> %
Change in average rate of interest paid on debt	- 0.20	- 0.86

5.3 In adopting the Local Code, the Council has agreed a low risk strategy to only invest its surplus cash in a limited number of Banks and Building Societies. This policy was determined in order to ensure that the Council is not at risk of losing funds by extending the number of organisations for investment to obtain higher returns. Similarly, the Council has not used surplus cash to invest in Managed Funds or Certificates of Deposits where again there is risk of losing some of the capital invested, although a higher rate of return may have been achievable.

- 5.4** The Council's investment return is predominantly determined by movements in base rates and therefore these returns can be volatile and, whilst the risk of loss of the investment is minimised through the lending list, accurately forecasting returns can often be difficult.
- 5.5** The Local Code of Treasury Management is published on the Council's website and the application of the TMP's contained within it fully support the Local Code of Corporate Governance. Treasury management activities and decisions are underpinned by the key principles of good corporate governance – accountability; integrity; and openness and inclusivity. These are monitored and reviewed on a regular basis and the Corporate Governance dimension of risk management and internal controls underpins the whole TM function.

6. Treasury Management Consultants

- 6.1** Butlers were originally appointed as the Council's consultants in February 1999. They have supplied a high level of specialist advice throughout the year, including providing advice on the timing of the premature repayment of debt to the PWLB and guidance in terms of the impact of the introduction of the new Prudential Framework. The officers remain satisfied with the level and quality of service provided by Butlers. In accordance with delegated powers and contract procedure rules, following consultation with the relevant portfolio holder, the Director of Resources agreed to extend the contract with Butlers to 31st March 2009.

7. Investments - Money Brokers and Instant Access Deposits

- 7.1** The Council has appointed three approved money brokers to act on its behalf. These brokers are responsible for securing the best interest rates available from the market for the investment of surplus loans. Investments are limited to the approved counter parties' list and control totals govern the maximum value of investments with each of these. In addition, the Council also operates three instant access deposit accounts (Anglo-Irish Bank, Bank of Scotland and Co-operative Bank), which are used to invest smaller sums frequently on a temporary basis.
- 7.2** All brokers work within a highly competitive environment and contact the Council on a daily basis to provide details of market rates applicable for different investment periods. The following table identifies the total number of investments in 2006-07, showing the number and total value of deals per broker and by deposit account type : -

Table 4: All Long Term Loan Debt 2006-07

Investment Type	Number of Deals	Value of Deals (£'000)	Percentage of Overall Deals (%)
Fixed Investments via Brokers			
Tullet Prebon (UK) Ltd	9	8,000	4
Martin Brokers (UK) plc	20	16,750	10
Tradition (UK) Ltd	20	17,000	10
Direct Dealings (Co-op Bank)	4	9,250	2
	53	51,000	26
Instant Access Deposit Accounts			
Anglo Irish Bank	126	48,970	62
Co-op Bank	11	2,110	5
Bank of Scotland	13	5,320	7
	150	56,400	74
Grand Total	203	107,400	100

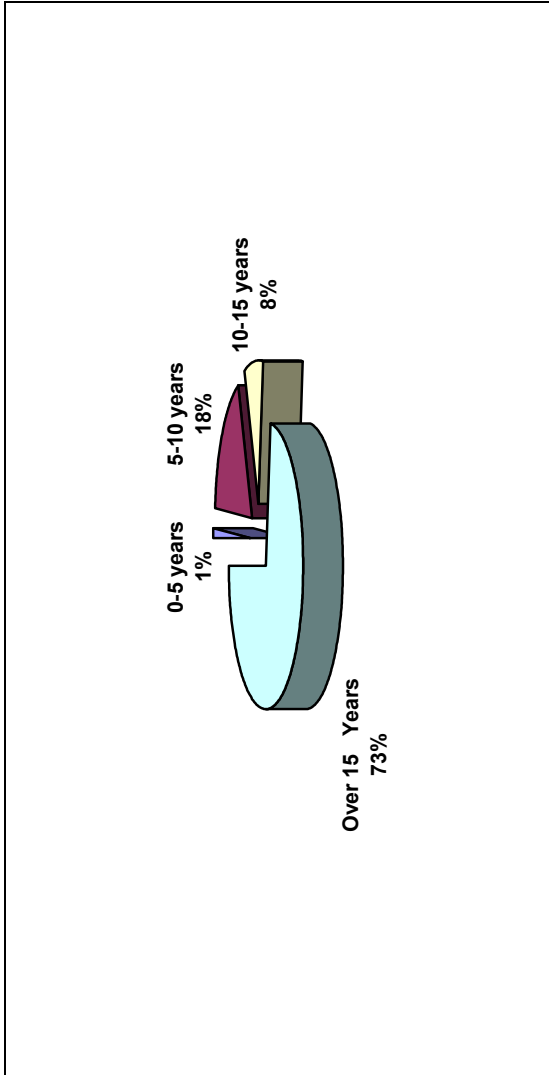
- 7.3** Officers are satisfied with the service received from Tullet Prebon (UK) Ltd, Martin Brokers (UK) plc and Tradition (UK) Ltd. Their performance is continually reviewed with reference to the market for competitiveness.

8. Conclusions

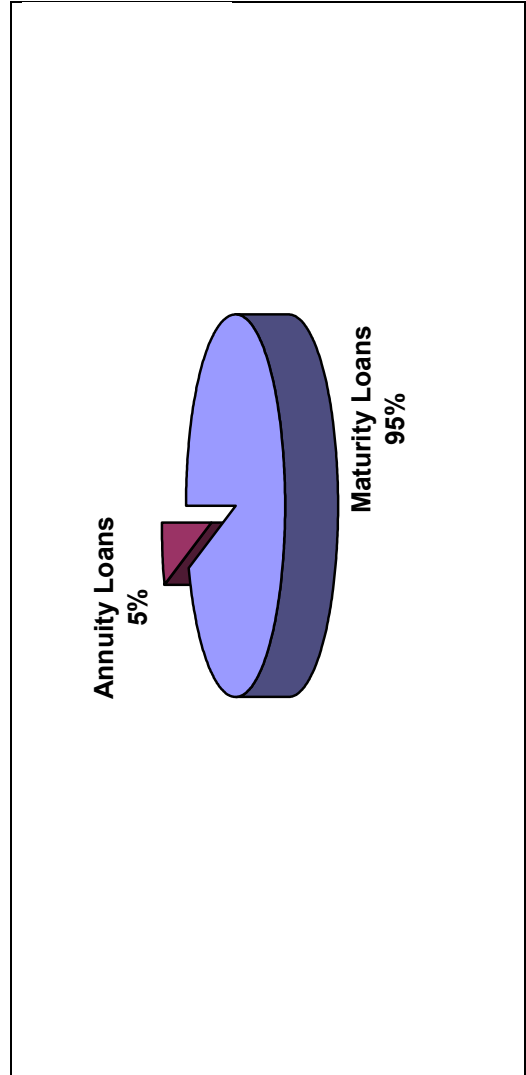
- 8.1** The Council has maintained the level of external debt in line with its capital financing requirement. It has also achieved a satisfactory return on its investments during the 2006-07 financial year, whilst operating within the approved borrowing limits at all times.
- 8.2** It can therefore be concluded that the Treasury Management activities undertaken during 2006-07 met all of the strategic aims and objectives by the Council, set at the beginning of the year.

ANALYSIS OF PWLB LOAN DEBT AS AT 31 MARCH 2007

Period to Repayment Within:-	Amount Repayable £
Within 1 Year	33,614
1 - 2 Years	35,975
2 - 5 Years	123,798
5 - 10 Years	3,249,293
10 - 15 Years	1,490,826
Over 15 Years	13,383,910
	18,317,416



Loan Type	Amount Outstanding £
Maturity Loans	17,373,125
Annuity Loans	944,291
	18,317,416



APPENDIX B

SEDGEFIELD BC – SUMMARY OF INVESTMENTS AS AT 31/03/07

Date of Loan	Borrower	Value (£)	% Total	Interest Rate	Loan Period (Days)	Date Repaid
BANKING SECTOR						
08/06/05	HSBC Bank PLC	5,000,000	18.34%	5.16%	4Year 6mth.Callable Deposit	Optional every 6months
04/10/05	Royal Bank of Scotland	2,500,000	9.17%	5.30%	5Year 6mth.Callable Deposit	Optional every 6months
21/10/05	Toronto Dominion Bank	2,000,000	7.34%	5.38%	5Year 6mth.Callable Deposit	First year fixed@5.38%
N/a	Anglo Irish Bank (Star Call A/c)	1,260,000	4.62%	5.32%	N/a	N/a
	SUB TOTAL – BANKING SECTOR	10,760,000	39.47%			
BUILDING SOCIETIES						
15/03/07	Ipswich	1,500,000	N/a	5.52%	106	29/06/07
20/03/07	Ipswich	1,000,000	N/a	5.54%	92	20/06/07
	Sub Total – Ipswich	2,500,000	9.17%			
30/10/06	Vernon	1,250,000	N/a	5.88%	365	30/01/08
09/03/07	Vernon	750,000	N/a	5.52%	94	11/06/07
	Sub Total – Vernon	2,000,000	7.34%			
03/11/06	Cumberland	750,000	N/a	5.25%	178	30/04/07
01/02/07	Cumberland	1,000,000	N/a	5.78%	277	05/11/07
	Sub Total – Cumberland	1,750,000	6.42%			
25/01/07	Loughborough	500,000	N/a	5.75%	246	28/09/07
30/01/07	Loughborough	1,250,000	N/a	5.83%	273	30/10/07
	Sub Total – Loughborough	1,750,000	6.42%			
02/01/07	Tipton & Colesley	500,000	N/a	5.28%	90	05/04/07
23/01/07	Tipton & Colesley	1,000,000	N/a	5.74%	177	19/07/07
	Sub Total – Tipton & Colesley	1,500,000	5.50%			
15/11/06	Leek United	1,000,000	3.68%	5.26%	152	16/04/07
01/11/06	The Mansfield	1,000,000	3.68%	5.27%	180	30/04/07
12/10/06	Universal	750,000	2.75%	5.20%	186	16/04/07
04/12/06	Saffron	750,000	2.75%	5.26%	122	05/04/07
31/10/06	Darlington	750,000	2.75%	5.21%	153	02/04/07
02/02/07	Furness	750,000	2.75%	5.50%	73	16/04/07
20/10/06	Progressive	500,000	1.83%	5.17%	164	02/04/07
10/01/07	Manchester	500,000	1.83%	5.33%	92	12/04/07
16/02/07	Dudley	500,000	1.83%	5.44%	62	19/04/07
01/12/06	Barnsley	500,000	1.83%	5.26%	122	02/04/07
	SUB TOTAL – BUILDING SOCIETIES	16,500,000	60.53%			
	GRAND – TOTAL	27,260,000				

APPENDIX C

CAPITAL EXPENDITURE AND THE CAPITAL FINANCING REQUIREMENT***Capital Expenditure***

This indicator shows the overall capital spending plans of the Council over the medium term and reflects planned investment levels in line with the Corporate Capital Strategy.

<i>Capital Expenditure</i>	<i>2003/2004 Actual</i>	<i>2004/2005 Actual</i>	<i>2005-06 Actual</i>	<i>2006-07 Budget</i>	<i>2006-07 Actual</i>
	<i>£'000</i>	<i>£'000</i>	<i>£'000</i>	<i>£'000</i>	<i>£'000</i>
Housing	6,738	7,414	7,211	7,800	7,345
Non-Housing	3,363	4,550	7,882	7,850	8,109
Total	10,101	11,964	15,093	15,650	15,454

Capital Financing Requirement (CFR)

This figure represents the Council's underlying need to borrow for a capital purpose, and the change year on year will be influenced by the capital expenditure in the year and how much of this is supported directly through grants, contributions and capital receipts.

<i>Capital Financing Requirement</i>	<i>2003/2004 Actual</i>	<i>2004/2005 Actual</i>	<i>2005-06 Actual</i>	<i>2006-07 Budget</i>	<i>2006-07 Actual</i>
	<i>£'000</i>	<i>£'000</i>	<i>£'000</i>	<i>£'000</i>	<i>£'000</i>
Housing	8,388	9,410	9,714	9,927	9,927
Non-Housing	10,973	10,846	9,433	9,380	9,056
Total CFR	19,361	20,256	19,147	19,307	18,983

Previous legislation required the Council to set aside a proportion of its capital receipts to repay debt, which has meant that the Council's debt levels have traditionally been falling year on year. However, with the introduction of the 'pooling system' for housing capital receipts from 1st April 2004, it is expected that debt levels will not significantly reduce.

LIMITS TO BORROWING ACTIVITY***Net Borrowing***

The first key control over the Council's activity is to ensure that over the medium term net borrowing will only be for a capital purpose. The Council needs to ensure that net external borrowing does not, except in the short term, exceed the CFR in the preceding year plus the estimates of any additional capital financing requirement for the following three years.

<i>Net Borrowing</i>	<i>2003/2004 Actual</i>	<i>2004/2005 Actual</i>	<i>2005-06 Actual</i>	<i>2006-07 Budget</i>	<i>2006-07 Actual</i>
	<i>£'000</i>	<i>£'000</i>	<i>£'000</i>	<i>£'000</i>	<i>£'000</i>
Gross Borrowing	19,270	18,493	18,679	18,640	18,640
Investments	(12,890)	(14,593)	(28,580)	(20,000)	(27,260)
Net Borrowing	6,380	3,900	(9,901)	(1,360)	(8,620)

A further two prudential indicators control the overall level of borrowing: **Authorised Limit** and the **Operational Boundary**. These limits separately identify borrowing from other long-term liabilities such as finance leases.

Authorised Limit

This represents the limit beyond which borrowing is prohibited and reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable. It is the expected maximum borrowing need with some headroom for unexpected movements. This is a statutory limit that the Council must determine in accordance with Section 3(1) of the Local Government Act 2003.

Operational Boundary

This indicator is based on the probable external debt during the course of the year; it is not a limit and actual borrowing could vary around this boundary for short times during the year. It should act as an indicator to ensure that the authorised limit is not breached.

<i>Authorised Limit</i>	<i>2003/2004 Actual</i>	<i>2004/2005 Actual</i>	<i>2005-06 Actual</i>	<i>2006-07 Budget</i>	<i>2006-07 Actual</i>
	<i>£'000</i>	<i>£'000</i>	<i>£'000</i>	<i>£'000</i>	<i>£'000</i>
Borrowing	n/a	18,493	18,679	30,000	18,640
Long Term Liabilities	n/a	-	-	-	-
Total	n/a	18,493	18,679	30,000	18,640
<i>Operational Boundary</i>	<i>2003/2004 Actual</i>	<i>2004/2005 Actual</i>	<i>2005-06 Actual</i>	<i>2005-06 Budget</i>	<i>2005-06 Actual</i>
	<i>£'000</i>	<i>£'000</i>	<i>£'000</i>	<i>£'000</i>	<i>£'000</i>
Borrowing	n/a	18,493	18,679	22,000	18,640
Long Term Liabilities	n/a	-	-	-	-
Total	n/a	18,493	18,679	22,000	18,640

AFFORDABILITY PRUDENTIAL INDICATORS

The previous sections cover the overall capital and control of borrowing prudential indicators, but within this framework prudential indicators are required to assess the affordability of the capital investment plans. These provide an indication of the impact of the capital investment plans on the Council's overall finances.

Ratio of Financing Costs to Net Revenue Stream

This indicator expresses the amount of interest payable on external debt and other debt management expenses (i.e. financing costs) as a proportion of the amount of income received from Government and local taxpayers (i.e. net revenue stream). The definition of net revenue stream for the HRA is based on the statutory definition which incorporates charges to the account under Part 4 of the Local Government and Housing Act 1989.

<i>Financing Costs to Net Revenue Stream</i>	<i>2003-04 Actual</i>	<i>2004-05 Actual</i>	<i>2005-06 Actual</i>	<i>2006-07 Budget</i>	<i>2006-07 Actual</i>
Housing	34.7%	31.8%	44.8%	49.0%	45.1%
Non-Housing	7.2%	5.6%	0.5%	-2.2%	-2.0%

Incremental Impact of Capital Investment Decisions on the Council Tax and Housing Rents

As the Council's capital programme is financed by Government allocations, external funding from partners, and from the Council's own resources, such as capital receipts, there is no requirement for the Council to borrowing to finance its capital investment over the medium term. As a consequence there are no additional financing charges to be absorbed by both the General Fund and Housing Revenue Accounts over this period. This is reflected in the following two indicators, which show the impact on Council Tax and Housing Rents.

<i>Incremental Impact of Capital Programme</i>	<i>2006-07 Budget</i>	<i>2006-07 Actual</i>
Council Tax at Band D	£0.00	£0.00
Council Tax at Band A	£0.00	£0.00

Incremental Impact of Capital Investment Decisions on Housing Rent Levels

Similar to the Council Tax calculation this indicator identifies the impact of the Housing Capital Programme on revenue budgets, expressed in terms of weekly rent levels. This reflects the revenue contribution that is made to support the Housing Capital Programme.

<i>Incremental Impact of Capital Programme</i>	<i>2006-07 Budget</i>	<i>2006-07 Actual</i>
Weekly Housing Rent	£0.00	£0.00

TREASURY PRUDENTIAL INDICATORS

The purpose of these Prudential Indicators is to contain the activity of the Treasury Management function within certain limits, thereby reducing the risk or likelihood of an adverse movement in interest rates or borrowing decisions, impacting negatively on the Council's overall financial position. Four Prudential Indicators are required under this category:-

Upper Limits on Fixed Interest Rate Exposure

This indicator provides the range within which the authority will manage its exposure to fixed rates of interest.

Upper Limits on Variable Interest Rate Exposure

This indicator provides the range within which the authority will manage its exposure to variable rates of interest.

Maturity Structure of Fixed Borrowing

This indicator measures the amount of fixed rate borrowing maturing at each period expressed as a percentage of total borrowing at fixed rate at the start of each period.

Maximum Principal Sums Invested for more than 1 year

The purpose of this indicator is to contain the exposure to the possibility that loss might arise as a result of seeking early repayment or redemption of sums invested, or exposing public funds to unnecessary or unquantified risk.

Actual performance at the year end is as follows:

<i>Treasury Indicators</i>	<i>2006-07 % of debt Budget</i>	<i>2006-07 % of debt Actual</i>
Upper Limits on Fixed Interest Rates	100	100
Upper Limits on Variable Interest Rates	50	50
Maturity Structure of Fixed Borrowing		
Under 12 months	50	50
12 months to 2 years	50	50
2 years to 5 years	50	50
5 years to 10 years	50	50
10 years and above	100	100
Upper Limit on Principal Sums Invested for more than 1 year	75	75

As can be seen from the above table, all relevant limits and exposure ratios for interest, loan debt and investments were adhered to during the year.

APPENDIX D

MATURITY PROFILE OF EXTERNAL INVESTMENTS AT 31 MARCH 2007

Period to Maturity	Value of Investment (£)	% Total Investments
Up to 1 Month	9,510,000	35
2 Months	-	-
3 Months	3,250,000	12
4 Months	1,000,000	3
5 Months	-	-
6 Months	500,000	2
7 Months	1,250,000	4
8 Months	1,000,000	3
9 Months	-	-
10 Months	1,250,000	5
11 Months	-	-
12 Months	-	-
More than 12 months	9,500,000	36
	27,260,000	100%

