



Public Document Pack
**City of
Doncaster
Council**

Would you please note that Group Meetings will be held at 5.00 p.m. in the Civic Office.

Agenda

To all Members of the

COUNCIL

Notice is given that a Meeting of the Council is to be held as follows:

Venue: Council Chamber, Civic Office, Waterdale, Doncaster, DN1 3BU

Date: Thursday, 21st September, 2023

Time: 6.00 pm

BROADCASTING NOTICE

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**Damian Allen
Chief Executive**

Issued on: Wednesday, 13 September 2023

Governance Officer for this meeting

David Taylor
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City of Doncaster Council

www.doncaster.gov.uk

ITEMS

1. Apologies for Absence.
2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.
3. Declarations of Interest, if any.
4. Minutes of the Council Meeting held on 13th July, 2023.
5. To receive any announcements from the Chair of Council, the Mayor, Members of the Cabinet or the Head of Paid Service.
6. Questions from the public in accordance with Council Procedure Rule 13:-

1 - 14

- (a) Question from Mr Martin Butterworth to the Mayor of Doncaster, Ros Jones:-

“City of Doncaster Council’s (CDC) Neighbourhood Response Team is actively challenging offenders who are fishing illegally on the lake at Lakeside. It has amassed a large body of evidence of offences being committed by a considerable number of offenders yet not one of these offenders, including several persistent offenders, has been prosecuted. Will the Mayor instruct CDC’s law officers to ensure that action is taken to prosecute offenders for illegal fishing under CDC’s byelaws and will she also liaise with the Police to prosecute offenders under the Theft Act for theft of CDC’s fishing rights?”

- (b) Question from Mr. Kevin Pritchard to the Mayor of Doncaster, Ros Jones:-

“Recent posts in the Bessacarr Lakeside Group garnered circa 200 comments complaining of illegal fishing at Lakeside.

Local residents have spent many hours on the phone reporting to the Council's ASB helpline. Countless more providing video, photographic and written statements to evidence the crimes under Council’s byelaw and provided assurance of eye-witnesses attendance at Court.

There is respected research evidence that shows low level crime, unpunished, leads on to more serious crime.

The Council has made repeated assurances that it will prosecute offenders. When will it do so?”

A. Items where the Public and Press may not be excluded.

For Decision

7. Revisions to the Council's Contract Procedure Rules and Financial Procedure Rules. 15 - 126

8. To consider the following Motion, written notice of which has been given by Councillor Leanne Hempshall and Seconded by Councillor Julie Grace, in accordance with Council Procedure Rule 16.1:-

Disability Employment Charter

For far too long disabled people have not enjoyed the same employment opportunities as the wider working age population. The employment gap between disabled and non-disabled people has remained persistently large, at approaching 30%, and there is no evidence that significant change is in sight.

The Disability Employment Charter (“the Charter”) was launched in October 2021. The purpose of the Charter is to petition the Government to introduce change to level up opportunities for disabled people seeking and in employment. Organisations which sign the Charter are showing support for the introduction of these measures for change.

The Charter outlines nine areas for the UK Government to consider which will improve disabled people’s employment outcomes. The actions are set out to provide the Government with a road map for change as it develops the next phases of its National Disability Strategy.

Objectives of the Charter are to increase employment opportunities and job satisfaction for disabled people, reduce disability pay gaps, benefit the taxpayer and support the UK’s post-pandemic recovery by providing employers with the widest possible talent pool to address skills shortages.

The measures set out in the Charter align with many of our organisational equality objectives and measures we are already taking as an Authority to support disabled colleagues and if adopted by the Government would further support the Authority to become a more inclusive employer.

To date there is no confirmation about if or when Government will consider the Charter from a national perspective.

The labour market disadvantage disabled people encounter is demonstrated by a large and enduring disability employment gap, and disability gaps in pay, job satisfaction, and work-related well-being.

This charter outlines the action the government needs to take to address the disadvantage disabled people encounter in their working lives.

The Disability Employment Charter was founded by Disability Rights UK, Disability@Work, the University of Warwick, the DFN Charitable Foundation, Leonard Cheshire, Scope, Shaw Trust Foundation, and UNISON.

Over 130 organisations within the public, private and voluntary sectors have become signatories to the Charter. Public sector organisations who have signed up to the Charter include Adur & Worthing Councils, Kent Fire & Rescue Service, Lancashire & South Cumbria NHS Trust and Lancashire Teaching Hospitals.

The Disability Employment Charter -
<https://www.disabilityemploymentcharter.org/>

1. Employment and pay gap reporting.

The government should require all employers with 250+ employees to publish data annually on: the number of disabled people they employ as a proportion of their workforce; their disability pay gap; and the percentage of disabled employees within each pay quartile.

2. Supporting disabled people into employment.

The government should: increase disabled people's access to employment programmes and apprenticeships; increase the scale, quality and awareness of supported employment programmes and supported internships; and increase the provision of tailored careers advice to disabled people.

3. Reform of Access to Work (AtW).

The government should: remove the AtW support cap; ensure application/renewal processes are efficient, personalised, and flexible; entitle disabled job-seekers to 'in principle' indicative awards; facilitate passporting of awards between organisations and from Disabled Student's Allowance to AtW; and increase awareness of AtW support.

4. Reform of Disability Confident.

The government should: require all employers at Disability Confident Levels 2 and 3 to meet minimum thresholds regarding the percentage of disabled people in their workforce; and remove accreditation from employers that do not move up within 3 years from Level 1 to Levels 2 or 3.

5. Leveraging government procurement.

The government should: ensure award decisions for all public sector contracts take into account the percentage of disabled people in the workforce of tendering organisations; require government contractors to work towards a minimum threshold regarding the percentage of disabled people in their workforce; and take failure to achieve this threshold into account in future contract award decisions.

6. Workplace adjustments.

The government should: require employers to notify employees on decisions regarding reasonable adjustment requests within two weeks; make the option to work flexibly from day one the legal default for all jobs; introduce stronger rights to paid disability leave for assessment, rehabilitation and training; and fund an increase in Statutory Sick Pay to the European average.

7. Working with disabled people and their representatives.

The government should: require employers to consult and negotiate with disabled people and their representatives on disability equality matters; and provide trade union equality representatives and disability champions with statutory rights to time off to perform their role.

8. Advice and support.

The government should create a 'one stop shop' portal to provide information, advice and guidance to employers on recruiting and retaining disabled people, and to disabled people on their employment rights.

9. National progress on disability employment.

The government should take into account increasing disability prevalence in calculating the disability employment gap, and use the 'prevalence corrected' employment gap measure in monitoring national progress on disability employment

The City of Doncaster Council therefore Resolves to become a signatory to the Disability Employment Charter and asks the Head of Paid Service and relevant Cabinet Member to write to Government lobbying to bring in legislation or regulations as part of their Disability Strategy which adopts measures requested in the Charter.

9. To consider the following Motion, written notice of which has been given by Councillor Glenn Bluff and Seconded by Councillor Cynthia Ransome, in accordance with Council Procedure Rule 16.1:-

HGV Restrictions

Residents living on the A635 from Hickleton through Marr to Scawsby have suffered for years with air pollution, noise pollution and damage

to their conservation areas at the expense of the economic development of Barnsley. The promised bypass has never come. Councillor Cynthia Ransome has spent years campaigning for some relief for the residents held hostage by the traffic and had some success with the introduction of speed cameras in early 2021. But it is not enough. The Council, in its newly released Air Quality Action Plan, recognises the perilous air pollution levels on the A635, passing through Marr and Hickleton. The plan recommends an unfunded bypass and highlights the urgent need to reduce traffic within AQMA (Air Quality Management Areas) as a key performance indicator.

The A635 along the route to the A1 from the City centre through Scawsby and Cusworth is an extremely unsuitable single carriageway passing two busy schools that have many parked cars on the road at pick up time. Recent tragic accidents along the length of the A635, including the fatal injury of a pedestrian struck by an HGV in August this year, highlight a significant concern. The problem lies not just in the speed, now controlled by cameras for much of its length, but in the sheer volume of traffic, in particular HGVs traversing this route causing air and noise pollution and vibration nuisance to the properties

The situation extends beyond the protection of residents health in places like Hickleton; it's also about preserving the very fabric of the village itself. Hickleton, recognised as a conservation village, is suffering from considerable damage due to excessive noise and vibration from the heavy vehicles using the road. This has led to not only road surface damage but also harm to the area's historic buildings. Marr is suffering from similar issues along with Scawsby and Cusworth.

This issue is set to escalate with the planned ES10 development in Goldthorpe. An internal report by the Council's Principal Pollution Control Officer (Nov 2021) indicates that Hickleton and Marr have been declared AQMAs by Doncaster Council due to excessive nitrogen dioxide concentrations. Any proposal exacerbating this issue or hindering its resolution is unacceptable. The Council's Principal Pollution Control Officer stated that if it were a Doncaster Council proposal, refusal would be recommended.

If the South Yorkshire Mayoral Authority will not provide a bypass to Doncaster residents despite the available and devolved funds, then Doncaster Council must act to reduce traffic along the A635 by introducing the banning of HGVs. Alternative routes via existing bypasses north of Hickleton and road extensions near South Elmsall leading to the A1 are viable, along with the dual carriageway through Woodlands on the east side. Immediate action is required, and I urge this council chamber to put aside party politics and be brave enough to take the action that is needed. I propose an 18-month experimental Traffic Regulation Order (TRO) that will allow evaluation of a ban on HGVs, an experiment crucial for residents' safety.

Doncaster Council resolves to:-

- Commit to developing a workable plan to implement an 18-month experimental Traffic Regulation Order (TRO) under the Road Traffic Regulation Act 1984, effectively banning HGVs from the key residential areas of Hickleton, Marr, Scawsby and Cusworth along the A635.
- Commit to developing a workable plan to implement Environmental Weight Restriction Orders ((E)WROs) to preserve the local areas and protect Hickleton, Marr, Scawsby and Cusworth from the adverse effects of noise, vibration, road surface deterioration, and structural impacts.
- Conduct a 12-month consultation to review public comments and decide on a permanent order if public support during the consultation period supersedes any objections.
- To present the plans for approval to Full Council in 6 months.

10. Questions by Elected Members in accordance with Council Procedure Rules 15.2 and 15.3:-

(i) Questions on Notice to the Executive:-

None received for this meeting.

(a) From Councillor Jane Cox to Councillor Joe Blackham:-

“Can the Cabinet Member please explain how disabled and elderly are going to navigate 12 inch/30 cm high kerbs on Thorne road Wheatley. They are dangerous especially as we come to dark nights. How does this stand with the Equalities Act as most kerbs are not above 6 inch/15 cm high. Can he also explain how wildlife such as hedgehogs will be able to safely cross the road as the kerbs are not only 12 inch/30 cm high they are a shape that is concave?”

(b) From Councillor Nick Allen to the Mayor of Doncaster, Ros Jones:-

“What are your views on the Government's recent announcement regarding Nitrous Oxide. Do you welcome the ban. I do, and I know many Bessacarr Ward residents do too because of the hugely dangerous impact the substance has on people. Do you feel the ban will be easy to enforce and will it help reduce the amount of canisters dumped in Doncaster's parks and green spaces?”

- (ii) Questions without Notice to the Executive and the Chairs of Committees.

For Information and Not Endorsement

11. Approval of Councillor Absence. 127 - 132
12. To receive the minutes of the following Joint Authorities. 133 - 134
- A. South Yorkshire Mayoral Combined Authority Board held on 31st July, 2023.
- [South Yorkshire Mayoral Combined Authority - 310723](#)
- B. South Yorkshire Mayoral Combined Authority Local Enterprise Partnership Board held on 13th July, 2023.
- [SYMCA Local Enterprise Partnership Board - 130723](#)
- C. South Yorkshire Fire and Rescue Authority held on 19th June (Annual) 19th June (Ordinary) and 24th July, 2023.
- [South Yorkshire Fire & Rescue Authority - 190623 \(Annual\)](#)
- [South Yorkshire Fire & Rescue Authority - 190623 \(Ordinary\)](#)
- [South Yorkshire Fire & Rescue Authority - 240723](#)
- D. South Yorkshire Pensions Authority held on 8th June, 2023.
- [South Yorkshire Pensions Authority - 080623](#)
- E. South Yorkshire Police and Crime Panel held on 12th June (Annual) and 17th July, 2023.
- [South Yorkshire Police & Crime Panel - 120623](#)
- [South Yorkshire Police & Crime Panel - 170723](#)
- F. Team Doncaster Executive held on 14th March, 2023 (attached).

Public Document Pack Agenda Item 4

CITY OF DONCASTER COUNCIL

COUNCIL

THURSDAY, 13TH JULY, 2023

A MEETING of the COUNCIL was held in the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER DN1 3BU, on THURSDAY, 13TH JULY, 2023, at 6.00 pm.

PRESENT:

Chair - Councillor Duncan Anderson

Vice-Chair - Councillor Julie Grace

Mayor - Ros Jones

Deputy Mayor - Councillor Glyn Jones

Councillors Nick Allen, Bob Anderson, Lani-Mae Ball, Nigel Ball, Iris Beech, Joe Blackham, Rachael Blake, Nigel Cannings, James Church, Gemma Cobby, Phil Cole, Jane Cox, Steve Cox, Linda Curran, Susan Durant, Yetunde Elebuibon, Sue Farmer, Martin Greenhalgh, John Healy, Leanne Hempshall, Charlie Hogarth, Mark Houlbrook, Debbie Hutchinson, Barry Johnson, Jake Kearsley, Majid Khan, Jane Kidd, Sue Knowles, Sophie Liu, Tracey Moran, John Mounsey, Tim Needham, David Nevett, Jane Nightingale, Ian Pearson, Cynthia Ransome, Andrea Robinson, Glynis Smith, Sarah Smith and Austen White.

APOLOGIES:

Apologies for absence were received from Councillors Glenn Bluff, Laura Bluff, Bev Chapman, Aimee Dickson, Sean Gibbons, Richard A Jones, Emma Muddiman-Rawlins, Thomas Noon, Andy Pickering, Rob Reid, Dave Shaw and Gary Stapleton.

18 Declarations of Interest, if any

There were no declarations of interest made at the meeting.

19 Minutes of the Annual Council Meeting held on 19th May, 2023

RESOLVED that the minutes of the Annual Council Meeting held on 19th May, 2023, a copy of which had been circulated to each Member, be agreed as a true record and signed by the Chair of Council.

20 To receive any announcements from the Chair of Council, the Mayor, Members of the Cabinet or the Head of Paid Service

The Chair of Council, Councillor Duncan Anderson, made the following announcement:-

"I am sure Members of Council would support me in welcoming our Chief Executive back from his short period of illness. It was a very serious illness, and the outcome could have been much worse.

He is very lucky to be back and getting back into the swing of things, but organisationally, we need to give him time and space to recover and support him during his period of recovery.”

The Mayor of Doncaster, Ros Jones, made the following announcements:-

“Today marks a whole year since Peel announced their strategic review into the future of Doncaster Sheffield Airport. From day one, the City of Doncaster Council stepped up to find solutions to keep the Airport open. We went to the open market to identify potential buyers, we offered to underwrite any losses for over 12 months in order to secure a private sale, and we even offered to buy the Airport freehold. Unfortunately, all of which were turned down by Peel.

As we progress with the South Yorkshire Airport Programme, it is important to demonstrate the complexity of the programme and the various discussions we are having with both Peel, the Department for Transport, the Civil Aviation Authority, investors and operators on a number of fronts. Importantly, we are still in complex but progressive negotiations with Peel in relation to a leasehold of the Airport site. We are currently engaging with potential investors and operators who would work with us, if successful in obtaining a leasehold, and we have made representations to both the DFT and CAA in regards to retaining our airspace.

Getting our Airport re-opened is my number one priority; the economic potential could be great over the medium to long term, and the jewel in the crown of Doncaster and the wider region. I want to see an aviation cluster of businesses around the Airport alongside both freight and passenger flights. We are currently finalising a financial viability assessment and business case, all of which currently look positive.

I am resolute in my determination to see our Airport reopen and I ask that all Councillors support these efforts. I will ensure you are all kept updated as we progress with our efforts.

My second announcement sadly relates to our bid for a new Hospital which was turned down by the Government; this is incredibly disappointing. An incredibly strong bid was put forward that would have seen a new state-of-the-art Hospital that would serve Doncaster for the 21st century.

We have a site already identified within the City Centre that is shovel ready, largely owned by this Council, and remediation planned that is being paid for from Levelling Up Funding and regional gainshare funding. A new Hospital would be a true commitment to levelling up Doncaster.

We will continue to lobby for a new Hospital for Doncaster. However, our Hospital is in urgent need of repairs now. The current maintenance back log has worrying implications for patient services. The Government must act swiftly to safeguard all those who work at DRI, as well as ensuring it can continue to deliver vital health care to Doncaster and the wider South Yorkshire community. I call on Government that at this year’s autumn statement, the DRI Trust is given the funds it needs to undertake urgent works that are vital to the safety of staff and patients.”

The Deputy Mayor, Councillor Glyn Jones, Cabinet Member for Housing and Business, made the following announcement:-

“I would like to make a brief announcement in relation to our South Yorkshire Bid for an Investment Zone. We are working alongside South Yorkshire Mayoral Combined Authority to bring an Investment Zone to South Yorkshire, and I hope to see an element of this in Doncaster. We are putting a number of sites forward and we will continue to push for Doncaster to get its fair share. The Government criteria may be restrictive, but we will look to work within this criteria. Further details will be announced in due course.”

Councillor Lani-Mae Ball, Cabinet Member for Early Help, Education, Skills and Young People, made the following announcement:-

“I would like to make a brief announcement in relation to the closure of the National College of Advanced Technology and Infrastructure.

It is unfortunate to see the building close in its current capacity. We have seen a lack of consistent rail policy across successive Governments, with five different Prime Ministers in 7 years, all having made different promises in relation to education and railway investment. In 2021, as part of the Integrated Rail Plan, HS2 was scaled back with the majority of the Eastern leg cancelled. Yet last year, we had the short-lived premiership of Liz Truss, who promised to deliver HS2 and Northern Rail in full. Regrettably, this was soon cancelled again under the current Prime Minister. It is no wonder that under these conditions, industry could not fully commit to either of the Doncaster or Birmingham NCATI sites.

However, the closure has presented this Council with a valuable opportunity to step in to secure its future. We want to be directly involved in the provision of a new learning offer, ensuring that this time, it will be directly connected to Doncaster’s local business community and existing skills system.

We are currently in discussions with the Department for Education on the handover of the building to this Council, and I will share further details in due course.”

The Chief Executive, Damian Allen, made the following announcement:-

“As a number of you will know, the Monday after the Annual Council Meeting, I was rushed into hospital with what turned out to be viral meningo-encephalitis; a rare infection of the brain, which causes inflammation of the brain, with 6000 cases a year in the UK. With your indulgence Chair, I would like to use my experience and this platform, to raise awareness of this illness as 80% of the public do not know what encephalitis is, which is why it is so critical to seek early diagnosis if the symptoms materialise; which I did not.

The symptoms of encephalitis initially present as flu-like, including headaches, muscle and joint aches, hence it is often overlooked. Ultimately untreated, it leads to loss of speech, delirium and impact on levels of consciousness, and can be confused with psychosis at this stage. For those of you who engaged with me at the Annual Council Meeting, it would have been apparent that I was entering into this stage. In extreme cases, encephalitis results in a coma and ultimately death in 10 - 40% of cases, depending upon the type of encephalitis. On admission, I was therefore placed in the Intensive Treatment Unit and placed on life support when my heart beat reached 250bpm, and my kidneys started to fail, which was a traumatic and worrying experience for my family. I was brought out of the induced coma 8 days later, having overcome the infection thanks to the medical expertise and care of a multitude of

amazing NHS staff to whom I will be forever grateful. I was discharged 10 days later thankfully, with no immediate legacy issues, and I continue to make a good recovery sufficient to return to work on a phased basis.

Encephalitis is often referred to as an invisible disability, where recovery is lengthy despite the appearance of normality having returned to the sufferer. 40% of sufferers can be left with permanent brain damage, memory-loss and other personality changes etc. The Encephalitis Society whose website is www.encephalitis.info, has a huge amount of valuable information, advice and guidance for the public and professionals. World Encephalitis Day is on 22nd February where supporters are asked to wear something red, and light-up a landmark in red.

Finally, I would like to record my sincere thanks to Debbie Hogg, Director of Corporate Resources who covered for me together with fellow extended leadership team members, and to Mayor Ros Jones, and members of Cabinet. I have been bowled over and humbled by the kind words, cards, gifts and the warm and effusive welcome back from staff, partners and Elected Members; a profound and sincere thank you to everyone."

21 Questions from the public in accordance with Council Procedure Rule 13

There were no questions on notice received from the public for this meeting.

22 Youth Justice Plan 2023/24

The Council considered a report, introduced by Councillor Lani-Mae Ball, Cabinet Member for Early Help, Education, Skills and Young People, which sought approval of the Youth Justice Plan 2023/24.

It was reported that the plan highlighted some excellent performance and notable achievements by the Youth Offending Service in the past year, and also one particular area of challenge. The plan was informed and shaped by the experiences and voices of young people. The Service continued to work to reduce re-offending with young people which had been an historic area of strength and remained so.

Members noted that the Service was within the top quartile of Authorities with the lowest re-offending rates in England and Wales. This had been achieved through the Team's relationship based, trauma informed practice model, and young people's direct access to therapeutic and clinical services.

Members were informed that over the last two years, the custody rate had been affected by a serious incident involving young people not known to the Service, and therefore, a target was set of no more than two young people known to the Service receiving a custodial sentence and this had been achieved. The First Time Entrant rate had exceeded the target, which was a process rather than a practice issue, due to delays within the Criminal Justice System linked to the pandemic. However, the team was confident that all children from this period had now been progressed through the Service.

It was also reported that the Plan set out targets for 2023/24, which were highly ambitious, which included:-

- To ensure the first-time entrant rate achieved the target, which was set at 124 young people per 100,000, which was achieved through the work of Encouraging Potential Inspiring Change (EPIC) and the Youth Justice Team;
- The reoffending target had been set at 22. If this was achieved, this would represent Doncaster's lowest ever annualised reoffending rate; and
- A non-statutory target had been set this year to bring the rate of Children who were looked after in the criminal justice system, to a level which was comparable to children who were not looked after.

The plan also highlighted some notable achievements in 2022/23, including the continuation of a strong therapeutic offer for children and families, and good performance in relation to Education, Training and Employment outcomes. The EPIC Town Centre Hub continued to support large numbers of young people in the City, and EPIC was developing further Virtual Reality experiences for use as an educative tool for both young people and the professionals working with them.

RESOLVED that the Youth Justice Plan 2023/24, be approved.

23 Doncaster Health and Wellbeing Board's Second Annual Report 2022/23

The Chair of the Health and Wellbeing Board, Councillor Rachael Blake, presented the Board's Second Annual Report which provided an overview of the work received by the Health and Wellbeing Board and a flavour of work undertaken since the last annual report in July, 2022.

It was reported that there were three broad themes highlighted throughout the report which were the 3 life courses. Starting well examples included updates on children's and young people's mental health strategy/5-19 service, eating disorders and autism services, safeguarding and recommendations for a breastfeeding policy in the Council, and wider partners where possible.

The Living well updates included mental health transformation/learning disability and autism strategy, substance misuse, carers, homelessness, problem gambling and the adults safeguarding report.

Ageing well included updates on enhanced health care in care homes, urgent community responses and virtual wards, dementia services and the ambition to be an age friendly City. Doncaster had now been accepted in June 2023, to be part of the UK network to become an age friendly City and work was ongoing.

Members were informed of other areas in the report which included ways of working such as Get Doncaster Moving, compassionate approach to weight and the Well Doncaster approaches and also the update on the Fairness and Wellbeing Commission, and how it linked to the Board with its forthcoming recommendations. It was also noted that there was a reference to the Economic Strategy and the Integrated Care Partnership, and its wider place implications.

In concluding her presentation, Councillor Blake outlined the recommendations for the next year which were detailed in the report.

RESOLVED that Health and Wellbeing Board Second Annual Report 2022/23, be noted and published.

24 Overview & Scrutiny Annual Report 2022/23

The Council considered the Overview and Scrutiny Annual Report, which highlighted the progress of Doncaster Council's Overview and Scrutiny function during 2022/23. The report also provided a summary of the work undertaken by the Overview and Scrutiny Management Committee (OSMC) and its four Standing Panels, and highlighted some of the key achievements and the impacts that Overview and Scrutiny had made over the past year, and identified priorities for 2023/23.

In presenting the report, the Chair of the OSMC, Councillor Jane Kidd, thanked Members, the Executive, Officers, Partners, Stakeholders, young advisers and the public, who had taken the time to participate in meetings and contribute to Overview and Scrutiny during the last Municipal Year.

It was reported that the 2022/23 Annual Report highlighted a number of activities and achievements which were important to Overview and Scrutiny including how it had engaged with the public and partners, held decision makers to account, contributed to policy development and provided an opportunity for Members to consider issues they felt were important to the residents of the Borough. The report also showed how its work aligned and contributed to the Doncaster Growing Together priorities.

Members noted that moving forward to 2023/24, Overview and Scrutiny's work plans would reflect the Doncaster Delivering Together, Wellbeing Goals and Outcomes, and Great 8 priorities, which would help keep a strategic focus and positively contribute to improving services within the Borough.

The Chair then invited the four Standing Overview and Scrutiny Panel Chairs to highlight some of the key achievements and the impacts that the Panels had accomplished.

In concluding her presentation, Councillor Kidd asked Members to either contact her, or any Chair the Standing Panels or Officers, if they had any issues for consideration at future Scrutiny meetings or reviews.

RESOLVED that the Overview and Scrutiny Annual Report 2022/23, be noted.

25 Nomination for Freedom of the City - Lord Kirkham

The Council considered a report which sought approval to bestow the honour of Freedom of the City on Lord Kirkham.

It was reported that this nomination sought to acknowledge the commercial, charitable, social and civic contributions Lord Kirkham had made to promote the reputation and prosperity of the City of Doncaster. It was felt that his elevation to the status of Freeman of the City would demonstrate the Council's appreciation for the things he had done for the local area.

Members noted that Lord Kirkham had been a lifelong resident of Doncaster. He was born, educated and raised in the county, whilst developing a number of very successful businesses. Having accumulated a multi-million pound business empire, he had always remained committed to living in the area; contributing to its economy, charities and promoting its reputation and his two main businesses had created employment for numerous local people over decades. Lord Kirkham acquired Cantley Hall in 1990 and had invested in the restoration and maintenance of the estate, using local tradesmen and businesses, and he continued to provide employment through the upkeep of the house and grounds and ran some aspects of his business activities from there. He has also used the Hall to entertain royals, dignitaries and celebrities to promote Doncaster's reputation.

It was also noted that in 1996, he was Knighted and in 1999, he was created Lord Baron Kirkham KCVO for his contributions to the Duke of Edinburgh Awards Scheme, Prince's Trust and Animal Welfare charities. He had also supported local schools providing an IT/computer suite and financially assisted the Doncaster Deaf Trust and the 'Firefly' Cancer Support charity. His companies had also provided significant donations to fund Cancer Research through the University of Bradford.

RESOLVED that the application to bestow the Freedom of the Borough on Lord Kirkham, be supported.

26 Questions by Elected Members in accordance with Council Procedure Rules 15.2 and 15.3

A. Questions on Notice

No questions on Notice from Elected Members had been received for this meeting.

B. Questions Without Notice

In accordance with Council Procedure Rule 15.2, the Chair of Council sought questions from Elected Members during Question Time.

A. Questions to the Mayor of Doncaster, Ros Jones

There were no questions put to the Mayor of Doncaster, Ros Jones.

B. Questions to the Deputy Mayor, Councillor Glyn Jones, Cabinet Member for Housing and Business

There were no questions put to the Deputy Mayor, Councillor Glyn Jones, Cabinet Member for Housing and Business.

C. Questions to Councillor Lani-Mae Ball, Cabinet Member for Early Help, Education, Skills and Young People

Q. Councillor Cynthia Ransome asked the following question:-

"Children and young people's education and development is falling behind after Covid. Does the recovery plan include extending school term time

and school hours? This would improve education and development, and it would also improve young people's safety."

A. Councillor Lani-Mae Ball gave the following reply:-

"You mention about education catch up which has been discussed nationally. What we are missing here is the mental health and wellbeing of our children, and young people. There may be a delay in terms of GCSE or SATs results, but we know that children and young people are not defined by their grades; they are defined by their ability to be at School and to lead healthy and happy lives. There is a focus around education and they are getting that in School.

I would not support extending School term time into the holidays. I do not think that any Schoolteachers would want that either; they work hard enough. What we need to do is to invest in more staff within our Schools, so we can have smaller classroom sizes. We also need to invest in better mental health services, so that we can have School Nurses working in our Schools.

We need to listen to the voices of our children and young people, and the experiences of staff who have to deal with behaviour management issues. It is the mental health and wellbeing that the children are struggling with."

In accordance with Council Procedure Rule 15.7, Councillor Cynthia Ransome asked the following supplementary question:-

Q. "Considering that schools finish at 2.30pm, surely this has got to help towards Anti-Social Behaviour with children, because who is supervising them?"

A. Councillor Lani-Mae Ball gave the following reply:-

"Some Schools finish at 2.30pm, but not every School. Schools are required by Government to deliver a 35 hour week. In terms of outside of School, we do not want children locked up in School all day. What we desperately need are Youth Services. Since 2010, there has been a 60% cut to Youth Services. Children and young people need to be supported by Youth Workers and have access to safe and inclusive activities that they can access within their communities. It is not about locking them up from 7.00 am in the morning until 7.00 pm at night. It is about two different things; providing education and youth activities in the evening, so that they can be with their friends and be safe in their communities. As the Government does not seem to be bothered about this issue, if you could raise it with them, that would be appreciated."

Q. Councillor Jane Cox asked the following question:-

"Are you confident that the Council knows where each 16 to 18 year old is; who should be in education or employment? From personal experience, our son came out of college at 17. He is nearly 19, but no

one from any service has ever contacted us to see where he was and what he was doing. It concerns me that this may be adding to the fact that the Council has missed the target for the First Time Entrants for young people entering the Youth Justice System and the increase in anti-social behaviour within the Borough?"

A. Councillor Lani-Mae Ball gave the following reply:-

"In terms of the specific case you are talking about, I would be interested to know more because we do have a dedicated team within the Council for people who are Not in Education, Employment or Training (NEET). If there is somebody that has not been contacted, or has slipped through the net, I can pick that up outside of this meeting. We do have a Youth and Employment Hub in the Civic Building which provides one-to-one support for young people."

In accordance with Council Procedure Rule 15.7, Councillor Jane Cox asked the following supplementary question:-

Q. "How many people across the Borough have got a son or daughter that this has happened to? We do not know. They would not know how to access the service or know who to go to for the help they need."

A. Councillor Lani-Mae Ball gave the following reply:-

"The team does track a large cohort, but there may be some who have 'slipped through the net'. I am not trying to say that we have got 100% engagement, but I can speak to you outside of the meeting."

Q. Councillor Nigel Ball asked the following question:-

"It would be useful to get clarification on this to see if there is a correlation in terms of education cuts over the last 13 years, and our ability to be able to look at out of hours provision. A report from the Institute of Fiscal Studies on education spending in England, concluded that education spending has been cut by £10 billion during that period. When we talk about additional provision, that costs money. It would be interesting to get your view and whether austerity has decimated our education system.

In terms of the other point that was made and the issue of austerity, our Youth Service funding, the Connexions Service and the Sure Start Hubs, have been systematically stripped away. In your opinion, is there a correlation between the issues we are facing now and 13 years of austerity, with cuts to education, the Youth Service and other services for young people?"

A. Councillor Lani-Mae Ball gave the following reply:-

"I think you might be right; there might be some correlation. We treat educational staff as babysitters; they are not, they are professionals. They do a job and work very hard. They are not there just to watch

children all the time. They are there during the day for that purpose, but they are not there at night-time.

In terms of extending teaching hours, we have a substantial recruitment and retention issue within the education sector since academisation and the current policies which are being implemented. This is driving staff out. There are huge workload concerns. If the Government is ever going to expect children and young people to be happy, and to be healthy and to thrive, we need serious investment in Education.

Regarding Sure Start, Doncaster was recognised as best practice. Andrea Leadsom said that Doncaster's Family Hubs were an example of good practice, because we have invested in keeping them there in our communities. Mayor Ros Jones took the political decision to keep them in Doncaster. Things are not perfect, but what makes it worse is that we are constantly firefighting because of chronic underfunding; it will take a generation to sort this out. We can try to link young people with crime and continue to demonise them and the work force who are raising issues, but we need to sit back and listen to what people are saying."

Q. Councillor Steve Cox asked the following question:-

"Through the Children and Young People's Panel, it has given the option to voice lived experiences. My eldest son is 30. We have gone through the same experiences as our youngest son who is 19. Has austerity been ongoing for 30 years, or has it just been something wrong within the workings of the Council, because the Council cannot keep blaming the Government for everything.

Within our Constitution, we are responsible for education within our Borough. It states in the Constitution that there should be a place for every child. I am confused by what you have said. This Council has lost money, but so has every other Council. This is personal because I am talking about my children. Councillor Jane Cox's question is very pertinent because there are other children that are in the same position, and we do not know where they are. Directors do not know where they are, so if you do, please tell us?"

A. Councillor Lani-Mae Ball gave the following reply:-

"With regard to the children and young people Not in Education, Employment or Training, I reiterate, this is a large cohort and the Council does track them.

In relation to SEND, the systematic failings are an ongoing issue.

In terms of 13 years of austerity, budget cuts to education have had an impact. In an ideal scenario, we would like every child or young person to be supported in mainstream School and to have one-to-one support. Highly qualified members of staff support the young people and they do not need to go 'out of the area'. They do not need to go to a different School because that School is inclusive. However, we do not have direct control of Schools because they are Academies;

your Government changed that. The Local Authority cannot dictate what it wants.

I have mentioned the recruitment and retention issues, because staff are leaving due to the lack of money to support them or give them the pay rises that they deserve. As a result, placements in Schools have gone, so we have to send them to a different School. In the last 10 years, there has been a 40% increase in Education, Health and Care Plans requests. I am not going to pretend that everything is perfect, but we are working with Schools and being more inclusive, and performance is improving. There is only so much that we can do. We will get our house in order, but I do not want a narrative that there are children and young people who are missing; it is not true. There may be people who are not getting everything they deserve, but I can speak to you about this issue outside of this meeting. The teams within the Council work really hard to ensure that no one is left behind.”

In accordance with Council Procedure Rule 15.7, Councillor Steve Cox asked the following supplementary question:-

Q. “All I would like to say is that the comments I have made have been made to Senior Officers within this room, who have said that they will look into them, but there is nothing in any recommendations being considered by Cabinet. Lived experience is absolutely fine and I think it is fantastic, but we do not see it being followed through.”

A. Councillor Lani-Mae Ball gave the following reply:-

“I am sorry if that has not been your experience, but I am not aware of that. Please let me know what you need me to pick up.”

D. Questions to Councillor Nigel Ball, Cabinet Member for Public Health, Communities, Leisure and Culture

There were no questions put to Councillor Nigel Ball, Cabinet Member for Public Health, Communities, Leisure and Culture.

E. Questions to Councillor Joe Blackham, Cabinet Member for Highways, Infrastructure and Enforcement

There were no questions put to Councillor Joe Blackham, Cabinet Member for Highways, Infrastructure and Enforcement.

F. Questions to Councillor Rachael Blake, Cabinet Member for Children’s Social Care and Equalities

Q. Councillor Jane Cox asked the following question:-

“Councillor Lani-Mae Ball has just referred to Education, Health and Care Plans which young people with Special Educational Needs would require to access to obtain help they need and services available to them. As I have said before, it always feels like these young people are

the forgotten few. Whilst I welcome the target of 100% of these being completed in 20 weeks, which is a standard we should hold ourselves to, can I ask what we are doing to get there? The Council currently stands at 36% in the final quarter of the last year, and is not currently supporting some of the most vulnerable young people in the Borough.”

A. Councillor Rachael Blake gave the following reply:-

“This is not my Portfolio area.”

As the question put by Councillor Jane Cox was not within Councillor Rachael Blake’s Portfolio, the Chair of Council, Councillor Duncan Anderson asked Councillor Jane Cox to submit her question in writing to Councillor Lani-Mae Ball, Cabinet Member for Early Help, Education, Skills and Young People.

G. Questions to Councillor Phil Cole, Cabinet Member for Finance, Traded Services and Planning

Q. Councillor Cynthia Ransome asked the following question:-

“Councillor Bluff and I have supported the Hickleton and Marr action group for many years and worked with the Officers. I have a letter, dated 2020 from Sheffield City Region, Barnsley and the Mayor of Doncaster. The letter states that they wish to work with us on remedial measures. It is in Barnsley’s Local Plan that they will be building more industrial units on the border of Hickleton, which will bring many more Heavy Goods Vehicles into the villages of Hickleton and Marr. A roundabout is already in place for these applications. Are you objecting to these planning applications, as they will intensify the pollution in these villages which are already some of the highest polluted villages in the country?”

A. Councillor Phil Cole gave the following reply:-

“I have not seen those details, but I am aware that there was going to be a new housing development in Goldthorpe that is going to impact on that road network. I will provide you with a written response.”

H. Questions to Councillor Mark Houlbrook, Cabinet Member for Sustainability and Waste

There were no questions put to Councillor Mark Houlbrook, Cabinet Member for Sustainability and Waste.

I. Questions to Councillor Jane Nightingale, Cabinet Member for Corporate Resources

There were no questions put to Councillor Jane Nightingale, Cabinet Member for Corporate Resources.

J. Questions to Councillor Sarah Smith, Cabinet Member for Adult Social Care

There were no questions put to Councillor Sarah Smith, Cabinet Member for Adult Social Care.

K. Questions to Councillor Austen White, Chair of the Audit Committee

There were no questions put to Councillor Austen White, Chair of the Audit Committee.

L. Questions to Councillor Julie Grace, Chair of the Elections and Democratic Structures Committee

There were no questions put to Councillor Julie Grace, Chair of the Elections and Democratic Structures Committee.

M. Questions to Councillor Rachael Blake, Chair of the Health and Wellbeing Board

There were no questions put to Councillor Rachael Blake, Chair of the Health and Wellbeing Board.

N. Questions to Councillor Jane Kidd, Chair of the Overview and Scrutiny Management Committee

There were no questions put to Councillor Jane Kidd, Chair of the Overview and Scrutiny Management Committee.

27 To receive the minutes of the following Joint Authorities

RESOLVED that the minutes of the following Joint Authorities meetings be noted:-

- A. South Yorkshire Mayoral Combined Authority Board held on 6th March and 5th June, 2023.
- B. South Yorkshire Mayoral Combined Authority Local Enterprise Partnership Board held on 9th March and 18th May, 2023.
- C. South Yorkshire Fire and Rescue Authority held on 9th January, 20th February and 3rd April, 2023.
- D. South Yorkshire Pensions Authority held on 9th February and 16th March, 2023.
- E. South Yorkshire Pensions Authority Local Pension Board held on 2nd February and 27th April, 2023.
- F. South Yorkshire Police and Crime Panel held on 3rd February and 24th April, 2023.
- G. Team Doncaster Strategic Partnership held on 13th December, 2022.

CHAIR: _____

DATE: _____

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Date: 21st September 2023

To: Council

REVISIONS TO THE COUNCILS CONTRACT PROCEDURE RULES AND FINANCIAL PROCEDURE RULES

EXECUTIVE SUMMARY

1. This report outlines proposed revisions to the Council's Contract Procedure Rules (CPRs) and the Financial Procedure Rules (FPRs). As these documents form part of the Constitution, they require approval by Full Council. The proposed revisions are set out in detail at Appendices 1a and 2b and the aim is:
 - a) To ensure the CPRs offer best practice contracting opportunities, deliver effective governance and are legislatively compliant.
 - b) To ensure the FPRs provide greater clarity to managers, are practical to use and ensure financial decision making is made at the appropriate level.

EXEMPT REPORT

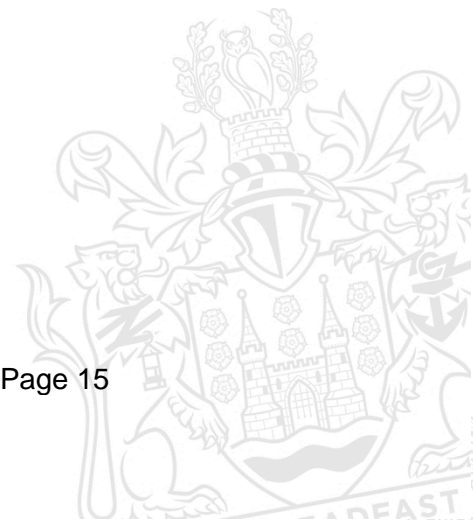
2. This report is not exempt.

RECOMMENDATIONS

3. Council approve the proposed revisions to Contract Procedure Rules (CPRs) and Financial Procedure Rules (FPRs), as outlined within Appendices 1 to 2. The revised documents will then be incorporated within the Council's Constitution.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. The Council's Constitution sets out how the Council operates, how decisions are made and the procedures to be followed that ensures efficiency, transparency, and accountability to the citizens of Doncaster. The proposed revisions to the Procedure Rules, outlined in this report, are intended to deliver better practices, and facilitate the Council in achieving value for money for the citizens of Doncaster.



BACKGROUND

Revisions to the Contract Procedure Rules (CPRs)

5. The CPRs are found in Part 4, Section 7 of the Council's Constitution. It is proposed that the CPRs are revised as per Appendix 1b. The changes are tracked in Appendix 1a.
6. Council last agreed changes to the CPRs in May 2019 and the CPR thresholds have remained unaltered since. The higher thresholds are determined by the Procurement Contract Regulations 2015 (PCR2015), these thresholds were changed in January 2022. Nationally Inflation is currently running exceedingly high (*May 2023 RPI 11.3% and CPI 8.7%*), meaning that relatively low value contracts, that would have traditionally been dealt with by way of an informal quotation or direct award process, must now be dealt with by formal quotations, this has reduced the ability for officers to demonstrate flexibility and mitigate rising costs and is having a negative impact upon resources. It is believed that increasing this threshold will have a positive impact upon the Council's contracting activity.
7. The Audit Committee receive six-monthly reports from the Head of Procurement on the Council's compliance to the CPRs. At the Audit Committee in April 2023 there was discussion on the thresholds that was a result of the report on waivers and breaches. An action was taken by the Head of Procurement to review the CPRs to ensure the threshold levels are appropriate considering the inflation situation and increasing number of contracts breaching the £25k threshold that would normally be below.
8. The changes being introduced will provide greater opportunity to encourage local suppliers to be awarded contracts through a more flexible approach.
9. Proposed changes will enhance procurement practices and allow greater flexibility in the letting of contracts. Currently officers can award via one verbal quotation contract valued up to £25,000, the proposal is to increase this to £50,000 but with protections in place for those contracts between £25,000 and £50,000. All contracts will still be registered above £5,000 in accordance with the Local Government Transparency Code and any that are awarded between £25,000 and £50,000 will have to have a Best Value Form accompanying the award to demonstrate that value for money has been sought and achieved in awarding the contract to a successful supplier. Officers will still be encouraged to obtain informal quotations below the £50,000 threshold but there will be no requirement to conduct a formal process. The benefits of this allow for:
 - a) Negotiations to take place on contracts below £50,000 as part of a process that is informal, currently a negotiated approach is difficult to implement via a formalised quotation process.
 - b) Increased flexibility for officers to award to local companies, currently officers must obtain quotations from a minimum of 3 suppliers, there may

not always be that number of local suppliers and they may need to seek quotations out of area which could lead to an award out of area.

- c) Inflation is currently running exceedingly high meaning that contracts that would have traditionally fallen below £25,000 are now tipping over into the next threshold. This will increase the number of contracts that must go through a formal process hence increasing the resource requirements that have remained static. In addition to this, allowing flexibility will allow for better mitigations where inflation threatens to significantly increase a contract cost as a competition can lead to increased contracting costs.
- d) Allowing contracts to continue that are demonstrating value for money and effective delivery, this would need to be proven via the Best Value Form. This form would give assurance that best value was achieved and challenged appropriately.
- e) In 22/23 **51** contracts out of a total of **653** awarded were between £25,000 and £50,000 which equates to **8%**.

10. CPR Waivers are a governance tool that allows officers to award a contract without competition if the award can demonstrate the permissible waiver rationale. There are currently four rationales, the proposal is to extend this to seven with more narrative to avoid ambiguity and give decision makers and the Audit Committee better data on awards via the waiver process. The existing four rationales are still within the proposed expanded seven. Examples of the changes include:

(c) an organisation which has won a contract for an earlier phase of work via a competitive process and where the work forms part of a serial programme that could not have been identified when the contract was let.

This has come about over recent years and is currently captured under one of the four rationales; 'Forms part of a wider strategic programme,' but the wording above gives more detail on the exact reason. This has been an issue on occasion, for example when the Council has received additional grant funding that was not known/offered at the time the original contract was awarded then it has been covered under the current rationale but is ambiguous, new wording would be more specific.

Another example of a new waiver rationale that will reduce ambiguity is;

(e) the use of time-limited grant funding from an external body, where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this.

This is an issue and again the current rationale used that is 'emergency situation' is ambiguous, so to be more specific the above narrative will cover this situation. This has become more of an issue over recent years, grant funding conditions do not always allow for a full procurement process and gives a specific date by which the funding must be spent and if the authority

fails to do this would result in clawback of funding. The authority would assure themselves that the grant funding conditions allow for a direct award.

11. In section 17.0, the threshold when Social Value is mandatory as a minimum of 10% in the evaluation criteria has been decreased from £177,898 to £100,000. The Council have a Social Value Procurement Policy and is delivering social value gains through contracting. This amendment will further these gains and ultimately benefit the citizens of Doncaster. In June 2023, the Council have £18,585,006 social value commitments in existing contracts awarded and £2,975,561 has been delivered. Based on 22/23 contract awards, this would have increased the number of contracts captured by 56.
12. The other amendments made are of a technical and operational nature i.e., Point 19.0 where there has been a movement of ICT to the Assistant Director of Finance resulting from the Functional Realignment programme.

Revisions to the Finance Procedure Rules (FPR's)

13. The FPRs are found in Part 4, Section 6 of the Council's constitution. It is proposed that the FPRs are revised as proposed in Appendix 2b. The changes are tracked in Appendix 2a.
14. The proposed changes to the FPRs fall broadly into two categories;
 - 14.a) Minor changes throughout the document to reduce ambiguity and/or to reinforce governance and ensure the procedures can be applied in practice, for example:
 - Changes to reflect that the onus is on Budget Holders to provide financial projections (FPR B.5);
 - Inserting the Key Decision definition to the glossary of the FPRs, so that the term referred to throughout is defined when the FPRs are used as a standalone document. The definition has been taken directly from the Constitution;
 - Explanation that a lease is considered to be a disposal Under Section 123 of the Local Government Act 1972 and the granting of a lease at less than best consideration is therefore dealt with as a disposal at less than best consideration, given these points may not be immediately obvious to the reader (FPR C.20 and FPR C.25);
 - Amendments to cover how additional resources for approved capital projects are dealt with (FPR B.9);
 - Clarity on approval routes for new fees and charges or changes to fees and charges, proposed in year (FPR B.16);
 - Streamlining the information required when granting funds to outside bodies to make the process more practical, with a general right for the Council to access records and financial information as and when required (FPR E.18).

14.b) Changes in respect of External Funding:

- Amended to clarify that acceptance and/or commitment for capital funds received are subject to the key decision threshold of £1m, if it is explicit in the grant determination that the funding is capital (FPR E.9);
- Acceptance and/or commitment to funds received in year that are used to replace funding on existing approved activity (i.e. a funding swap) can be approved by the CFO and will not be subject to key decision rules (FPR E.10). This addition will enable the CFO to perform 'funding swaps' to maximise the Council's resources. The governance around activity will remain unchanged, i.e. funds will only be used on existing approved activities and the nature of the funding will not change the scope of the activity from that approved;
- Acceptance and/or commitment relating to external funding from Government, where the Council has no choice but to accept the funds and where the Council must spend or passport the funds as directed by Government can be approved by the CFO and will not be subject to key decision rules (FPR E.11). This addition is in response to situations where Government have made funding available through local authorities, such as the £150 energy rebate, and will enable the Council to comply with Government directives in a timely manner.

15. The Council's Articles are included in Part 2 of the Constitution and set out the basic rules for governing the Council's business. Article 8 "Decision Making" provides a full definition of a key decision including at Article 8.03 (iii). those instances when a decision may appear to meet the required threshold but is not to be treated as a key decision. This section of the Constitution would need to be updated as a consequence of agreeing those aspects of FPR E10 and FPR E11 detailed at paragraph 14 b above, which identify occasions when key decision rules may not apply.

OPTIONS CONSIDERED






16. There are no other options considered appropriate. The amendments outlined in the report arise from the need to update and/or enhance specific information, which the Council should incorporate within the Constitution.




REASONS FOR RECOMMENDED OPTION

17. Amendments are recommended as outlined in the report with the associated benefits. The Council must react and be proactive to situations that present and affect contracting activity with third parties.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

18.

Great 8 Priority	Positive Overall	Mix of Positive & Negative	Trade-offs to consider – Negative overall	Neutral or No implications
 Tackling Climate Change				✓
Comments:				
 Developing the skills to thrive in life and in work	✓			
Comments: Local spend can be enhanced through increasing flexibility in low value contracting opportunities.				
 Making Doncaster the best place to do business and create good jobs	✓			
Comments: Local spend can be enhanced through increasing flexibility in low value contracting opportunities.				
 Building opportunities for healthier, happier and longer lives for all	✓			
Comments: Local spend can be enhanced through increasing flexibility in low value contracting opportunities.				
 Creating safer, stronger, greener and cleaner communities where everyone belongs				✓
Comments:				

 Nurturing a child and family-friendly borough				✓
Comments:				
 Building Transport and digital connections fit for the future				✓
Comments:				
 Promoting the borough and its cultural, sporting, and heritage opportunities				✓
Comments:				
Fair & Inclusive				✓
Comments:				

19. Legal Implications [Officer Initials: SRF | Date:07.07.23]

It is considered prudent and a matter of best practice for a Council to have a strong set of both Financial Procedure Rules and Contract Procedure Rules. Legal advice has been provided on the content of the proposed documents presented to Council as part of this report. There are no specific legal implications arising from the proposed changes to Procedure Rules. In accordance with the Constitution, the proposed changes have been discussed with both the Council's Audit Committee and Elections and Democratic Structures Committee. As these are changes to the Council's Constitution, a decision of Full Council is required to agree the revisions.

20. Financial Implications [Officer Initials: CT | Date: 07/07/2023]

There are no financial implications as a direct result of this report.

In respect of proposed changes to the CPRs, removing the competitive element for contracts under £50k could arguably reduce value for money, albeit on a low number

of contracts, however this is expected to be mitigated by the improved ability to negotiate and greater social value through increased awards to local contractors.

In respect of the FPRs, the proposed changes will assist staff in the proper application of the procedure rules and in some cases will provide a timelier process for administering funding on behalf of Government.

21. Human Resources Implications [Officer Initials: __ | Date: _____]

N/A

22. Technology Implications [Officer Initials: __ | Date: _____]

N/A

RISKS AND ASSUMPTIONS

23. Failure to have robust governance that enhances practice and protects could have significant risks to the Council that could be financial, reputational and legal.

CONSULTATION

24. Senior leadership and key stakeholders have been consulted with on the proposed changes.

BACKGROUND PAPERS

25. N/A

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

26.

Contract Procedure Rules (CPRs)

Finance Procedure Rules (FPRs)

Public Contract Regulations (PCR2015)

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PART 4 RULES OF PROCEDURE

7. CONTRACT PROCEDURE RULES

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1.0	Introduction
2.0	Basic Principles of Procurement
3.0	Procedures for Schools
4.0	Compliance and Conduct
5.0	Procurement Plan and Contracts Register
6.0	Contract Value
7.0	Awarding Contracts
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9.0	Exemptions to the Contract Procedure Rules
10.0	Waivers to the Contract Procedure Rules
11.0	Contracting Route Options
12.0	Approved Lists (below Public Procurement threshold only)
13.0	Joint Procurement
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18.0	General Data Protection Regulation (GDPR)
19.0	ICT Related Contracts
20.0	Contract Award Notice
21.0	Contract Terms & Conditions
22.0	Contract Extensions and Variations
23.0	Transfer of Contracts – Novation and Assignment
24.0	Termination of Contract(s)
25.0	Procurement by External Agents
26.0	Member Involvement
27.9	Record, Document Retention and Control
28.0	Council Purchase Cards
29.0	Cost Control
30.0	Contract Claims and Disputes
31.0	Review and Amendment of the Contract Procedure Rules
	Appendix A – Glossary of Terms

PART 4 RULES OF PROCEDURE

7. CONTRACT PROCEDURE RULES

SECTION 1 – SCOPE OF CONTRACT PROCEDURE RULES

1.0 Introduction

- 1.1 Strategic Procurement is ‘the process of acquiring goods, works and services, covering both acquisitions from third parties and from in-house providers. The process spans the **whole life cycle** from identification of needs, through to the end of a services contract or the end of the useful life of an asset. It involves options appraisal and the critical 'make or buy' decision.’¹
- 1.2 These Contract Procedure Rules outline the policy and procedures for the procurement activities across the Council that includes ordering for the purchase, commissioning, hire and lease of goods, services and works on behalf of the Council.
- 1.3 Compliance with the Contract Procedure Rules ensures that:
- All providers are treated fairly and equally, and that all procurement takes place in an open and transparent way, encouraging competition.
 - The rules and procedures governing the procurement process are set out clearly for Council Members, Officers, third parties buying or commissioning on behalf of the Council, providers and other interested stakeholders.
 - All elements of procurement, from identifying the need through to disposal of goods or ending of contracts, are governed to ensure sound, robust procurement practice.
 - The Council complies with Public Procurement Regulations (“the Regulations”) and any other legislation governing public sector procurement.
 - The Council can defend against allegations of incorrect or fraudulent procurement practice, should the need arise.
- 1.4 The Council has a duty to make the best use of its assets and finances on behalf of the residents and businesses of the borough. It is important that goods, services and works are procured in a way that offers value for money and is carefully regulated, lawful, and ensures transparency and accountability.
- 1.5 The following pages offer further details in relation to the compliance and general requirements around procuring goods, services and works on behalf of the Council and should be read and complied with for any procurement activities.
- 1.6 It also should be noted that these Contract Procedure Rules should be read in conjunction with the Council’s Finance Procedure Rules (FPR’s), the Contract Procedures Guide and other Procurement Guides in order for Council employees to discharge their responsibilities accordingly.

¹ Source – National Procurement Strategy for Local Government

2.0 Basic Principles of Procurement

2.1 All procurement and commissioning procedures must:

- Be in line with the Council's objectives as set out in the Corporate Plan.
- Meet the procurement need and achieve value for money.
- Ensure fairness and transparency in the allocation of public contracts.
- Comply with all appropriate legal requirements.
- Ensure that all risks in the process are appropriately assessed and managed.
- Ensure that all required pre-tender consultation has taken place.
- Ensuring Strategic Procurement is engaged at an early stage of the process to ensure that the best commercial option is undertaken in any resulting tendering exercise
- Encourage the participation of local businesses in Council contracts.
- Promote social value through the Councils contracting activities.

2.2 Procurement Procedures - once the need for goods, services or works has been identified, Officers are required to :-

- a. investigate whether the Council has an In-House Provider which can meet the requirements; if this is not possible
- b. investigate whether the Council operates a Council Wide contract or other arrangement through which the requirement can be met; if this is not possible;
- c. investigate whether there is a suitable regional or national framework which could be used to source the requirement; **or**
- d. ~~carry out investigate conducting~~ a Council procurement process (c and d should be conducted simultaneously to ensure the best route to market is obtained)

3.0 Procedures for **Community Schools**

3.1 Governing bodies, in association with Head Teachers and Management Teams, are required to use the ~~Council's Contract Procedure Rules~~[Council's Schools Financial Rules – Contract Procedures Rules](#), as the basis for development of ~~their own Contract Procedure Rules~~.

4.0 Compliance and Conduct

4.1 The Contract Procedure Rules must be adhered to by:

- All Members
- All Officers
- Persons or organisations responsible for awarding, managing and monitoring contracts on behalf of the Council.

4.2 The highest standards of probity are required of all those involved in the procurement, award and management of Council contracts.

4.3 Any **failure to comply** with any of the provisions of these Contract Procedure Rules, the Code of Practice, the Financial Procedure Rules or Public Procurement

legal requirements by Officers **may result in disciplinary action** and may in some instances/cases constitute a criminal offence.

- 4.4 The Contract Procedure Rules are a minimum standard and a more prescriptive procurement regime must be followed where this is required by UK Law and agreements with Grant Funding Organisations.
- 4.5 Measures should be taken to effectively prevent, identify and remedy conflicts of interest arising through procurement activity to avoid any distortion of competition and to ensure equal treatment of all providers.
- 4.6 Any Officer, Member or other person acting on the Council's behalf in relation to a procurement or purchase must declare any potential Conflict of Interest as soon as they become aware of it. This must be declared to Strategic Procurement Team (SPT) and a decision to allow continued involvement approved or declined by the Head of Procurement and recorded.

5.0 Procurement Plan and Contracts Register

- 5.1 The Council's Strategic Procurement Team (SPT), in conjunction with Directorates, may publish Prior Information Notice's using the Find a Tender Service (FTS) detailing the contracts for goods, services and works, which it expects to procure in the coming financial year.
- 5.2 Directors shall ensure that all contracts to be procured over the Public Procurement thresholds as stated in CPR 17.5 per annum are notified to SPT and are registered on the procurement forward plans.
- 5.3 Each Director shall ensure that they notify the SPT of any contracts awarded, extended or novated extended, novated, or materially varied linked to Regulation 72 of the PCR2015 (SPT will advise) so that SPT may update the Contracts Register and publish any required notices.

6.0 Contract Value

- 6.1 When contracting goods, services or works, a genuine assessment of the whole life value of the contract or framework agreement must be undertaken. (Refer to the **Contract Procedures Guide** for further guidance on how to calculate).
- 6.2 If the project can be demonstrated as truly, innovative and an estimate cannot be, provided approval to proceed must be obtained from the Monitoring Officer or nominated deputy before commencing a competitive tendering process.
- 6.3 The Council shall make the best use of its purchasing power by aggregating purchases wherever possible. In particular contracts for goods, services or works shall not be disaggregated in an attempt to avoid the /application of these Contract Procedure Rules or the Regulations.
- 6.4 For Concession contracts, the value of the contract shall be the total turnover of the concessionaire generated over the duration of the contract, net of VAT, in consideration for the goods, services or works that are the object of the Concession contract. (For further detail refer to the **Contract Procedures Guide**)
- 6.5 The value of an Income Contracts is the gross income generated by the Council as a result of the rights granted, or goods, services or works supplied by the Council.

7.0 Awarding Contracts

7.1 These CPRs should be read in conjunction with the decision-making provisions in the Council's Constitution and Financial Procedure Rules. Directors may take the decision to award a contract themselves provided that any appropriate key decision or budget approvals are already in place.

8.0 Relevant Contracts

8.1 All relevant contracts must comply with the Contract Procedure Rules

8.2 A relevant contract is any arrangement made by, or on behalf of, the Council for the carrying out goods, services or works.

This includes arrangements for:

- The purchase, hire or leasing of goods and equipment
- The delivery of services, including (but not limited to) those related to
- Use of agency staff
- Land and property transactions relating to development agreements
- Financial services
- Consultancy services
- Concession and Income contracts

8.3 Relevant contracts do not include:

- Employment contracts (permanent, interim or casual). For the avoidance of doubt, the appointment of recruitment services is subject to the CPRs.
- Contracts relating to the disposal or acquisition of an interest in land (except those involving development agreements)
- Certain financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments
- Concessions relating to street traders and market stalls
- Residential and nursing care contracts which the Council has a duty to provide under S117 Mental Health Act 1983, S17, s17A, s17B and s17ZA – ZI Children Act 1989 and S2 Local Government Act 2000
- Health and social care contracts where the recipient of care has a personal choice and directly contracts with the care provider including direct payment including under sections 31 – 36 of the Care Act 2014, section 57 - s 58 of the Health and Social Care Act 2001, section 12A of the NHS Act 2006 and section 17A of the Children Act 1989;
- The employment of [Barristers](#) - Barristers engaged to represent the Council must be appointed through the Assistant Director of Legal and Democratic Services
- Legal services contracts and arbitration services provided they fall within the exemptions set out in Regulation 10 of the Public Contract Regulations.

- The selection of a provider whose use is a condition of a Grant funding approval.
- Where only one provider is able to supply for technical or artistic reasons or because of exclusive rights, for example the purchase of work of art, museum artefacts, manuscripts or archive collections items
- Grant funding in line with the Financial Procedure Rules part E15, E16, E17 and E18
- Licence agreements of private or public land
- Partnership Agreements made under Section 75 of the National Health Service Act 2006 and payment by and to NHS Bodies made under Section 76 and 256/257 of the NHS Act 2006
- Supplies purchased or sold in a public market or auction

8.4 A contract is a legally binding agreement required for all goods, services or works entered into by a representative of the Council. A contract can be formed through verbal or, written means (including by email) or via the exchange of monies.

8.5 All contracts above £250,000 are required to be approved by the Assistant Director of Legal and Democratic Services.

8.6 All construction related contracts must be executed as a deed (under seal)

8.7 Letters of Intent will only be issued in very exceptional circumstances following consultation and approval of the Assistant Director of Legal and Democratic Services.

8.8 The Council may enter into nil (cash) value contracts and the Council's Contract Procedure Rules will still apply in this case.

8.9 Providers undertaking procurement activity on behalf of the Council must comply with the Council's Contract Procedure Rules.

8.10 Any lease, hire or credit arrangement (such as vehicle or equipment leasing) which has a capital cost must be approved for inclusion in the Capital Programme in accordance Finance Procedure Rules relating to Capital expenditure, prior to commencing any procurement exercise

9.0 Exemptions to the Contract Procedure Rules

9.1 No exemptions can be made to the requirements of competition in terms of the Contract Procedure Rules, unless authorised in writing by the Monitoring Officer (or nominated deputy), after considering a written report by the appropriate Director.

9.2 A register of all exemptions will be maintained by the Monitoring Officer.

9.3 Any breaches to the Contract Procedure Rules will be reported to the Audit Committee on a six-monthly basis.

10.0 Waivers to the Contract Procedure Rules

10.1 Waivers to the CPRs may be permitted when the CPRs cannot be practicality applied, and the award meets one of the following circumstances:

- a) ~~Where the Director is able to demonstrate that only one specialist firm is able to meet the requirement~~For works, goods or services which are either patented or unique that it is not possible to obtain competitive prices or are only available from one organisation
- b) ~~For the execution of works or services or the purchase of supplies involving specialist or unique knowledge or skills.~~
- a)c) ~~An organisation which has won a contract for an earlier phase of work via a competitive process and where further work is required that could not have been identified when the contract was let or to allow safe exit or decommission.~~
- d) ~~Reasons of urgency where it is otherwise not~~ Circumstances involving such urgent that it is not reasonably possible to comply with the appropriate CPR requirement (for example an emergency). Even in such circumstances as an emergency, but officers must continue to seek and obtain value for money everywhere possible. ~~A contract to be placed as an emergency solution only where the Director is able to demonstrate immediate risk to persons or property or serious disruption to Council Services~~
- b)e) ~~The use of time-limited grant funding from an external body, where the time limitations will not allow a competitive process to be completed and where grant conditions allow this.~~
- e) ~~To allow for the safe exit from a contract or to decommission~~
- f) ~~Forms part of a wider strategic programme of works~~Where relevant UK or EU legislation not otherwise referred to in these CPR's prevent the usual procurement process as cited in the CPR's.
- d)g) ~~Is permissible under Regulation 72 of the PCR2015.~~
- e)h) ~~Constitutes a trial purchase in line with point 14.0~~

10.2 Only the Monitoring Officer (or nominated deputy) has the authority to waive Contract Procedure Rules or the Chief Financial Officer (CFO) in respect of waivers for ~~for~~ Legal and Democratic Services ~~waivers.~~

10.3 Waivers must be obtained in advance of the procurement action as a waiver cannot be authorised retrospectively unless in an emergency- (CPR 10.1 (d)) ~~situation.~~

10.4 Waivers **must not** be used to avoid the requirements of the Contract Procedure Rules to go to competition due to lack of time to procure. Procurement projects should be planned well in advance.

~~10.5 Requirements of UK Public Procurement Law or any other relevant law or external regulatory framework cannot be waived unless in exceptional circumstances and in line with the law on direct awards i.e. Regulation 32, or contract variations.~~

~~10.6~~ 10.5 Waivers for goods & services contracts can only allowed up to the value, exclusive of VAT, of **£177,898 (£213,477 inc. VAT), £552,950 (inc. VAT £663,540)** for contracts under the Light Touch Regime (Social & Other Specified Services) and **£4,447,488 (£5,336,937 inc. VAT)** (or current Public Procurement thresholds) for works contracts unless in exceptional circumstances and in line with the law on direct awards i.e., Regulation 32, or Regulation 72.-

10.6 Waivers must demonstrate that value for money has been ~~obtained~~ considered and there are clear benefits or advantages to the Council.

10.7 Waivers must demonstrate any risks to the Council associated with granting the waiver.

10.8 Waivers must be documented in a form approved by the Monitoring Officer; this is available on the Council's intranet and must be submitted to the SPT for approval.

11.0 Contracting Route Options (refer to **Contract Procedures Guide** on how to follow each option)

There are different methodologies to contracting on behalf of the Council, these are;

11.1 Using In House Service Providers

11.2 Using Council Wide Contracts, Council Framework Agreements or Council Dynamic Purchasing Systems (DPS).

11.3 Using Dynamic Purchasing Systems (DPS) and/or Framework Contracts (Third Party Arrangements).

11.4 Council Framework Agreements and Dynamic Purchasing Systems (DPS) Perform a quotation or tender exercise to set up a new contract on behalf of the Council.

12.0 Approved Lists (below Public Procurement threshold only)

12.1 Approved lists may only be used in agreement with the Monitoring Officer (or nominated deputy) and in line with the **Contract Procedures Guide** on setting up approved lists.

13.0 Joint Procurement

13.1 When undertaking a joint procurement arrangement on behalf of the Council the Director must ensure this is done in line with the **Contract Procedures Guide**.

14.0 Trial Purchases

14.1 Directors may purchase a trial of goods, services or works that is new to the Council up to a value of **£100,000**, to ascertain if the supply is of interest to the Council, without competition.

14.2 Where an exception to competition in CPR 10.0 does not apply, a full competition, compliant with the CPR's must be conducted following the trial, if the Director wishes to continue with the type of supply.

14.3 Arrangements must be made to ensure the provider(s) involved in the trial has not obtained any advantage through that involvement when compared to alternative providers of a similar supply.

14.4 The Monitoring Officer must approve proposed trial arrangements exceeding **£25,000** and this must be approved via a CPR Waiver Form.

15.0 Negotiated Contracts

- 15.1 There may be a need to consider negotiation when procuring goods, services and works. Officers should be advised that there are restrictions associated with procuring above Public Procurement thresholds. Refer to the **Contract Procedures Guide** for further information on when it is appropriate.
- 15.2 The use of a negotiated process must be approved in writing by the Monitoring Officer and the relevant Director via an Officer Decision Record 1 (ODR1) Form.
- 15.3 Verbal negotiation must be undertaken by at least two Council Officers at least one of whom must be independent of the process and approved by the Monitoring Officer (or nominated deputy).
- 15.4 Written negotiation must be subject to evidenced independent process check, calculation and value for money. If the contract value is above threshold and the proposed procedure is either Competitive Dialogue or Negotiated Procedure, these must be conducted in line with the Public Procurement regulations and the advice of the SPT sought.

16.0 Concession Contracts

- 16.1 Concession contracts for services or works are a contract and the procurement of Concessions shall follow the competitive and contracting requirements in these CPRs.
- 16.2 Concession contracts for works or services with a value of **£4,447,447 (£5,336,937 inc. VAT)** or more are subject to the Concession Contracts Regulations 2016 and will be such to such additional procurement process requirements. To calculate the value of a Concession contract refer to CPR 6.4 and in addition to that the following should be taken into account:
- 16.3 The value of a Concession contract shall be the total turnover generated by the concessionaire over the duration of the contract, in relation to the services or works that are the object of the Concession contract. For further guidance, refer to the **Contract Procedures Guide**.

17.0 Contracting Rules based on value (exc. VAT) and commodity being procured

For further guidance on the below refer to the **Contract Procedures Guide**

17.1 Contracts valued up to £2550,000 inclusive

- Where the estimated value or amount of a proposed Contract does not exceed £2550,000 then the Authorised officer should obtain at least **one** verbal quotation from suitable providers followed up by written confirmation (including email). Officers are encouraged to conduct an informal quotation exercise to ensure value for money.
- For contract awards between £25,000 to £50,000 officers must formally demonstrate value for money, are advised to seek quotations. A Best Value Form (available from SPT) must be completed on contract awards and sent with the Contract Award Notice to SPT. These will be audited to ensure best value was sought and achieved.
- A quotation ~~should~~ must be sought from a Doncaster based business unless in exceptional circumstances. Whilst there is only a requirement for

one quotation, the Authorised Officer must consider whether additional quotations are in the Councils best interest.

- [A written record must be kept of all quotations and procedures followed.](#)
- An internal Contract Award Notice must be completed for all contracts above £5,000 and submitted to SPT to meet the requirements of the Regulations and Transparency Agenda

All contracts awarded over £25,000 must have an award notice published on Contracts Finder

17.2 Contracts ~~valued~~ [valued £25,000](#) to £177,898 – Quotation

- Between these values, the requirement is to obtain at least **three** written quotations from suitable providers. Wherever possible a minimum of one of the quotations must be sought from a Doncaster Business [unless in exceptional circumstances. \(such circumstances to be detailed on the internal Contract Award Notice\).](#)
- A written record must be kept of all quotations and procedures followed.
- [A decision on how to conduct the quotation should be based on the contracting risk.](#)
- [Social value must form part of the evaluation criteria for all procurements above £100,000 and must be a minimum of 10% of the evaluation score.](#)
- An internal Contract Award Notice must be completed for all contracts above £5,000 and submitted to SPT to meet the requirements of the Regulations and Transparency Agenda

17.3 Contracts ~~valued~~ [valued £177,898](#) to [£552,950](#) (Social & Other Specified Services)

- A minimum of **three** tenders should be sought from suitable providers. Wherever possible a minimum of one tender must be sought from a Doncaster Business [unless in exceptional circumstances.](#)
- When using an approved third party framework agreement that has been validly set up to be called off on a non-competitive basis (direct award) the Officer must have a written justification for the selection of the provider(s) and if above **£250,000** the decision to execute the direct award must be approved by the Monitoring Officer (or nominated deputy).
- Social value must form part of the evaluation criteria for all procurements above ~~£177,898~~ [£100,000](#) and must be a minimum of 10% of the evaluation score.
- An internal Contract Award Notice must be completed for all contracts above £5,000 and submitted to SPT to meet the requirements of the Regulations and Transparency Agenda

17.4 Contracts valued £177,898 to £4,447,448 (Works)

- A minimum of **three** tenders should be sought from suitable providers or providers. Wherever possible a minimum of one tender must be sought from a Doncaster Business unless in exceptional circumstances.
- When using an approved third party framework agreement that has been validly set up to be called off on a non-competitive basis (direct award) the Officer must have a written justification for the selection of the provider(s) and if above **£250,000** the decision to execute the direct award must be approved by the Monitoring Officer (or nominated deputy).
- Social value must form part of the evaluation criteria for all procurements above £177,898 and must be a minimum of 10% of the evaluation score.
- An internal Contract Award Notice must be completed for all contracts above £5,000 and submitted to SPT to meet the requirements of the Regulations and Transparency Agenda

17.5 Contracts valued over £177,898 (Goods & Services), £552,950 (Social & Other Specified Services) or £4,447,448 (Works)

- Over these values, the requirement is to tender all contracts in accordance with the Public Procurement regulations and Contract Procedure Rules.
- When using an approved third party framework agreement that has been validly set up to be called off on a non-competitive basis (direct award) the Officer must have a written justification for the selection of the provider(s) and if above **£250,000** the decision to execute the direct award must be approved by the Monitoring Officer (or nominated deputy).
- Social value must form part of the evaluation criteria for all procurements above £177,898 and must be a minimum of **10%** of the evaluation score.
- An internal Contract Award Notice must be completed for all contracts above £5,000 and submitted to SPT to meet the requirements of the Regulations and Transparency Agenda

18.0 General Data Protection Regulation (GDPR)

18.1 Where any Provider is given possession of or access to any personal data, the Service Director must comply with the Council's Data Protection obligations. The Service Director must follow the Council's Information Security and Data Protection Policies, in particular regarding contracting with data processors and sharing data and carry out a Data Protection Impact Assessment (DPIA) in consultation with the Information Governance Team. For further information, refer to the **Contract Procedures Guide**.

19.0 ICT Related Contracts

19.1 Any technology requirement, including hardware, software, accessories/peripherals, and consumables, must be procured and agreed by the ICT Department

19.2 Any requirement for new or replacement technology or major upgrade/enhancement to existing technology, or contract changes, must be considered and approved by the Technology Governance Board. The Assistant Director – Finance and Technology or nominated officer must be involved in all procurement activities for Council systems and specific advice taken into account in the contract award decision.

~~19.1 The Assistant Director – Customers, Digital & ICT Finance and Technology or nominated officer must be consulted regarding the procurement of ICT related goods or services such as ICT consumables, hardware, software or website development or any other ICT service prior to the commencement of any tendering activity.~~

20.0 Contract Award Notice

20.1 All Contract awards above **£5,000** will be recorded on the Council's Contracts Register.

20.2 All contracts over **£250,000** shall be under seal, unless the Monitoring Officer approves other arrangements.

20.3 Contracts with a value up to **£177,898** (Public Procurement Threshold) will be based on the Council's standard terms and conditions. Where a variation is required from the standard terms and conditions this will be agreed by the Monitoring Officer (or nominated deputy).

20.4 The decision to award a contract shall be made by the Director (or nominated deputy) on receipt of a written recommendation from the relevant officer. This recommendation should give details of the reasons why tenders, if any, were disqualified and the reasons for the selection of provider(s).

20.5 Where the terms and conditions of Contract are not fully agreed no provider shall be allowed to commence delivery of goods, services or works until a full risk assessment has been carried out by the Authorised Officer as to the possible implications to the Council by the provider being allowed to commence work before the Contract terms and conditions have been finalised.

20.6 Following the notification of award of contract, the Authorised Officer is required to submit a Contract Award Form to the Strategic Procurement Team so the details of the awarded Contract can be published on the Council's Corporate Contracts Register and Contracts Finder to meet the requirements of the Regulations and Transparency Agenda.

20.7 Where a contract has been tendered pursuant to Public Procurement Law, the Council shall publish a contract award notice to meet the relevant legislative requirements.

20.8 Authorised Officers are also required to prepare a report in accordance with Regulation 84 of the Public Contract Regulations and a copy stored.

21.0 Contract Terms and Conditions

21.1 The officer shall use their best efforts to ensure that Contracts are entered into on the Council's terms and conditions, which shall be included with each purchase order or Invitation to Tender. Where this is not possible, because the Council's terms and conditions are not suitable, and a provider has been asked to submit their own terms and conditions, where there are material changes to the Council's terms and conditions, they must be formally approved in writing by the Monitoring Officer (or nominated deputy) before they can be accepted.

22.0 Contract Extensions and Variations

Variations

- 22.1 **Variations** must be evidenced in writing.
- 22.2 All Contract variations must be carried out within the scope of the original Contract. Contract variations that materially affect or change the scope of the original contract are not allowed unless approved by the Monitoring Officer. If a material change is accepted then notices must be published in accordance with the regulations.
- 22.3 A new procurement is required in the case of a material change where one or more of the following conditions are met:
- The variation introduces conditions which, had they been part of the initial procurement exercise, would have allowed for the admission of other tenderers than those initially selected or for the acceptance of an offer other than that originally accepted or would have attracted additional participants in the procurement procedure;
 - The variation increases the value of the contract or the framework agreement substantially in favour of the provider in a manner which was not provided for in the initial contract or framework agreement;
 - The variation extends the scope of the contract or framework agreement considerably.
- 22.4 All contract variations must be in writing and signed by both the Council and the provider except where different provisions are made within the contract documentation.
- 22.5 The value of each variation must be assessed by the Authorised Officer and all necessary approvals sought prior to the variation taking place including registrations on the Council's forward plan if applicable.
- 22.6 Approval for any variation shall be sought in writing from the Director in a timely manner and supported by an appropriate decision record signed by the Director.
- 22.7 If the variation relates to a contract that has previously been waived then a CPR Waiver Report Addendum should be completed and signed by the Monitoring Officer (or the Chief Financial Officer if the waiver relates to Legal and Democratic Services contracts).

Extensions

- 22.8 The term of any contract may only be extended where all the following criteria have been met:
- Provision for an extension of the term is evidenced by the original contract (and the original tender/quotation); and
 - Where the budget provision and the extension is in line with the Financial Procedure Rules; and
 - Where the contract value including the extension exceeds the key decision threshold (£250,000 – revenue budget, or £1,000,000 – capital budget), a separate key decision has been approved.
 - Where the contract still delivers Value For Money
 - In the case of ICT related expenditure has had the appropriate approvals.

- 22.9 Only the Monitoring Officer may approve an extension to the term of a contract outside the rules through a CPR Waiver Report Form.
- 22.10 Contract extensions will not be permitted if the value of the extension is above the advertised value in the Contract Notice.
- 22.11 All variations and extensions to any Council contracts must be in writing and reported to the SPT in order that the Contracts Register for the Council can be updated accordingly. Material variations once agreed with the Monitoring Officer must be notified to SPT.

23.0 Transfer of Contracts – Novation and Assignment

- 23.1 Transfer, assignment, and novation of contracts can only be agreed by the Monitoring Officer (or nominated deputy) using an ODR. ~~file note ODR.~~

24.0 Termination of Contract(s)

- 24.1 Provision for the termination of a contract must be included within the terms and conditions of the contract. Only the Monitoring Officer has the authority to agree early termination of a contract where this is not built into the contract terms and conditions. This must be formalised via an ODR authorised by the Monitoring Officer.
- 24.2 The Monitoring Officer must be consulted where there are serious concerns over the performance of a contract.
- 24.3 The Monitoring Officer must be consulted if the performance of a contract is giving rise for concern and consideration is given to termination.
- 24.4 An Exit Plan, which can cover one or more Contracts, must be prepared for every contract well in advance of contract expiry. It is recommended that this should be put in place at least 6 months in advance in order to allow for the approvals, pre-planning process, and any re-procurement.

25.0 Procurement by External Agents

- 25.1 Any consultants used by the Council shall be appointed in accordance with these Contract Procedure Rules. Where the Council uses consultants to act on its behalf in relation to any procurement, then the Director shall ensure that the consultants carry out any procurement in accordance with these Contract Procedure Rules.
- 25.2 No consultant shall make any decision on whether to award a Contract or who a Contract should be awarded to.
- 25.3 The Director shall ensure that the consultant's performance in relation to procurement is in accordance with these Contract Procedure Rules.
- 25.4 Where the Council uses consultants to act on its behalf in relation to any procurement the consultant must declare any conflict of interest that may arise to the Director prior to commencing work on any Tender.
- 25.5 Where the Director considers that such a conflict of interest is significant the Director should consider whether it is appropriate for the consultant to work on a particular tender and the consultant should not be allowed to evaluate Tenders on behalf of the Council.

- 25.6 Before any self-employed provider is awarded a contract, the provider's details must be obtained and assessed through the Council's assessment tool to ensure our obligations under IR35 are adhered to. Further guidance can be found in the Contract Procedure Guide (CPG).

26.0 Member Involvement

- 26.1 Directors are responsible for ensuring appropriate consultation has taken place with members, this could include consultation on the evaluation criteria.
- 26.2 Members should not become involved in the remainder of the procurement activity, unless any specific decisions are required by portfolio holders, Cabinet or the Council, in accordance with the Councils constitution and scheme of delegation.

27.0 Record and Document Retention and Control

- 27.1 A Contracts Register of all Contracts awarded with an aggregated value above **£5,000** shall be maintained by the SPT.
- 27.2 Each relevant Director shall maintain their own register of all other Contracts, under **£5,000** as a minimum, entered into by their directorate.
- 27.3 For every individual Contract above **£25,000** a 'Contracts File' shall be maintained with appropriate documentation which must include, as a minimum, the following: -
1. The method for obtaining bids
 2. Any exemption under Rule 10 together with reasons for it;
 3. The evaluation criteria in descending order of importance and associated evaluation method;
 4. Tender documents sent and received from the Providers;
 5. Any pre-tender market research;
 6. All notes made by the evaluation panel during the evaluation of tenders;
 7. Clarification and post-tender negotiation (to include minutes of meetings);
 8. A copy of the Contract documents (originals should be held in Legal Services);
 9. Post-contract evaluation and monitoring;
 10. Communications with all provider(s) during the Tender process and with the successful provider throughout the period of the Contract;
 11. Award of Contract documentation;
 12. Any decision to abandon a procurement exercise or terminate a Contract.
 13. All delegated decisions, authorisations, waivers and reports relating to the Tender process and subsequent Contract.

28.0 Council Purchase Cards

- 28.1 The Council uses Purchasing Cards in order to reduce transaction costs for low value purchases by reducing time spent on processing of orders and invoices or in emergencies.
- 28.2 Purchasing cards must not be used as a way of bypassing CPRs. However, in some circumstances, where a contract exists and the provider allows, a purchase

card may still be used as a method of payment, where this offers better value for money or is specified in the contract. For further guidance refer to the Purchase Card Policy or contact SPT.

29.0 Cost Control

29.1 The Director shall ensure that suitable procedures are laid down and followed for the effective cost control of all contracts. Such procedures shall involve a continuous monitoring of the cost being incurred on each contract with the objective of ensuring that the project is completed within the authorised cost and that any unavoidable extra costs are identified quickly so that appropriate action can be taken.

29.2 All contracts must have a clear review and approval mechanism for price increases i.e. be linked to the applicable index related to the contract category.

29.3 The procedures shall provide:

(a) A cost statement to be prepared every time a contract payment is made assessing the probable final cost. This should take into account all known factors including variations, adjustments of prime cost and provisional sums and other items such as re-measured work;

(b) A cash flow forecast based on a cost statement prepared by the relevant Director, showing the expected pattern of payments to the end of the contract, updated each month until the final payment is made.

As soon as it becomes apparent to the Director that costs will exceed the amount authorised, the Director must immediately report the situation to the CFO (or nominated deputy). A final cost report shall be submitted to the CFO (or nominated deputy).

30.0 Contract Claims and Disputes

30.1 To safeguard the Councils right to deduct liquidated damages, if the contract is over-running the officer must certify in writing that the provider ought reasonably to have completed the works within the contract period. Such a certification must be in accordance with the contract conditions and be issued prior to the issue of the final certificate for payment.

30.2 Any events that may lead to claims for extension of time must immediately be brought to the attention of the officer.

30.3 Claims for extension of time must be assessed promptly and any extension award made in accordance with the conditions of contract.

30.4 If the works are not complete, the officer must issue a certificate of non-completion in accordance with any relevant contract conditions immediately after the expiry of the (extended) date for completion. It is the ultimate responsibility of the Director (or nominated deputy) to arrange for the deduction of liquidated damages.

30.5 If the provider subsequently brings forward fresh evidence of delay, the officer may award a further extension but must then also issue a revised certificate stating the revised date in accordance with any relevant contract conditions.

30.6 Before the final certificate is issued, the officer shall check that any necessary certificate has been issued in accordance with the relevant contract conditions.

- 30.7 The Monitoring Officer (or nominated deputy) shall be kept informed at all times of all contractual claims whether by or against the Council.
- 30.8 Documentary evidence must be kept relating to all aspects and stages of a claim and these should be kept by the Director at one central point.

31.0 Review and Amendment of Contract Procedure Rules

- 31.1 The Monitoring Officer and Chief Financial Officer are authorised to make technical amendments as necessary to ensure these procedures are consistent with legal requirements, changes in Council structures, personnel and best practice.

GLOSSARY OF TERMS (including general procurement terms)

Added Value - Any benefits or services that can be provided over and above that of the contract requirements

Aggregation of Demand – Where similar or same purchases made separately over a period of time (and often from multiple providers) are combined into one contract requirement

Alcatel (or Standstill) Period – Contracts over the Public Procurement threshold must include a minimum 10 calendar days standstill period between the decision to award a contract and the actual award. Unsuccessful providers are notified of the proposed award and given the opportunity to appeal if they believe that the award is not justified. It is named after the case law establishing a ruling of an unfairly awarded contract

Approved List – List of providers who have met a minimal level of quality assessments, usually through a pre-qualification questionnaire, or pre-approved list e.g. Constructionline database and approved to provide specific work, goods or services

Approved Providers – Providers included on approved lists

Assignment – The transfer of rights from one provider to another based on the same contract

Audit Trail – System or paper generated evidence showing how decisions and procedures were carried out

Authorised Officer – a person appointed by a Director who is responsible for the procurement Procedure

Award – The allocation of a contract to a successful bidder/provider/provider

Award Stage – Final stage of the tendering process, with notification of the successful provider and the signing of the contract

Bid – A submitted tender

Business Case (Procurement) – The reasons for carrying out a procurement or project, usually indicating initial value, and justifying the need such as an identified service need or meeting Council objectives

Challenge Point – a review of the evaluation process to ensure that the procedures and outcome of the evaluation process are fair, transparent and reflect the views of the evaluation panel

Collaboration – Process by which two or more 'organisations' (local authorities, other public sector bodies) work together to obtain a joint solution for a shared requirement. Used to capitalise on the advantages of aggregating demand, such as economies of scale or stronger positioning in the marketplace

Collusion – illegal process of agreeing to unfair activities in a procurement process, such as price fixing

Commissioning – the strategic activity of assessing need and using resources (both budgets and services) to meet those needs, with procurement forming part of commissioning for the sourcing and setting up contracts to provide services

Competitive Dialogue – Competitive dialogue is a procedure in which any economic operator may request to participate and whereby the contracting authority conducts a dialogue with the candidates admitted to that procedure, with the aim of developing one or more suitable alternatives capable of meeting its requirements, and on the basis of which the candidates chosen are invited to tender

Concession – an agreement between the Council and a private company for the sole right to provide a specific service

Contingencies – future events or circumstances that may occur

Contract – Legally binding document that sets out the terms and conditions of the delivery of the works, services or goods, including performance measures

Contract Management – Contract management activities can be broadly grouped into three areas.

CFO – Chief Financial Officer is the officer appointed by the Council to exercise the powers defined in Section 151 of the Local Government Act 1972.

Contract administration – handles the formal governance of the contract and changes to the contract documentation.

Contracts Finder - Government portal for advertising contract valued above £25,000 as required by the Public Contract Regulations 2015

Contracts Register – A register of Council wide contracts centrally held by Strategic Procurement

Contract Award Notice – Notice of the award of a contract published in the Find a Tender (FTS) UK government portal and as required by Public Procurement Law.

Contract Extension – continuing with the contract after the initial period of the contract term

Contract Notice – published notice of tender opportunity or contract award on the Find a Tender Service (FTS)

Contract Procedure Rules – The section of the Councils Constitution that sets out the rules that must be followed when undertaking any procurement process

Council Wide Contracts – contracts let on behalf of the Council to meet the requirements of good, services or works that are common or shared across the Council (previously referred to as Corporate Contracts)

Criteria – Set of specific requirements that a quote or tender will be marked against

Delegated Authority – Officers who have been authorised to carry out such tasks as set out in the Council’s scheme of delegation contained within the Council constitution.

Director – The person responsible for the proper compliance with these procedures. Except as indicated otherwise, a Director may delegate authority to other persons to deliver their responsibilities.

Disaggregation – Splitting a requirement for similar works, goods or services into a number of smaller contracts to avoid having to undertake a full competitive tender exercise for contracts exceeding the Public Procurement thresholds. This practice is a breach of Public Procurement Law.

Dispute - Disagreement between Council and provider or provider that may result in Court action

Doncaster Business – A company or other organisation that has an office or premises within the Doncaster Metropolitan Borough Council area.

Dynamic Purchasing System - is a procedure available for contracts for works, services and goods that has aspects similar to a framework agreement, but where new providers can join at any time.

Electronic Tendering (E-Tendering) – Online tendering and contract management system

Evaluation – Detailed assessment and comparisons of bid submissions verifying how providers will meet the requirements of the contract, measured against quality and price criteria

Evaluation Panel – Group brought together with the specific aim of assessing submitted tenders against pre-set criteria, to make final recommendations on the award of contract.

Exceptions – Permits the undertaking of a procurement action within a specific area without the need for a competitive tender exercise, but signed by the Monitoring Officer (or nominated deputy) or the CFO.

Execute – the completion of contract documentation, including the signing, and sealing where required, of the formal contract

Exemption – excluding a procurement activity from one or more of the Contract Procedure Rules

Framework Agreement – Used where specific works, services or goods will be needed on a number of occasions over a known duration, but the exact requirement is not known. Can be with a single provider (sometimes referred to as a ‘call-off’ contract) or with a multiple number of providers. Once set up, there is no need to go to the open market as competition is held between those providers on the framework

ISP – In-House Service Provider is an identified internal service offered by the Council to carry out Council services

ICT – Information, Communications and Technology

Invitation to Tender – Sent to tenderers asking them to submit bids based on a specification indicating the requirements of the Council.

Joint Procurement – Where other public bodies are included within a procurement exercise

Key Decision – A decision which is likely to result in savings or expenditure of over £250,000 gross full-year effect in the case of the revenue budget, or in the case of the capital budget, £1,000,000 or more in respect of a single project or otherwise across one financial year. In addition, any decision that is likely to have a significant effect on two or more wards in the Borough.

Letter of Intent – A written statement indicating the Council's willingness to enter into a formal contract.

Light Touch Regime – The light-touch regime (LTR) is a specific set of rules for certain service contracts that tend to be of lower interest to cross-border competition. Those service contracts include certain social, health and education services, defined by Common Procurement Vocabulary (CPV) codes. The list of services to which the Light-Touch Regime applies is set out in Schedule 3 of the Public Contracts Regulations 2015

Liquidated Damages – Compensation awarded by a court judgement or a contract stipulation regarding breach of contract

Marketplace – Wording used to describe a commercial activity or a group of potential providers possibly able to meet requirements

Monitoring Officer – This is the Assistant Director of Legal and Democratic Services

Negotiation – Process by which a contract proposal is reached through discussion and agreement between the prospective provider and the Council representative

Negotiated Procedure – Procurement process undertaken directly with one bidder. Used under specific circumstances

Novation – Substitution of a provider with a new provider, or of a contract with a new contract

Open Tender Procedure – Tender process that is open to any provider who wishes to bid. All tenders must be considered

PFI – A Private Finance Initiative is a way of creating public – private partnerships by funding public infrastructure projects with private capital.

Pre-Procurement Procedure – A requirement for stakeholder to ensure they have correctly identified the needs of the service and outcomes have been assessed.

Provider – Any person, partnership, company or other organisation, which provides or contractually offers to provide any supply to the Council or on behalf of the Council.

Public Procurement Law – UK law known as the Public Contract Regulations 2015, detailing rules and regulations that must be complied with for all public sector procurement processes that exceed specified thresholds

Qualified Tender – Where a bidder submits a bid which has been amended to the bidders requirements, such as inserting their own terms and conditions

Quotation – Written or verbal price given by a provider on request

Remedies Directive – Public Procurement legislation that sets out the rules by which the procurement actions and decisions may be challenged.

Regulations –UK Public Procurement Regulations

Relationship management – keeps the relationship between the two parties open and constructive, aiming to resolve or ease tensions and identify problems early.

Restricted Tender Procedure – Tender process where potential suitable tenderers are identified by the evaluation of a pre-qualification questionnaire. Only those passing the evaluation criteria of the pre-qualification questionnaires will be invited to tender.

Section 76 and 256/257 of the NHS Act 2006 – payments made between the NHS and local authorities.

Selection Questionnaire (SQ) – Set of questions used to establish the suitability of a provider to be included in a bidding process, based on experience, financial stability and quality assessments. Is also be used to eliminate bidders in a restricted (two stage) tender so that only the most suitable providers are invited to tender. This can only be used for above threshold procurements.

Service delivery management – ensures that the service is being delivered as agreed, to the required level of performance and quality.

Specification – Detailed description of what is required, including monitoring procedures

Stakeholder – Individual or organisation with an active interest in the impact or effect of the Council's procurement activities

State Aid – Any Government aid must not distort competition by favouring certain businesses or goods

Sub-Letting – Engagement of another provider by the main provider

Submission – The bid or tender submitted by a provider in response to an invitation to quote or tender

Sustainable Procurement – the economic, environmental and social issues to be considered in procurement

Tender – Written response to an invitation to tender that contains a full costed proposal. Submitted in a sealed process, and evaluated against set criteria

Tenderer – Prospective provider who submitted a bid in response to an invitation to tender or quote

Tender Documents – Set of documents provided to prospective tenderers that forms the basis on which tenders will be submitted. Includes, as a minimum, instructions to tenderers, contract terms and conditions, specification, evaluation criteria, pricing schedule, form of tender and anti-collusion statement

Testing the Market – Formal procurement process to establish whether there are providers able and interested in providing quotes or bidding

Termination – Cancellation of all or most of a contract.

Thresholds – Financial boundaries (based on the whole life value of a proposed contract) which determine the procurement action, for example whether a competitive tender is required, or whether a competitive action is required

TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006) - Preserves the continuity of employment and safeguards employment rights of all employees transferring to a new employer i.e. where there is a change of contract provider or where current Council staff are being transferred to another service provider

Value for Money – ensuring the needs of the Council are met whilst achieving the required balance of quality and price

Variation - A variation is usually a change to the specification. It may either be a one off item of work or service, or a change for the remainder of the contract. Deeds of Variation and Variation Orders are contractually binding on both parties.

Waiver – Approval obtained prior to procurement activity, by the MO (or nominated deputy) or CFO, permitting an exception to the Contract Procedure Rules.

Whole Life Value – All costs incurred in the lifespan of the contract, including disposal.

Further guidance is available from the Strategic Procurement Team (SPT) and the **Contract Procedures Guide**.

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PART 4 RULES OF PROCEDURE

7. CONTRACT PROCEDURE RULES

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PART 4 RULES OF PROCEDURE

7. CONTRACT PROCEDURE RULES

SECTION 1 – SCOPE OF CONTRACT PROCEDURE RULES

1.0 Introduction

- 1.1 Strategic Procurement is ‘the process of acquiring goods, works and services, covering both acquisitions from third parties and from in-house providers. The process spans the **whole life cycle** from identification of needs, through to the end of a services contract or the end of the useful life of an asset. It involves options appraisal and the critical 'make or buy' decision.’¹
- 1.2 These Contract Procedure Rules outline the policy and procedures for the procurement activities across the Council that includes ordering for the purchase, commissioning, hire and lease of goods, services and works on behalf of the Council.
- 1.3 Compliance with the Contract Procedure Rules ensures that:
- All providers are treated fairly and equally, and that all procurement takes place in an open and transparent way, encouraging competition.
 - The rules and procedures governing the procurement process are set out clearly for Council Members, Officers, third parties buying or commissioning on behalf of the Council, providers and other interested stakeholders.
 - All elements of procurement, from identifying the need through to disposal of goods or ending of contracts, are governed to ensure sound, robust procurement practice.
 - The Council complies with Public Procurement Regulations (“the Regulations”) and any other legislation governing public sector procurement.
 - The Council can defend against allegations of incorrect or fraudulent procurement practice, should the need arise.
- 1.4 The Council has a duty to make the best use of its assets and finances on behalf of the residents and businesses of the borough. It is important that goods, services and works are procured in a way that offers value for money and is carefully regulated, lawful, and ensures transparency and accountability.
- 1.5 The following pages offer further details in relation to the compliance and general requirements around procuring goods, services and works on behalf of the Council and should be read and complied with for any procurement activities.
- 1.6 It also should be noted that these Contract Procedure Rules should be read in conjunction with the Council’s Finance Procedure Rules (FPR’s), the Contract Procedures Guide and other Procurement Guides in order for Council employees to discharge their responsibilities accordingly.

¹ Source – National Procurement Strategy for Local Government

2.0 Basic Principles of Procurement

2.1 All procurement and commissioning procedures must:

- Be in line with the Council's objectives as set out in the Corporate Plan.
- Meet the procurement need and achieve value for money.
- Ensure fairness and transparency in the allocation of public contracts.
- Comply with all appropriate legal requirements.
- Ensure that all risks in the process are appropriately assessed and managed.
- Ensure that all required pre-tender consultation has taken place.
- Ensuring Strategic Procurement is engaged at an early stage of the process to ensure that the best commercial option is undertaken in any resulting tendering exercise
- Encourage the participation of local businesses in Council contracts.
- Promote social value through the Councils contracting activities.

2.2 Procurement Procedures - once the need for goods, services or works has been identified, Officers are required to :-

- a. investigate whether the Council has an In-House Provider which can meet the requirements; if this is not possible
- b. investigate whether the Council operates a Council Wide contract or other arrangement through which the requirement can be met; if this is not possible;
- c. investigate whether there is a suitable regional or national framework which could be used to source the requirement; **or**
- d. carry out a Council procurement process (c and d should be conducted simultaneously to ensure the best route to market is obtained)

3.0 Procedures for Schools

3.1 Governing bodies, in association with Head Teachers and Management Teams, are required to use the Council's Schools Financial Rules – Contract Procedures Rules.

4.0 Compliance and Conduct

4.1 The Contract Procedure Rules must be adhered to by:

- All Members
- All Officers
- Persons or organisations responsible for awarding, managing and monitoring contracts on behalf of the Council.

4.2 The highest standards of probity are required of all those involved in the procurement, award and management of Council contracts.

4.3 Any **failure to comply** with any of the provisions of these Contract Procedure Rules, the Code of Practice, the Financial Procedure Rules or Public Procurement

legal requirements by Officers **may result in disciplinary action** and may in some instances/cases constitute a criminal offence.

- 4.4 The Contract Procedure Rules are a minimum standard and a more prescriptive procurement regime must be followed where this is required by UK Law and agreements with Grant Funding Organisations.
- 4.5 Measures should be taken to effectively prevent, identify and remedy conflicts of interest arising through procurement activity to avoid any distortion of competition and to ensure equal treatment of all providers.
- 4.6 Any Officer, Member or other person acting on the Council's behalf in relation to a procurement or purchase must declare any potential Conflict of Interest as soon as they become aware of it. This must be declared to Strategic Procurement Team (SPT) and a decision to allow continued involvement approved or declined by the Head of Procurement and recorded.

5.0 Procurement Plan and Contracts Register

- 5.1 The Council's Strategic Procurement Team (SPT), in conjunction with Directorates, may publish Prior Information Notice's using the Find a Tender Service (FTS) detailing the contracts for goods, services and works, which it expects to procure in the coming financial year.
- 5.2 Directors shall ensure that all contracts to be procured over the Public Procurement thresholds as stated in CPR 17.5 are notified to SPT and are registered on the procurement forward plans.
- 5.3 Each Director shall ensure that they notify the SPT of any contracts awarded, extended, novated, or materially varied linked to Regulation 72 of the PCR2015 (SPT will advise) so that SPT may update the Contracts Register and publish any required notices.

6.0 Contract Value

- 6.1 When contracting goods, services or works, a genuine assessment of the whole life value of the contract or framework agreement must be undertaken. (Refer to the **Contract Procedures Guide** for further guidance on how to calculate).
- 6.2 If the project can be demonstrated as truly, innovative and an estimate cannot be, provided approval to proceed must be obtained from the Monitoring Officer or nominated deputy before commencing a competitive tendering process.
- 6.3 The Council shall make the best use of its purchasing power by aggregating purchases wherever possible. In particular contracts for goods, services or works shall not be disaggregated in an attempt to avoid the /application of these Contract Procedure Rules or the Regulations.
- 6.4 For Concession contracts, the value of the contract shall be the total turnover of the concessionaire generated over the duration of the contract, net of VAT, in consideration for the goods, services or works that are the object of the Concession contract. (For further detail refer to the **Contract Procedures Guide**)
- 6.5 The value of an Income Contracts is the gross income generated by the Council as a result of the rights granted, or goods, services or works supplied by the Council.

7.0 Awarding Contracts

7.1 These CPRs should be read in conjunction with the decision-making provisions in the Council's Constitution and Financial Procedure Rules. Directors may take the decision to award a contract themselves provided that any appropriate key decision or budget approvals are already in place.

8.0 Relevant Contracts

8.1 All relevant contracts must comply with the Contract Procedure Rules

8.2 A relevant contract is any arrangement made by, or on behalf of, the Council for the carrying out goods, services or works.

This includes arrangements for:

- The purchase, hire or leasing of goods and equipment
- The delivery of services, including (but not limited to) those related to
- Use of agency staff
- Land and property transactions relating to development agreements
- Financial services
- Consultancy services
- Concession and Income contracts

8.3 Relevant contracts do not include:

- Employment contracts (permanent, interim or casual). For the avoidance of doubt, the appointment of recruitment services is subject to the CPRs.
- Contracts relating to the disposal or acquisition of an interest in land (except those involving development agreements)
- Certain financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments
- Concessions relating to street traders and market stalls
- Residential and nursing care contracts which the Council has a duty to provide under S117 Mental Health Act 1983, S17, s17A, s17B and s17ZA – ZI Children Act 1989 and S2 Local Government Act 2000
- Health and social care contracts where the recipient of care has a personal choice and directly contracts with the care provider including direct payment including under sections 31 – 36 of the Care Act 2014, section 57 - s 58 of the Health and Social Care Act 2001, section 12A of the NHS Act 2006 and section 17A of the Children Act 1989;
- The employment of Barristers - Barristers engaged to represent the Council must be appointed through the Assistant Director of Legal and Democratic Services
- Legal services contracts and arbitration services provided they fall within the exemptions set out in Regulation 10 of the Public Contract Regulations.

- The selection of a provider whose use is a condition of a Grant funding approval.
 - Where only one provider is able to supply for technical or artistic reasons or because of exclusive rights, for example the purchase of work of art, museum artefacts, manuscripts or archive collections items
 - Grant funding in line with the Financial Procedure Rules part E15, E16, E17 and E18
 - Licence agreements of private or public land
 - Partnership Agreements made under Section 75 of the National Health Service Act 2006 and payment by and to NHS Bodies made under Section 76 and 256/257 of the NHS Act 2006
 - Supplies purchased or sold in a public market or auction
- 8.4 A contract is a legally binding agreement required for all goods, services or works entered into by a representative of the Council. A contract can be formed through verbal or, written means (including by email) or via the exchange of monies.
- 8.5 All contracts above £250,000 are required to be approved by the Assistant Director of Legal and Democratic Services.
- 8.6 All construction related contracts must be executed as a deed (under seal)
- 8.7 Letters of Intent will only be issued in very exceptional circumstances following consultation and approval of the Assistant Director of Legal and Democratic Services.
- 8.8 The Council may enter into nil (cash) value contracts and the Council's Contract Procedure Rules will still apply in this case.
- 8.9 Providers undertaking procurement activity on behalf of the Council must comply with the Council's Contract Procedure Rules.
- 8.10 Any lease, hire or credit arrangement (such as vehicle or equipment leasing) which has a capital cost must be approved for inclusion in the Capital Programme in accordance Finance Procedure Rules relating to Capital expenditure, prior to commencing any procurement exercise
- 9.0 Exemptions to the Contract Procedure Rules**
- 9.1 No exemptions can be made to the requirements of competition in terms of the Contract Procedure Rules, unless authorised in writing by the Monitoring Officer (or nominated deputy), after considering a written report by the appropriate Director.
- 9.2 A register of all exemptions will be maintained by the Monitoring Officer.
- 9.3 Any breaches to the Contract Procedure Rules will be reported to the Audit Committee on a six-monthly basis.
- 10.0 Waivers to the Contract Procedure Rules**

- 10.1 Waivers to the CPRs may be permitted when the CPRs cannot be practicality applied, and the award meets one of the following circumstances:
- a) For works, goods or services which are either patented or unique that it is not possible to obtain competitive prices or are only available from one organisation
 - b) For the execution of works or services or the purchase of supplies involving specialist or unique knowledge or skills.
 - c) An organisation which has won a contract for an earlier phase of work via a competitive process and where further work is required that could not have been identified when the contract was let or to allow safe exit or decommission.
 - d) Reasons of urgency where it is otherwise not reasonably possible to comply with the appropriate CPR requirement (for example an emergency). Even in such circumstances officers must continue to seek and obtain value for money wherever possible.
 - e) The use of time-limited grant funding from an external body, where the time limitations will not allow a competitive process to be completed and where grant conditions allow this.
 - f) Where relevant UK or EU legislation not otherwise referred to in these CPR's prevent the usual procurement process as cited in the CPR's.
 - g) Is permissible under Regulation 72 of the PCR2015.
 - h) Constitutes a trial purchase in line with point 14.0
- 10.2 Only the Monitoring Officer (or nominated deputy) has the authority to waive Contract Procedure Rules or the Chief Financial Officer (CFO) in respect of waivers for Legal and Democratic Services.
- 10.3 Waivers must be obtained in advance of the procurement action as a waiver cannot be authorised retrospectively unless in an emergency (CPR 10.1 (d)).
- 10.4 Waivers **must not** be used to avoid the requirements of the Contract Procedure Rules to go to competition due to lack of time to procure. Procurement projects should be planned well in advance.
- 10.5 Waivers for goods & services contracts can only allowed up to the value, exclusive of VAT, of **£177,898 (£213,477 inc. VAT)**, **£552,950 (inc. VAT £663,540)** for contracts under the Light Touch Regime (Social & Other Specified Services) and **£4,447,488 (£5,336,937 inc. VAT)** (or current Public Procurement thresholds) for works contracts unless in exceptional circumstances and in line with the law on direct awards i.e., Regulation 32, or Regulation 72.
- 10.6 Waivers must demonstrate that value for money has been considered and there are clear benefits or advantages to the Council.
- 10.7 Waivers must demonstrate any risks to the Council associated with granting the waiver.
- 10.8 Waivers must be documented in a form approved by the Monitoring Officer; this is available on the Council's intranet and must be submitted to the SPT for approval.
- 11.0 Contracting Route Options (refer to Contract Procedures Guide on how to follow each option)**

There are different methodologies to contracting on behalf of the Council, these are;

- 11.1 Using In House Service Providers
- 11.2 Using Council Wide Contracts, Council Framework Agreements or Council Dynamic Purchasing Systems (DPS).
- 11.3 Using Dynamic Purchasing Systems (DPS) or Framework Contracts (Third Party Arrangements).
- 11.4 Perform a quotation or tender exercise to set up a new contract on behalf of the Council.

12.0 Approved Lists (below Public Procurement threshold only)

- 12.1 Approved lists may only be used in agreement with the Monitoring Officer (or nominated deputy) and in line with the **Contract Procedures Guide** on setting up approved lists.

13.0 Joint Procurement

- 13.1 When undertaking a joint procurement arrangement on behalf of the Council the Director must ensure this is done in line with the **Contract Procedures Guide**.

14.0 Trial Purchases

- 14.1 Directors may purchase a trial of goods, services or works that is new to the Council up to a value of **£100,000**, to ascertain if the supply is of interest to the Council, without competition.
- 14.2 Where an exception to competition in CPR 10.0 does not apply, a full competition, compliant with the CPR's must be conducted following the trial, if the Director wishes to continue with the type of supply.
- 14.3 Arrangements must be made to ensure the provider(s) involved in the trial has not obtained any advantage through that involvement when compared to alternative providers of a similar supply.
- 14.4 The Monitoring Officer must approve proposed trial arrangements exceeding **£25,000** and this must be approved via a CPR Waiver Form.

15.0 Negotiated Contracts

- 15.1 There may be a need to consider negotiation when procuring goods, services and works. Officers should be advised that there are restrictions associated with procuring above Public Procurement thresholds. Refer to the **Contract Procedures Guide** for further information on when it is appropriate.
- 15.2 The use of a negotiated process must be approved in writing by the Monitoring Officer and the relevant Director via an Officer Decision Record 1 (ODR1) Form.
- 15.3 Verbal negotiation must be undertaken by at least two Council Officers at least one of whom must be independent of the process and approved by the Monitoring Officer (or nominated deputy).

15.4 Written negotiation must be subject to evidenced independent process check, calculation and value for money. If the contract value is above threshold and the proposed procedure is either Competitive Dialogue or Negotiated Procedure, these must be conducted in line with the Public Procurement regulations and the advice of the SPT sought.

16.0 Concession Contracts

16.1 Concession contracts for services or works are a contract and the procurement of Concessions shall follow the competitive and contracting requirements in these CPRs.

16.2 Concession contracts for works or services with a value of **£4,447,447 (£5,336,937 inc. VAT)** or more are subject to the Concession Contracts Regulations 2016 and will be such to such additional procurement process requirements. To calculate the value of a Concession contract refer to CPR 6.4 and in addition to that the following should be taken into account:

16.3 The value of a Concession contract shall be the total turnover generated by the concessionaire over the duration of the contract, in relation to the services or works that are the object of the Concession contract. For further guidance, refer to the **Contract Procedures Guide**.

17.0 Contracting Rules based on value (exc. VAT) and commodity being procured

For further guidance on the below refer to the **Contract Procedures Guide**

17.1 Contracts valued up to £50,000 inclusive

- Where the estimated value or amount of a proposed Contract does not exceed £50,000 then the Authorised officer should obtain at least **one** verbal quotation from suitable providers followed up by written confirmation (including email). Officers are encouraged to conduct an informal quotation exercise to ensure value for money.
- For contract awards between £25,000 to £50,000 officers must formally demonstrate value for money, . A Best Value Form (available from SPT) must be completed and sent with the Contract Award Notice to SPT. These will be audited to ensure best value was sought and achieved.
- A quotation must be sought from a Doncaster based business unless in exceptional circumstances Whilst there is only a requirement for one quotation, the Authorised Officer must consider whether additional quotations are in the Councils best interest.
- A written record must be kept of all quotations and procedures followed.
- An internal Contract Award Notice must be completed for all contracts above £5,000 and submitted to SPT to meet the requirements of the Regulations and Transparency Agenda

All contracts awarded over £25,000 must have an award notice published on Contracts Finder

17.2 Contracts valued £50,000 to £177,898 – Quotation

- Between these values, the requirement is to obtain at least **three** written quotations from suitable providers. Wherever possible a minimum of one of the quotations must be sought from a Doncaster Business unless in exceptional circumstances.
- A written record must be kept of all quotations and procedures followed.
- A decision on how to conduct the quotation should be based on the contracting risk.
- Social value must form part of the evaluation criteria for all procurements above £100,000 and must be a minimum of 10% of the evaluation score.
- An internal Contract Award Notice must be completed for all contracts above £5,000 and submitted to SPT to meet the requirements of the Regulations and Transparency Agenda

17.3 Contracts valued £177,898 to £552,950 (Social & Other Specified Services)

- A minimum of **three** tenders should be sought from suitable providers. Wherever possible a minimum of one tender must be sought from a Doncaster Business unless in exceptional circumstances.
- When using an approved third party framework agreement that has been validly set up to be called off on a non-competitive basis (direct award) the Officer must have a written justification for the selection of the provider(s) and if above **£250,000** the decision to execute the direct award must be approved by the Monitoring Officer (or nominated deputy).
- Social value must form part of the evaluation criteria for all procurements above £100,000 and must be a minimum of 10% of the evaluation score.
- An internal Contract Award Notice must be completed for all contracts above £5,000 and submitted to SPT to meet the requirements of the Regulations and Transparency Agenda

17.4 Contracts valued £177,898 to £4,447,448 (Works)

- A minimum of **three** tenders should be sought from suitable providers or providers. A minimum of one tender must be sought from a Doncaster Business unless in exceptional circumstances.
- When using an approved third-party framework agreement that has been validly set up to be called off on a non-competitive basis (direct award) the Officer must have a written justification for the selection of the provider(s) and if above **£250,000** the decision to execute the direct award must be approved by the Monitoring Officer (or nominated deputy).
- Social value must form part of the evaluation criteria for all procurements above £177,898 and must be a minimum of 10% of the evaluation score.

- An internal Contract Award Notice must be completed for all contracts above £5,000 and submitted to SPT to meet the requirements of the Regulations and Transparency Agenda

17.5 **Contracts valued over £177,898 (Goods & Services), £552,950 (Social & Other Specified Services) or £4,447,448 (Works)**

- Over these values, the requirement is to tender all contracts in accordance with the Public Procurement regulations and Contract Procedure Rules.
- When using an approved third-party framework agreement that has been validly set up to be called off on a non-competitive basis (direct award) the Officer must have a written justification for the selection of the provider(s) and if above **£250,000** the decision to execute the direct award must be approved by the Monitoring Officer (or nominated deputy).
- Social value must form part of the evaluation criteria for all procurements above £100,000 and must be a minimum of **10%** of the evaluation score.
- An internal Contract Award Notice must be completed for all contracts above £5,000 and submitted to SPT to meet the requirements of the Regulations and Transparency Agenda

18.0 **General Data Protection Regulation (GDPR)**

18.1 Where any Provider is given possession of or access to any personal data, the Service Director must comply with the Council's Data Protection obligations. The Service Director must follow the Council's Information Security and Data Protection Policies, in particular regarding contracting with data processors and sharing data and carry out a Data Protection Impact Assessment (DPIA) in consultation with the Information Governance Team. For further information, refer to the **Contract Procedures Guide**.

19.0 **ICT Related Contracts**

- 19.1 Any technology requirement, including hardware, software, accessories/peripherals, and consumables, must be procured and agreed by the ICT Department
- 19.2 Any requirement for new or replacement technology or major upgrade/enhancement to existing technology, or contract changes, must be considered and approved by the Technology Governance Board. The Assistant Director – Finance and Technology or nominated officer must be involved in all procurement activities for Council systems and specific advice taken into account in the contract award decision.

20.0 **Contract Award Notice**

- 20.1 All Contract awards above **£5,000** will be recorded on the Council's Contracts Register.
- 20.2 All contracts over **£250,000** shall be under seal, unless the Monitoring Officer approves other arrangements.
- 20.3 Contracts with a value up to **£177,898** (Public Procurement Threshold) will be based on the Council's standard terms and conditions. Where a variation is

required from the standard terms and conditions this will be agreed by the Monitoring Officer (or nominated deputy).

- 20.4 The decision to award a contract shall be made by the Director (or nominated deputy) on receipt of a written recommendation from the relevant officer. This recommendation should give details of the reasons why tenders, if any, were disqualified and the reasons for the selection of provider(s).
- 20.5 Where the terms and conditions of Contract are not fully agreed no provider shall be allowed to commence delivery of goods, services or works until a full risk assessment has been carried out by the Authorised Officer as to the possible implications to the Council by the provider being allowed to commence work before the Contract terms and conditions have been finalised.
- 20.6 Following the notification of award of contract, the Authorised Officer is required to submit a Contract Award Form to the Strategic Procurement Team so the details of the awarded Contract can be published on the Council's Corporate Contracts Register and Contracts Finder to meet the requirements of the Regulations and Transparency Agenda.
- 20.7 Where a contract has been tendered pursuant to Public Procurement Law, the Council shall publish a contract award notice to meet the relevant legislative requirements.
- 20.8 Authorised Officers are also required to prepare a report in accordance with Regulation 84 of the Public Contract Regulations and a copy stored.

21.0 Contract Terms and Conditions

- 21.1 The officer shall use their best efforts to ensure that Contracts are entered into on the Council's terms and conditions, which shall be included with each purchase order or Invitation to Tender. Where this is not possible, because the Council's terms and conditions are not suitable, and a provider has been asked to submit their own terms and conditions, where there are material changes to the Council's terms and conditions, they must be formally approved in writing by the Monitoring Officer (or nominated deputy) before they can be accepted.

22.0 Contract Extensions and Variations

Variations

- 22.1 **Variations** must be evidenced in writing.
- 22.2 All Contract variations must be carried out within the scope of the original Contract. Contract variations that materially affect or change the scope of the original contract are not allowed unless approved by the Monitoring Officer. If a material change is accepted then notices must be published in accordance with the regulations.
- 22.3 A new procurement is required in the case of a material change where one or more of the following conditions are met:
 - The variation introduces conditions which, had they been part of the initial procurement exercise, would have allowed for the admission of other tenderers than those initially selected or for the acceptance of an offer other than that originally accepted or would have attracted additional participants in the procurement procedure;

- The variation increases the value of the contract or the framework agreement substantially in favour of the provider in a manner which was not provided for in the initial contract or framework agreement;
- The variation extends the scope of the contract or framework agreement considerably.

22.4 All contract variations must be in writing and signed by both the Council and the provider except where different provisions are made within the contract documentation.

22.5 The value of each variation must be assessed by the Authorised Officer and all necessary approvals sought prior to the variation taking place including registrations on the Council's forward plan if applicable.

22.6 Approval for any variation shall be sought in writing from the Director in a timely manner and supported by an appropriate decision record signed by the Director.

22.7 If the variation relates to a contract that has previously been waived then a CPR Waiver Report Addendum should be completed and signed by the Monitoring Officer (or the Chief Financial Officer if the waiver relates to Legal and Democratic Services contracts).

Extensions

22.8 The term of any contract may only be extended where all the following criteria have been met:

- Provision for an extension of the term is evidenced by the original contract (and the original tender/quotation); and
- Where the budget provision and the extension is in line with the Financial Procedure Rules; and
- Where the contract value including the extension exceeds the key decision threshold (£250,000 – revenue budget, or £1,000,000 – capital budget), a separate key decision has been approved.
- Where the contract still delivers Value For Money
- In the case of ICT related expenditure has had the appropriate approvals.

22.9 Only the Monitoring Officer may approve an extension to the term of a contract outside the rules through a CPR Waiver Report Form.

22.10 Contract extensions will not be permitted if the value of the extension is above the advertised value in the Contract Notice.

22.11 All variations and extensions to any Council contracts must be in writing and reported to the SPT in order that the Contracts Register for the Council can be updated accordingly. Material variations once agreed with the Monitoring Officer must be notified to SPT.

23.0 Transfer of Contracts – Novation and Assignment

23.1 Transfer, assignment, and novation of contracts can only be agreed by the Monitoring Officer (or nominated deputy) using an ODR.

24.0 Termination of Contract(s)

- 24.1 Provision for the termination of a contract must be included within the terms and conditions of the contract. Only the Monitoring Officer has the authority to agree early termination of a contract where this is not built into the contract terms and conditions. This must be formalised via an ODR authorised by the Monitoring Officer.
- 24.2 The Monitoring Officer must be consulted where there are serious concerns over the performance of a contract.
- 24.3 The Monitoring Officer must be consulted if the performance of a contract is giving rise for concern and consideration is given to termination.
- 24.4 An Exit Plan, which can cover one or more Contracts, must be prepared for every contract well in advance of contract expiry. It is recommended that this should be put in place at least 6 months in advance to allow for the approvals, pre-planning process, and any re-procurement.

25.0 Procurement by External Agents

- 25.1 Any consultants used by the Council shall be appointed in accordance with these Contract Procedure Rules. Where the Council uses consultants to act on its behalf in relation to any procurement, then the Director shall ensure that the consultants carry out any procurement in accordance with these Contract Procedure Rules.
- 25.2 No consultant shall make any decision on whether to award a Contract or who a Contract should be awarded to.
- 25.3 The Director shall ensure that the consultant's performance in relation to procurement is in accordance with these Contract Procedure Rules.
- 25.4 Where the Council uses consultants to act on its behalf in relation to any procurement the consultant must declare any conflict of interest that may arise to the Director prior to commencing work on any Tender.
- 25.5 Where the Director considers that such a conflict of interest is significant the Director should consider whether it is appropriate for the consultant to work on a particular tender and the consultant should not be allowed to evaluate Tenders on behalf of the Council.
- 25.6 Before any self-employed provider is awarded a contract, the provider's details must be obtained and assessed through the Council's assessment tool to ensure our obligations under IR35 are adhered to. Further guidance can be found in the Contract Procedure Guide (CPG).

26.0 Member Involvement

- 26.1 Directors are responsible for ensuring appropriate consultation has taken place with members, this could include consultation on the evaluation criteria.
- 26.2 Members should not become involved in the remainder of the procurement activity, unless any specific decisions are required by portfolio holders, Cabinet or the Council, in accordance with the Councils constitution and scheme of delegation.

27.0 Record and Document Retention and Control

- 27.1 A Contracts Register of all Contracts awarded with an aggregated value above **£5,000** shall be maintained by the SPT.

27.2 Each relevant Director shall maintain their own register of all other Contracts, under **£5,000** as a minimum, entered into by their directorate.

27.3 For every individual Contract above **£25,000** a 'Contracts File' shall be maintained with appropriate documentation which must include, as a minimum, the following: -

1. The method for obtaining bids
2. Any exemption under Rule 10 together with reasons for it;
3. The evaluation criteria in descending order of importance and associated evaluation method;
4. Tender documents sent and received from the Providers;
5. Any pre-tender market research;
6. All notes made by the evaluation panel during the evaluation of tenders;
7. Clarification and post-tender negotiation (to include minutes of meetings);
8. A copy of the Contract documents (originals should be held in Legal Services);
9. Post-contract evaluation and monitoring;
10. Communications with all provider(s) during the Tender process and with the successful provider throughout the period of the Contract;
11. Award of Contract documentation;
12. Any decision to abandon a procurement exercise or terminate a Contract.
13. All delegated decisions, authorisations, waivers and reports relating to the Tender process and subsequent Contract.

28.0 Council Purchase Cards

28.1 The Council uses Purchasing Cards in order to reduce transaction costs for low value purchases by reducing time spent on processing of orders and invoices or in emergencies.

28.2 Purchasing cards must not be used as a way of bypassing CPRs. However, in some circumstances, where a contract exists and the provider allows, a purchase card may still be used as a method of payment, where this offers better value for money or is specified in the contract. For further guidance refer to the Purchase Card Policy or contact SPT.

29.0 Cost Control

29.1 The Director shall ensure that suitable procedures are laid down and followed for the effective cost control of all contracts. Such procedures shall involve a continuous monitoring of the cost being incurred on each contract with the objective of ensuring that the project is completed within the authorised cost and that any unavoidable extra costs are identified quickly so that appropriate action can be taken.

29.2 All contracts must have a clear review and approval mechanism for price increases i.e. be linked to the applicable index related to the contract category.

29.3 The procedures shall provide:

- (a) A cost statement to be prepared every time a contract payment is made assessing the probable final cost. This should take into account all known factors

including variations, adjustments of prime cost and provisional sums and other items such as re-measured work;

(b) A cash flow forecast based on a cost statement prepared by the relevant Director, showing the expected pattern of payments to the end of the contract, updated each month until the final payment is made.

As soon as it becomes apparent to the Director that costs will exceed the amount authorised, the Director must immediately report the situation to the CFO (or nominated deputy). A final cost report shall be submitted to the CFO (or nominated deputy).

30.0 Contract Claims and Disputes

- 30.1 To safeguard the Councils right to deduct liquidated damages, if the contract is over-running the officer must certify in writing that the provider ought reasonably to have completed the works within the contract period. Such a certification must be in accordance with the contract conditions and be issued prior to the issue of the final certificate for payment.
- 30.2 Any events that may lead to claims for extension of time must immediately be brought to the attention of the officer.
- 30.3 Claims for extension of time must be assessed promptly and any extension award made in accordance with the conditions of contract.
- 30.4 If the works are not complete, the officer must issue a certificate of non-completion in accordance with any relevant contract conditions immediately after the expiry of the (extended) date for completion. It is the ultimate responsibility of the Director (or nominated deputy) to arrange for the deduction of liquidated damages.
- 30.5 If the provider subsequently brings forward fresh evidence of delay, the officer may award a further extension but must then also issue a revised certificate stating the revised date in accordance with any relevant contract conditions.
- 30.6 Before the final certificate is issued, the officer shall check that any necessary certificate has been issued in accordance with the relevant contract conditions.
- 30.7 The Monitoring Officer (or nominated deputy) shall be kept informed at all times of all contractual claims whether by or against the Council.
- 30.8 Documentary evidence must be kept relating to all aspects and stages of a claim and these should be kept by the Director at one central point.

31.0 Review and Amendment of Contract Procedure Rules

- 31.1 The Monitoring Officer and Chief Financial Officer are authorised to make technical amendments as necessary to ensure these procedures are consistent with legal requirements, changes in Council structures, personnel and best practice.

GLOSSARY OF TERMS (including general procurement terms)

Added Value - Any benefits or services that can be provided over and above that of the contract requirements

Aggregation of Demand – Where similar or same purchases made separately over a period of time (and often from multiple providers) are combined into one contract requirement

Alcatel (or Standstill) Period – Contracts over the Public Procurement threshold must include a minimum 10 calendar days standstill period between the decision to award a contract and the actual award. Unsuccessful providers are notified of the proposed award and given the opportunity to appeal if they believe that the award is not justified. It is named after the case law establishing a ruling of an unfairly awarded contract

Approved List – List of providers who have met a minimal level of quality assessments, usually through a pre-qualification questionnaire, or pre-approved list e.g. Constructionline database and approved to provide specific work, goods or services

Approved Providers – Providers included on approved lists

Assignment – The transfer of rights from one provider to another based on the same contract

Audit Trail – System or paper generated evidence showing how decisions and procedures were carried out

Authorised Officer – a person appointed by a Director who is responsible for the procurement Procedure

Award – The allocation of a contract to a successful bidder/provider/provider

Award Stage – Final stage of the tendering process, with notification of the successful provider and the signing of the contract

Bid – A submitted tender

Business Case (Procurement) – The reasons for carrying out a procurement or project, usually indicating initial value, and justifying the need such as an identified service need or meeting Council objectives

Challenge Point – a review of the evaluation process to ensure that the procedures and outcome of the evaluation process are fair, transparent and reflect the views of the evaluation panel

Collaboration – Process by which two or more 'organisations' (local authorities, other public sector bodies) work together to obtain a joint solution for a shared requirement. Used to capitalise on the advantages of aggregating demand, such as economies of scale or stronger positioning in the marketplace

Collusion – illegal process of agreeing to unfair activities in a procurement process, such as price fixing

Commissioning – the strategic activity of assessing need and using resources (both budgets and services) to meet those needs, with procurement forming part of commissioning for the sourcing and setting up contracts to provide services

Competitive Dialogue – Competitive dialogue is a procedure in which any economic operator may request to participate and whereby the contracting authority conducts a dialogue with the candidates admitted to that procedure, with the aim of developing one or more suitable alternatives capable of meeting its requirements, and on the basis of which the candidates chosen are invited to tender

Concession – an agreement between the Council and a private company for the sole right to provide a specific service

Contingencies – future events or circumstances that may occur

Contract – Legally binding document that sets out the terms and conditions of the delivery of the works, services or goods, including performance measures

Contract Management – Contract management activities can be broadly grouped into three areas.

CFO – Chief Financial Officer is the officer appointed by the Council to exercise the powers defined in Section 151 of the Local Government Act 1972.

Contract administration – handles the formal governance of the contract and changes to the contract documentation.

Contracts Finder - Government portal for advertising contract valued above £25,000 as required by the Public Contract Regulations 2015

Contracts Register – A register of Council wide contracts centrally held by Strategic Procurement

Contract Award Notice – Notice of the award of a contract published in the Find a Tender (FTS) UK government portal and as required by Public Procurement Law.

Contract Extension – continuing with the contract after the initial period of the contract term

Contract Notice – published notice of tender opportunity or contract award on the Find a Tender Service (FTS)

Contract Procedure Rules – The section of the Councils Constitution that sets out the rules that must be followed when undertaking any procurement process

Council Wide Contracts – contracts let on behalf of the Council to meet the requirements of good, services or works that are common or shared across the Council (previously referred to as Corporate Contracts)

Criteria – Set of specific requirements that a quote or tender will be marked against

Delegated Authority – Officers who have been authorised to carry out such tasks as set out in the Council’s scheme of delegation contained within the Council constitution.

Director – The person responsible for the proper compliance with these procedures. Except as indicated otherwise, a Director may delegate authority to other persons to deliver their responsibilities.

Disaggregation – Splitting a requirement for similar works, goods or services into a number of smaller contracts to avoid having to undertake a full competitive tender exercise for contracts exceeding the Public Procurement thresholds. This practice is a breach of Public Procurement Law.

Dispute - Disagreement between Council and provider or provider that may result in Court action

Doncaster Business – A company or other organisation that has an office or premises within the Doncaster Metropolitan Borough Council area.

Dynamic Purchasing System - is a procedure available for contracts for works, services and goods that has aspects similar to a framework agreement, but where new providers can join at any time.

Electronic Tendering (E-Tendering) – Online tendering and contract management system

Evaluation – Detailed assessment and comparisons of bid submissions verifying how providers will meet the requirements of the contract, measured against quality and price criteria

Evaluation Panel – Group brought together with the specific aim of assessing submitted tenders against pre-set criteria, to make final recommendations on the award of contract.

Exceptions – Permits the undertaking of a procurement action within a specific area without the need for a competitive tender exercise, but signed by the Monitoring Officer (or nominated deputy) or the CFO.

Execute – the completion of contract documentation, including the signing, and sealing where required, of the formal contract

Exemption – excluding a procurement activity from one or more of the Contract Procedure Rules

Framework Agreement – Used where specific works, services or goods will be needed on a number of occasions over a known duration, but the exact requirement is not known. Can be with a single provider (sometimes referred to as a ‘call-off’ contract) or with a multiple number of providers. Once set up, there is no need to go to the open market as competition is held between those providers on the framework

ISP – In-House Service Provider is an identified internal service offered by the Council to carry out Council services

ICT – Information, Communications and Technology

Invitation to Tender – Sent to tenderers asking them to submit bids based on a specification indicating the requirements of the Council.

Joint Procurement – Where other public bodies are included within a procurement exercise

Key Decision – A decision which is likely to result in savings or expenditure of over £250,000 gross full-year effect in the case of the revenue budget, or in the case of the capital budget, £1,000,000 or more in respect of a single project or otherwise across one financial year. In addition, any decision that is likely to have a significant effect on two or more wards in the Borough.

Letter of Intent – A written statement indicating the Council’s willingness to enter into a formal contract.

Light Touch Regime – The light-touch regime (LTR) is a specific set of rules for certain service contracts that tend to be of lower interest to cross-border competition. Those service contracts include certain social, health and education services, defined by Common Procurement Vocabulary (CPV) codes. The list of services to which the Light-Touch Regime applies is set out in Schedule 3 of the Public Contracts Regulations 2015

Liquidated Damages – Compensation awarded by a court judgement or a contract stipulation regarding breach of contract

Marketplace – Wording used to describe a commercial activity or a group of potential providers possibly able to meet requirements

Monitoring Officer – This is the Assistant Director of Legal and Democratic Services

Negotiation – Process by which a contract proposal is reached through discussion and agreement between the prospective provider and the Council representative

Negotiated Procedure – Procurement process undertaken directly with one bidder. Used under specific circumstances

Novation – Substitution of a provider with a new provider, or of a contract with a new contract

Open Tender Procedure – Tender process that is open to any provider who wishes to bid. All tenders must be considered

PFI – A Private Finance Initiative is a way of creating public – private partnerships by funding public infrastructure projects with private capital.

Pre-Procurement Procedure – A requirement for stakeholder to ensure they have correctly identified the needs of the service and outcomes have been assessed.

Provider – Any person, partnership, company or other organisation, which provides or contractually offers to provide any supply to the Council or on behalf of the Council.

Public Procurement Law –UK law known as the Public Contract Regulations 2015, detailing rules and regulations that must be complied with for all public sector procurement processes that exceed specified thresholds

Qualified Tender – Where a bidder submits a bid which has been amended to the bidders requirements, such as inserting their own terms and conditions

Quotation – Written or verbal price given by a provider on request

Remedies Directive – Public Procurement legislation that sets out the rules by which the procurement actions and decisions may be challenged.

Regulations –UK Public Procurement Regulations

Relationship management – keeps the relationship between the two parties open and constructive, aiming to resolve or ease tensions and identify problems early.

Restricted Tender Procedure – Tender process where potential suitable tenderers are identified by the evaluation of a pre-qualification questionnaire. Only those passing the evaluation criteria of the pre-qualification questionnaires will be invited to tender.

Section 76 and 256/257 of the NHS Act 2006 – payments made between the NHS and local authorities.

Selection Questionnaire (SQ) – Set of questions used to establish the suitability of a provider to be included in a bidding process, based on experience, financial stability and quality assessments. Is also be used to eliminate bidders in a restricted (two stage) tender so that only the most suitable providers are invited to tender. This can only be used for above threshold procurements.

Service delivery management – ensures that the service is being delivered as agreed, to the required level of performance and quality.

Specification – Detailed description of what is required, including monitoring procedures

Stakeholder – Individual or organisation with an active interest in the impact or effect of the Council's procurement activities

State Aid – Any Government aid must not distort competition by favouring certain businesses or goods

Sub-Letting – Engagement of another provider by the main provider

Submission – The bid or tender submitted by a provider in response to an invitation to quote or tender

Sustainable Procurement – the economic, environmental and social issues to be considered in procurement

Tender – Written response to an invitation to tender that contains a full costed proposal. Submitted in a sealed process, and evaluated against set criteria

Tenderer – Prospective provider who submitted a bid in response to an invitation to tender or quote

Tender Documents – Set of documents provided to prospective tenderers that forms the basis on which tenders will be submitted. Includes, as a minimum, instructions to tenderers, contract terms and conditions, specification, evaluation criteria, pricing schedule, form of tender and anti-collusion statement

Testing the Market – Formal procurement process to establish whether there are providers able and interested in providing quotes or bidding

Termination – Cancellation of all or most of a contract.

Thresholds – Financial boundaries (based on the whole life value of a proposed contract) which determine the procurement action, for example whether a competitive tender is required, or whether a competitive action is required

TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006) - Preserves the continuity of employment and safeguards employment rights of all employees transferring to a new employer i.e. where there is a change of contract provider or where current Council staff are being transferred to another service provider

Value for Money – ensuring the needs of the Council are met whilst achieving the required balance of quality and price

Variation - A variation is usually a change to the specification. It may either be a one off item of work or service, or a change for the remainder of the contract. Deeds of Variation and Variation Orders are contractually binding on both parties.

Waiver – Approval obtained prior to procurement activity, by the MO (or nominated deputy) or CFO, permitting an exception to the Contract Procedure Rules.

Whole Life Value – All costs incurred in the lifespan of the contract, including disposal.

Further guidance is available from the Strategic Procurement Team (SPT) and the **Contract Procedures Guide**.

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Doncaster
Council

DONCASTER COUNCIL FINANCIAL PROCEDURE RULES

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INTRODUCTION

- 1.1 These **Financial Procedure Rules** form part of the overall control framework within which Doncaster Council operates. They aim to facilitate effective service delivery by setting out best practice for the administration of all financial matters throughout the Council, ensuring a high quality of financial information and enabling decision making. They enable the Council to conduct its business efficiently and operate an appropriate level of public accountability.
- 1.2 The Constitution defines the rules governing the procedures of the Council including responsibility for functions, Contract Procedure Rules and these Financial Procedure Rules.
- 1.3 The Constitution defines the framework within which the powers to make decisions, take action etc. are delegated to the appropriate level in the organisation. In particular the Constitution: -
 - requires all Directors to act within the terms of these Rules in the exercise of their delegated powers;
 - empowers the Chief Financial Officer (CFO) to act as the Proper Officer under Section 114 of the Local Government Finance Act 1988 (as amended) and the Local Government Act 2003;
 - empowers the CFO to exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 (as amended).
- 1.4 The Contract Procedure Rules define the correct procedures to be followed when the Council enters into any contractual arrangement and should be read in conjunction with these Rules.
- 1.5 The Finance Manual is a comprehensive document detailing all aspects of financial systems and procedures and is designed for use on a day to day basis by staff involved in any aspect of financial administration. Any new or revised instructions on financial matters issued by the CFO will be incorporated into the Finance Manual.

Application of the Rules

- 2.1 These rules apply across all parts of the Council. They govern management of financial resources and assets under the Council's direct control but also extend to the Council's partnerships, its subsidiaries, its associates, joint ventures, joint operations and any other arrangements in which the Council has an interest. This is to the extent that they are capable of being imposed by virtue of the Council's control or influence and would not be detrimental to the interests of the Council. Doncaster Schools have their own financial procedure rules, approved by governors, which are aligned to those of the Council.
- 2.2 All members and staff have a general responsibility for taking reasonable action to provide for the security of the assets, funds and resources under their control, and for ensuring that the use of these resources is legal, is properly authorised and provides value for money.

Maintaining the Rules

- 3.1 The Council operates a system of managerial and financial control whereby the CFO has overall responsibility for the proper management of the finances of the Council as a whole but the responsibility for the day-to-day financial control and administration in Directorates and other corporate project and programme work is devolved to the relevant Director.
- 3.2 The overall responsibilities of the CFO in respect of these rules are therefore to:
- maintain these Rules and submit any additions or changes necessary to Council for approval in consultation with the MO (Monitoring Officer) and Chief Executive;
 - issue explanatory advice and guidance to underpin these Rules as necessary. Where such advice and guidance is issued, Members, officers and others acting on behalf of the Council are required to comply with the general provisions of these Rules;
 - require any officer to take any action deemed necessary (as is proportionate and appropriate) to ensure proper compliance with these Rules;
 - report, where appropriate, any breaches of these Rules to Members;
 - report all waivers of Rules to Members approved by the CFO during the course of any financial year which the CFO has delegated authority to determine.
- 3.3 Should any uncertainty or dispute arise pursuant to these Rules, the matter must be referred to the CFO for interpretation and/or arbitration.

Non-Compliance with the Rules

- 4.1 Failure to comply with any part of these Rules may constitute misconduct and lead to formal disciplinary action. Non-compliance will be referred for management action, to be dealt with by the relevant Director in most instances. Serious breaches will be referred to the CFO who may require remedial action to be taken by the Director.
- 4.2 Any waivers or non-compliance will be reported to Audit Committee on a 6-monthly basis.

General Principles of Financial Management

5.1 The financial management staff report to the CFO and provide day to day support to all Directorates. They are able to provide assistance to any member or officer regarding financial management. The general principles of financial management operated in the Council follow best practice guidance and aim to ensure that: -

- roles and responsibilities are clearly understood;
- there is a system of financial control which ensures that transactions are authorised appropriately, with adequate separation of duties;
- financial transactions are recorded properly, with a clear audit trail;
- clear, up-to-date and accurate position reports will be provided to Directors and Cabinet to properly monitor the financial standing of the Council;
- risks are managed on an ongoing basis and, for significant projects with financial impact, risks are registered and managed;
- the Council's Enterprise Resource Planning (ERP) system and other key financial systems and processes are documented and business continuity plans in place to maintain effective financial administration at all times;
- staff are aware of and comply in spirit and substance with the Council's anti-fraud and corruption policy.

FINANCIAL PROCEDURE RULE A: FINANCIAL MANAGEMENT – RESPONSIBILITIES

Responsibilities of the Full Council

These are detailed in the Constitution at Article 3; the financial responsibilities are: -

- A.1 Setting the Budget and Policy Framework within which the Cabinet will operate.
- A.2 Approving any budgetary decision that causes the total expenditure financed from Council Tax, grants and reserves to be increased above that approved.
- A.3 Approving the Treasury Management policy statement and an annual Investment strategy for the Council's cash balances.

Responsibilities of the Elected Mayor and Cabinet

These are detailed in the Constitution; the financial responsibilities of the Elected Mayor and Cabinet are: -

- A.4 Proposing the Budget and Policy Framework and Capital Programme to Council and for discharging executive functions in accordance with the Budget and Policy Framework agreed by Council.
- A.5 Approving the Strategic Risk Management policy statement and strategy.
- A.6 The Elected Mayor determines the Scheme of Delegation which will govern the framework for financial decision-making and budgetary responsibility, except where these financial procedure rules impose other responsibilities or arrangements. Executive decisions can be delegated by the Elected Mayor, to a committee of Cabinet, an individual cabinet member, a member of staff, or a joint committee. Where the scheme of delegation established by the Elected Mayor is silent as to where responsibility for a budget lies, the budget holder will be the officer with responsibility for the relevant service, policy or project.

Responsibilities of Committees

Audit Committee is responsible for: -

- A.7 Approving the Council's Annual Governance Statement.
- A.8 Considering audit matters for recommendation to Cabinet including the Council's anti-fraud and corruption policy.

Overview and Scrutiny Management Committee's financial responsibilities include: -

- A.9 Scrutinising executive decisions before or after they have been implemented and for holding the Executive to account.
- A.10 Making recommendations on future policy options and for reviewing the general policy, budget and service delivery of the Council.
- A.11 Providing a response within 4 weeks to the Elected Mayor's budget proposal.

Responsibilities of Officers

- A.12 Officer responsibilities for the overall management of the Council's financial affairs are variously set out by legislation, the provisions of the Council's Constitution and the Council's Scheme of Delegation.
- A.13 Certain legislation requires the Council to designate particular officers as the 'proper officer' for the performance of certain functions. 'Proper Officer' functions include the responsibilities of the Head of Paid Service (HPS), the Monitoring Officer (MO) and Chief Financial Officer (CFO) in managing the overall financial affairs of the Council. Formal recognition is also given to the particular responsibilities and functions of the Head of Internal Audit (HIA) at the Council in accordance with best practice advice and guidance.

Chief Executive

The Head of Paid Service (HPS) is designated as the Chief Executive. The financial responsibilities of the Chief Executive include: -

- A.14 Advising the Elected Mayor on budget strategies as linked to the Corporate Plan and Council Policies, including the preparation of a medium-term financial strategy.
- A.15 Advising the Elected Mayor in preparing a capital programme and establishing capital budgets for identified projects.
- A.16 Establishing protocols to ensure that those with Executive decision-making powers consult with relevant officers before taking a decision within their delegated authority. In doing so, the individual officer or Member must take account of legal, financial and human resource implications, other internal policies and any cross-cutting issues where relevant.
- A.17 Ensuring that there is a proper scheme of delegation, which clarifies responsibilities from the Elected Mayor downwards and the skills to carry out those responsibilities. This will include developing and maintaining a resource allocation process that ensures due consideration of the Council's Budget and Policy Framework.
- A.18 Establishing arrangements for the ongoing regular review, assessment and assurance of the effectiveness of the Council's internal control arrangements and for annually preparing an Annual Governance Statement.

Monitoring Officer (MO)

The MO is responsible for: -

- A.19 Promoting and maintaining high standards of conduct including those of financial administration.
- A.20 Reporting any actual or potential breaches of the law or maladministration to Council and/or to the Cabinet.
- A.21 Ensuring that procedures for recording and reporting key decisions are operating effectively and that executive decisions and the reasons for them are made public. The MO must also ensure that all Members are aware of key decisions made by those with Executive decision-making powers.
- A.22 Advising all Members and employees about who has authority to take a particular decision.
- A.23 Advising (in conjunction with the CFO), whether a decision is likely to be considered contrary or not wholly in accordance with the Budget and Policy Framework (see rule A.27 for examples of 'contrary to the budget').

Chief Financial Officer (CFO)

- A.24 The functions and responsibilities of the CFO are directed in the first instance by legislation that imposes statutory duties on the CFO for the proper management, financial administration and stewardship of Council assets and the fiduciary interests of current and future local tax payers. These responsibilities include: -
 - proper administration of the council's financial affairs, systems and procedures;
 - providing advice to the political and appointed Executive, Overview and Scrutiny and Council on financial and economic factors likely to influence the budget and policy framework. This may also include legal requirements, medium-term planning prospects, available resources, borrowing requirements, spending pressures, value for money and other relevant government guidelines;
 - reporting on the adequacy of the Council's reserves and the robustness of budgets to the Council meeting, which approves the Elected Mayor's budget and Council Tax proposal;
 - setting and monitoring compliance with financial management standards, accounting standards and policies;
 - ensuring proper professional practices are adhered to in relation to the standards, performance and development of all finance staff;
 - advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
 - providing high quality financial information to decision makers and preparing the annual statement of accounts in accordance with CIPFA's Accounting Code of Practice;
 - preparing the revenue budget and capital programme;
 - treasury management and insurance;

- ensuring adherence to the CPR, promoting value for money through compliant and best practice procurement processes;
- in exceptional circumstances personally suspending these Financial Procedure Rules, where to do so appears to be in the best interests of the Council and in its financial interests.

A.25 Section 114 of the Local Government Finance Act 1988 requires the CFO to report to the full Council, Executive and external auditor if the Council or one of its employees: -

- has made, or is about to make, a decision which involves or would involve incurring expenditure which is unlawful;
- has taken, or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Council;
- is about to enter an item of account the entry of which is unlawful.

It is the duty of the CFO, in preparing the report to consult with the MO and the Chief Executive as far as practicable.

A.26 Section 114 of the 1988 Act also requires: -

- the CFO to nominate a properly qualified member of staff to deputise should the CFO be unable to perform the duties under section 114 personally;
- the Council to provide the CFO with sufficient staff, accommodation and other resources, including legal advice where this is necessary, to carry out the duties under section 114 of the 1988 Local Government Finance Act.

A.27 In addition, the CFO (together with the MO) is responsible for advising Members as to whether a decision is likely to be considered contrary or not wholly in accordance with the Budget. Actions that may be contrary to the Budget include:

-

- initiating new policies that may impact on agreed budgetary provisions and resource allocations;
- committing expenditure in future years over and above the Council's Budget;
- causing the total expenditure financed from Council Tax, grants and corporately held reserves to increase, or to increase by more than a specified amount;
- incurring interdepartmental transfers above the virement limits set out in these Rules.

A.28 The CFO can choose to delegate day-to-day responsibilities to an appropriate representative(s). Where this is the case, the delegation and officer responsibilities must be clearly documented and be kept under regular review by the CFO.

The Head of Internal Audit (HIA)

- A.29 The HIA is designated by the CFO and plays a key role in providing assurance to the Members, the CFO, the HPS and Council's Management Team about the probity, practical deployment and effectiveness of financial management at the Council.
- A.30 The HIA has rights of access to information and data held by officers or Members of the Council at all reasonable times and is responsible for the overall co-ordination and deployment of internal audit resources at the Council.
- A.31 The HIA is responsible for reporting on any relevant matter of concern to senior management and Members of the Council outside normal line management arrangements to protect the interests of the Council and/or local tax payers.

Responsibilities of Directors

- A.32 Whilst the CFO has overall responsibility for the finances of the Council, Directors are responsible for ensuring the effective discharge of the day-to-day management of their Directorate finances and/or the finances of any projects or programmes for which they are responsible. It is the responsibility of Directors to make appropriate arrangements for the discharging of their financial responsibilities by Assistant Directors and Managers within their Directorate, delegating authority to manage budgets to an appropriate level of management and thereby creating a budget holder structure. Directors should review the performance of managers in delivering their budget holder role.

Directors, Assistant Directors and Managers responsibilities include: -

- A.33 Operating sound financial management of their allocated budget and only committing the Council to expenditure where there is sufficient funding available;
- A.34 Promoting and ensuring compliance with the financial management standards and practices set by the CFO in their Directorates and/or any projects or programmes for which they are responsible;
- A.35 Consulting with the CFO on any matter which is liable to materially affect the resources of the Council. This must be done before any commitment is incurred, or a report made to a Portfolio Holder or to a Committee for decision;
- A.36 Ensuring that Portfolio Holders are advised of the financial implications of all proposals and that these have been agreed by the CFO or their nominated representative;
- A.37 Reporting suspected fraud and irregularities to the Police or external agencies in consultation with the CFO;
- A.38 Safeguarding all assets and information used in their day-to-day activities within the Directorate.

FINANCIAL PROCEDURE RULE B: FINANCIAL PLANNING AND BUDGETING

Budget Preparation and Approval

- B.1 The annual revenue budget (including medium-term financial strategy) proposed by the Elected Mayor will be agreed by Cabinet and then put forward for approval to Council. Council may amend the budget strategy or ask the Elected Mayor to reconsider it before approving it, as detailed in the Constitution (part 4, section 3).
- B.2 The CFO will report on the robustness of budgets and the adequacy of Council reserves to the Council meeting which approves the Elected Mayor's budget and Council Tax proposal.
- B.3 The multi-year capital programme proposed by the Elected Mayor will be agreed by Cabinet and then put forward for approval to Council annually. The annual review will update the multi-year capital programme for any new additions and revisions to the approved budgets. The CFO will advise on the affordability of capital investment plans and propose prudential indicators for the approval of Council. Relevant approval is required before a project can commence or commit to capital spend.

Budget Management and Monitoring

- B.4 Directors and budget holders will control income and expenditure within their area, taking account of financial information provided by the CFO. The Chief Executive will ensure that the Management Team monitor and control expenditure against approved budgets and address any problems of overspending or resource re-allocation.
- B.5 A Budget Holder may only authorise expenditure from budgets under their direct control. Throughout the financial year each Budget Holder shall monitor income (including any grants) and expenditure against those specific budgets for which they are responsible. Budget Holders shall supply accurate and timely budget monitoring information to the CFO, as and when required. Budget Holders shall supply the CFO with sufficient information, as and when required, to enable financial projections to be produced.
- B.6 Directors should report on variances within their own budget responsibility areas and should formulate and promptly implement, action plans in respect of any significant variances. They should also take any action necessary to avoid exceeding their budget allocation and must alert the CFO to any problems at the earliest opportunity.
- B.7 The latest forecast budget position will be reported regularly to Directors and Cabinet.
- B.8 The CFO is responsible for agreeing the system and methodology of all recharges.

- B.9 The CFO is responsible for agreeing any in-year additions to the capital programme, including any additional resources for approved projects. Following CFO agreement and before any commitment to spend, a project specific report in line with key decision rules, is required to approve the capital project for inclusion in the capital programme.
- B.10 The CFO will report any significant deviations from expectations for prudential indicators through regular reports to Cabinet. The key objectives of the prudential indicators are to ensure that capital investment plans are affordable, prudent and sustainable.

Virements

- B.11 Virement is the transfer of resources from one budget heading to another, including movement between any earmarked reserves.
- B.12 Virement is not permitted from certain budget heads, other than by the CFO, as this impacts on the Council's ability to fund non-discretionary expenditure. These excluded heads are as follows, or as may be determined from time to time by the CFO: -
- Capital Charges and Financing;
 - Support Services Recharges;
 - Administration and Building Recharges.
- B.13 Directors are responsible for agreeing in-year virements within their Directorate budgets but cannot agree virements within their Directorate for budgets funded by: -
- Corporate Capital Resources including prudential borrowing;
 - Earmarked Reserves.
- B.14 Proposals for virement between Directorates must be approved by the CFO, up to £250,000 and key decision approval is required for virements greater than £250,000 i.e. by Elected Mayor and/or Cabinet and/or Portfolio Holder. The value of the virement is defined as the gross annual budget.

Fees and Charges Approval

- B.15 At the annual budget meeting Council will approve the annual percentage change for all discretionary fees & charges for the forthcoming financial year as proposed by Cabinet. Council will also agree any exceptions which must be agreed by the relevant Portfolio Holder prior to the annual budget meeting. The proposals will be based on advice from the CFO taking into consideration inflation, market forces and the Council's overall financial position.

- B.16 Any new fees and charges proposed within the financial year or any changes to existing fees and charges, for which the estimated income is below the key decision threshold, will be approved by the CFO in consultation with the relevant Portfolio Holder, ~~(subject to key decision rules)~~ and reported to Cabinet in the quarterly monitoring report. Any new fees and charges proposed within the financial year or any changes to existing fees and charges, for which the estimated income is above the key decision threshold, will be approved by Cabinet in a specific report. -
- B.17 Some fees and charges are set by legislation and therefore the above paragraphs (B.15 and B.16) do not apply.

Treatment of Year-End Under/Overspends

- B.18 Any under / overspend at the year-end on the Directorate revenue budget will not be carried forward to the following financial year.
- B.19 The CFO may approve a budget carry forward of a ring-fenced grant or where a grant has conditions or expectations attached, where the related expenditure is not expected to be incurred in the current financial year. The CFO may also approve a budget carry forward where not carrying the budget forward would adversely affect the Council's budget position. Cabinet will approve all other budget carry forward requests through the outturn report, taking advice from the CFO and Chief Executive.

FINANCIAL PROCEDURE RULE C: RISK MANAGEMENT AND CONTROL OF RESOURCES

Introduction

- C.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant strategic and operational risks to the Council. This should include the ongoing pro-active participation of all those associated with planning and delivering services.

Risk Management

- C.2 Cabinet is responsible for approving the Council's Strategic Risk management policy and to promote a culture of risk management awareness throughout the Council, which is monitored by the Audit Committee.

Insurance

- C.3 The CFO is responsible for ensuring that proper insurance exists where appropriate. Directors are responsible for updating and approving insurance schedules for the CFO. Directors are also responsible for providing timely and accurate information to the CFO in relation to any insurance claims. The CFO is responsible for advising the Cabinet on proper insurance cover where appropriate.

Internal Control

- C.4 'Internal control' refers to the systems of control devised by management which must: -
- facilitate the effective exercise of the Council's functions and the achievement of the Council's aims and objectives;
 - ensure that the financial and operational management of the Council is effective; and
 - include effective arrangements for the management of risk.
- C.5 The HIA is responsible for completing an assessment and forming an opinion on the overall adequacy and effectiveness of the Council's governance, risk management and control arrangements via an annual report to Audit Committee.
- C.6 The CFO is responsible for annually preparing an Annual Governance Statement to the requirements of the Accounts and Audit Regulations 2015 (as amended).

C.7 It is the responsibility of Directors to maintain adequate internal control arrangements in their service areas and establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial and service performance targets.

Audit Requirements

C.8 The Accounts and Audit Regulations 2015 require every local authority to maintain an adequate and effective internal audit of its accounts and supporting systems. The Council's internal audit function will fulfil this requirement and will do so in accordance with the approved Audit Charter and the United Kingdom Public Sector Internal Audit Standards (PSIAS). These require: -

- that internal auditors are given access at all reasonable times for requests to access premises, personnel, documents and assets that the auditors consider necessary for the discharge of their official duties;
- that auditors are provided with any information and explanations that they seek in the course of their work;
- audit reports and recommendations are responded to within the timescales determined by the HIA;
- that any agreed actions arising from audit recommendations are carried out within timescales agreed between both Management and Internal Audit. The relevant Director must ensure that sufficient resources are in place to implement the agreed management actions and will be required to account to the Council's Audit Committee where such actions are not achieved; and
- that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Head of Internal Audit prior to implementation.

C.9 External Auditors shall be appointed to the Council to conduct and report on, the external audit of the Council in accordance with the relevant statutory code of audit practice.

C.10 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies that have statutory rights of access.

Preventing Fraud and Corruption

C.11 The Chief Executive has overall responsibility for the maintenance and operation of this framework. The Chief Executive is supported in this by the Director of Corporate Resources, Assistant Director of Finance, Assistant Director of Human Resources and Communications, Assistant Director of Legal and Democratic Services and the HIA.

C.12 This policy and strategy shall be subject to periodic monitoring and updating with the intention of ensuring that the policy remains relevant.

C.13 An Annual Fraud Report is produced showing the outcomes of the Council's anti-fraud work and a counter fraud plan is included within the annual audit plan.

- C.14 Members of staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.
- C.15 Directors must notify the CFO, via the HIA, immediately of any suspected fraud, irregularity, improper use or misappropriation of the Council's property or resources. Pending investigation and reporting, the Director, in consultation with the CFO should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration. Directors are responsible for reporting suspected fraud and irregularities to the Police or external agencies, in consultation with the CFO.

Asset Management

- C.16 The Council holds tangible assets in the form of property, vehicles, equipment, electronic devices, furniture and other items (e.g. share certificates) worth many millions of pounds. It also makes use of other non-tangible assets such as intellectual property. It is essential to the financial health and well-being of the Council that these assets are safeguarded and used efficiently and effectively in supporting the delivery of Council services. All staff are responsible for safeguarding the assets and information used in their day to day activities.
- C.17 The Assistant Director of Legal and Democratic Services shall have the custody of all title deeds under secure arrangements, maintaining a separate register of all such deeds. The Property Officer (responsible for the Council's properties) will maintain an up-to-date register of all Council land and buildings.
- C.18 The CFO shall ensure that a full and accurate register of all Council fixed assets is maintained, in accordance with good practice standards and the relevant Codes of Practice. The Property Officer is responsible for arranging the valuation of all land and buildings as necessary to meet the accounting requirements of the CFO.
- C.19 In the absence of any specific conditions or exemptions agreed by Cabinet and these FPR, the following have authority to undertake a review of property charges. If, in each case, the revised rent, licence fees, easement or wayleave payment or compensation claim does not exceed £250,000 per annum, the Property Officer may approve. In line with the revenue key decision threshold, if it is over £250,000 per annum, the approval of Cabinet is required.
- C.20 In respect of disposals of land and property (which includes the granting of a lease): -
- processes followed should be robust and transparent and in accordance with current legislation;
 - in all cases of planned disposal of land or property, the Property Officer, the Assistant Director of Legal and Democratic Services and the CFO must be consulted.
 - In line with the capital key decision threshold, where the estimated disposal value is less than £1,000,000 the Property Officer, having taken financial and legal advice, may arrange for the disposal of land or property. Where the estimated disposal value of individual property assets is equal to or greater than £1,000,000, a key decision is required;

- in respect of disposal at less than Best Consideration where the estimated disposal value would otherwise have been at less than £250,000 (revenue key decision limit), the Property Officer may arrange for the disposal of land or property;
- in respect of disposal at less than the Best Consideration where the estimated disposal value would otherwise have been at or above £250,000 (revenue key decision limit), the Property Officer shall prepare a report to Cabinet, requesting approval to proceed with the disposal in accordance with the relevant legislation (Circular 06/03: Local Government Act 1972 general disposal consent (England) 2003);
- all arrangements for the acquisition and disposal of land and buildings shall be in accordance with Council Asset Management Policy and be conducted by the Property Officer, including all negotiations and the preparation and certification of valuation certificates.

In respect of the acquisition of land and property: -

- where budget provision for an acquisition exists within the total Council budget, the Property Officer may approve a purchase of land or property.

Leasing Agreements

- C.21 The Property Officer is responsible for the negotiation of terms and conditions and authorising any leasing of land and property assets to or from the Council, and maintaining a complete register of land and property leases.
- C.22 The Council will not lease in or out any assets other than land and property except where the CFO determines that it is in the best interests of the Council. In those cases, the CFO is responsible for the negotiation of terms and conditions and authorising any leasing of assets to or from the Council, and maintaining a register of such leases.
- C.23 Directors are responsible for adhering to the terms and conditions for assets (excluding land and property) in their service acquired under a lease agreement, particularly in relation to wear and tear and residual condition of the asset at the end of the leasing period.
- C.24 Any assets subject to a leasing agreement must not be disposed of without the prior consent of the CFO who shall be responsible for terminating the lease.

C.25 A lease is considered to be a disposal Under Section 123 of the Local Government Act 1972 and the granting of a lease at less than best consideration is therefore dealt with as set out above in C.20.

Inventory

- C.25 Directors are responsible for the care, custody and recording of the stocks, stores and equipment in their respective service areas; ensuring that they are kept securely, protected from loss, theft and damage etc.

C.26 Directors are responsible for: -

- only holding stocks, stores or equipment that are required to meet their service's reasonable requirements;
- maintaining local inventories recording adequate descriptions of all furniture, fittings, equipment, plant and machinery above £1,000 together with all attractive and portable items below this figure; reviewing annually the stocks, stores or equipment required for their service areas; and
- review and write-off promptly obsolete items of stocks, stores or equipment.

C.27 Directors shall provide the CFO with the information in relation to all inventories that is required for accounting, costing and financial records.

Treasury Management

C.28 The Council will have due regard to all recognised codes of practice and guidance issued relating to its Treasury Management operations. The Council defines its treasury management activities as: -

"The management of the organisation's investments and cash flows, its banking, money market and capital market transactions; the effective control of risks associated with those activities, and the pursuit of optimum performance consistent with those risks."

C.29 The Council will create and maintain the following: -

- a Treasury Management strategy statement, approved by Council, stating the policies and objectives of its treasury management activities;
- suitable treasury management practices, setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities; and
- Treasury Management Prudential Indicators as part of the Council's budget and policy framework.

C.30 The Cabinet will receive regular reports on the treasury management activities which will include as a minimum an annual strategy report in advance of the forthcoming financial year and an annual report detailing the performance of actual activity six months after the financial year.

C.31 The Council delegates responsibility for all decisions, execution and administration of its treasury management activities to the CFO. The CFO will enter into any borrowing, investment and guarantees on behalf of the Council.

FINANCIAL PROCEDURE RULE D: SYSTEMS AND PROCEDURES

General

- D.1 The CFO is responsible for the operation of the Council's Enterprise Resource Planning ('ERP') system, the form of accounts and the supporting financial records.
- D.2 Any new or changes to current systems containing financial transactions must be approved by the CFO prior to procurement and/or implementation. The CFO can request changes to be made to Directorate systems, where they do not provide the necessary financial data required. Suitable and appropriate business continuity arrangements should be established, tested and kept up to-date in respect of all important financial systems.
- D.3 Directors must ensure that information is processed in accordance with data protection legislation. Directors must ensure that staff are aware of their responsibilities under the Data Protection Act 2018, the General Data Protection Regulation, the Freedom of Information Act, the Regulation of Investigatory Powers Act and any other Council policies and guidance relating to the use of information and the use and procurement of I.T. systems.

Scheme of Authorisation

- D.4 It is the responsibility of Directors, in consultation with the CFO, to ensure that a proper Scheme of Authorisation has been established within their area that is suitably documented and is operating effectively. The Scheme of Authorisation should identify staff authorised to act on the Director's behalf in income collection and placing orders/raising requisitions and making payments, together with the limits of their authority. These records should be amended promptly where changes in circumstances or personnel take place and reviewed annually to ensure that they are kept up-to-date.

Income

- D.5 Directors are responsible for ensuring that all income due to the Council is identified and collected for the services provided by their Directorate. It is preferable to obtain income in advance of supplying goods or services as this improves the Council's cash flow and also avoids the time and cost of administering and collecting debts.
- D.6 Directors are responsible for the safeguarding of any income collected prior to banking. All relevant details must be forwarded to the CFO to allocate the income to the correct budgets.
- D.7 Any changes to fees and charges must be in accordance with rule B.16.

- D.8 In order to comply with the Money Laundering Regulations 2017, the Council will not accept cash income for the purchase of goods with a value greater than the sterling equivalent of €15,000 (approx. £11,000). This also applies where payment is accepted over a number of instalments and the total value of all instalments exceeds €15,000. If goods are sold exceeding this value, a payment method other than cash is required, e.g. electronic bank transfer.
- D.9 Only the CFO has the legal authority to write-off bad debts. In order to do this, the following arrangements are in place: -
- The write-off of Bad or doubtful debts below £250,000 can be authorised by the CFO, who may delegate responsibilities as necessary for smaller items;
 - The CFO will consult with the Elected Mayor before authorising the writing-off of debts of £250,000 or over.

In all cases, debts will not be written-off unless processes for collection have proved fruitless. All requests for write-offs will be made by the relevant Director with due explanation for non-collection. All write-offs made will be properly recorded and such records retained.

Banking Arrangements

- D.10 The CFO is responsible for all matters relating to the establishment, varying and closing of bank accounts for the Council and for approving all standing orders, direct debits or other electronic payment methods from the Council's bank accounts. This includes imprest and petty cash accounts and debit/credit cards.

Ordering and Paying for Works, Goods and Services

- D.11 The CFO is responsible for approving the form of orders and associated terms and conditions.
- D.12 Directors should identify and maintain a list of designated officers to authorise orders.
- D.13 Directors should ensure that the following key controls are complied with: -
- works, goods and services are procured in accordance with the Contract Procedure Rules (CPR) and by designated officers;
 - designated officers ensure that there is uncommitted budget before placing an order;
 - works, goods and services received are checked to ensure they are in accordance with the order;
 - there is proper separation of duties between staff responsible for ordering, receiving, checking works, services and goods and authorising invoices for payment;
 - payments should not be made unless goods have been received by the Council to the correct price, quantity and quality standards, except where the CFO advises that payment in advance is the accepted practice for the type of expenditure involved, e.g. subscriptions, travel or conference facility fees;

- payments are made to the correct person for the correct amount and are properly recorded;
- where payments are made by cheque or electronically these should be made by the CFO;
- appropriate evidence of the transaction and payment documents are retained and stored for the appropriate period as defined by the document retention schedule; and
- expenditure, including V.A.T. is accurately recorded against the appropriate budget and that budgetary provision exists to cover the payment.

Payments to Employees and Members

D.14 The CFO is responsible for all payments of salaries, wages and expenses to staff and members in accordance with approved procedures and rules.

Taxation

D.15 The CFO is responsible for advising Directors on all taxation issues that affect the Council.

D.16 The CFO is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate. Directors shall provide such information, maintain such records and administer taxes in a suitable manner, as the CFO requires, to fulfil these responsibilities.

FINANCIAL PROCEDURE RULE E: EXTERNAL ARRANGEMENTS

Introduction

- E.1 The Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social, or environmental well-being of its area.
- E.2 All projects involving the voluntary sector must be supported by an appropriate assessment of need, options appraisal, value for money and contain expected outcomes.

Partnerships, Trusts or Other Organisations

- E.3 The Council should be clear about the role and responsibility of officers or members attending or participating in any partnerships, trusts or other organisations as a result of their position within the Council. Cabinet is responsible for approving delegation of financial management arrangements relating to, and specifically, agreeing partnerships.
- E.4 The Council representative on any partnership, trust or other organisation must refer all financial decisions to Cabinet, including considering any recommendations that would create a commitment or liability for the Council. Any other specific delegation arrangements in respect of partnerships will be set out in the Scheme of Delegation.
- E.5 The MO is responsible for promoting and maintaining the same high standards of conduct with regard to partnerships that apply throughout the Council and representatives to partnerships should exercise these same high standards. Representatives should not be put under any actual or perceived undue pressure to carry out a particular course of action.
- E.6 The CFO must ensure that accounting arrangements to be adopted relating to partnerships, joint operations and joint ventures are satisfactory. Directors must also consider any overall corporate governance issues and shall take account of any legal issues when arranging contracts with external bodies. They must ensure that the risks have been fully appraised and brought to the attention of the respective decision-maker before agreements are entered into with partners and other external bodies and that all significant risks are effectively managed and reported upon.

- E.7 All partnership agreements involving the discharge of Council Services and statutory duties by external bodies in exchange for payment shall contain the following clause: -

In order to deliver the Council's statutory responsibilities for internal audit, the HIA shall have all reasonable rights of access to information and persons of the partner body so as to ensure that the Council's internal control arrangements are sound, its financial interests protected and all income due to it and payments made by it can be vouched for and confirmed to be adequate and correct.

- E.8 Directors are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work or partnerships with external bodies, before financial arrangements are made.

External Funding

- E.9 Directors are authorised to apply for external funding, in consultation with the CFO, which contribute to the delivery of Council services or achievement of Council goals. Grant acceptance and/or commitment is subject to key decision rules; acceptance and/or commitment to revenue funding above £250,000 will be approved by key decision and acceptance and/or commitment to capital funding above £1,000,000 will be approved by key decision. It must be explicit in the grant determination that the funding is capital grant, otherwise the threshold for approval by key decision will be £250,000.

- E.10 Grant acceptance and/or commitment relating to external funding opportunities arising after the budget has been set and which will be used to replace funding for existing approved activity (i.e. a funding swap), can be approved by the CFO and will not be subject to key decision rules, provided the terms and conditions of the funding do not change the scope of the existing approved activity.

- E.11 Grant acceptance and/or commitment relating to external funding from Government, where the Council has no choice but to accept the funds and where the Council must spend or passport the funds as directed by Government, can be approved by the CFO and will not be subject to key decision rules.

- E.120 Any external funding received by the Council after the budget for the year has been approved, outside of rule E.9, E.10 and E.11, will be classed as a corporate resource unless otherwise determined by the CFO.

- E.134 Directors are responsible for ensuring that action plans are in place (including exit strategies and match funding arrangements) for all external funding within the Directorate.

- E.142 The CFO, in consultation with the respective Director, is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts. Directors are responsible for promptly informing the CFO about such funding and of any subsequent modifications to timing and amounts of anticipated funding.

- E.153 Where the income is receivable against a grant claim, the respective Director is responsible for producing the grant claim and shall provide sufficient information to enable the claim to be signed by the Chief Executive, CFO or any other relevant person where appropriate.

Work for Third Parties

E.164 Current legislation enables the Council to provide a range of services to other bodies, e.g. shared services, joint ventures. The relevant Director, in consultation with the CFO, is responsible for approving the contractual arrangements for work undertaken on behalf of third parties or external bodies, subject to key decision rules. In all cases consideration must be given to the financial, legal, risk and human resources implications of such arrangements both in the short and longer term.

Grants to Outside Bodies

E.175 Directors are authorised to approve grants and annual assistance to external bodies, subject to key decision rules and other requirements of these FPR and related guidance and this approval being formally recorded. Grants to Academies and Voluntary Aided schools for capital projects are exempt.

E.186 Irrespective of where approval responsibility rests, the relevant Director must ensure the Council's interests are protected at all times and must be in a position to provide assurance that the following requirements have been met or will be met before any grant or other assistance is actually made: -

- the receiving body has been properly identified with suitable lead parties, its work/purpose is identified, and are bona fide, with suitable trust documents or Constitution;
- any conflicts of interest have been declared and properly managed;
- any risks to such agreements and the Council's interests are being adequately and appropriately managed on a continuous basis;
- it will be possible to confirm the proper use of the Council's assistance, including the purpose and outcomes, which contribute to the delivery of Council services or achievement of Council goals;
- arrangements for the repayment of any loan have been made;
- arrangements to gain repayment/recovery for the value of the assistance are in place in the event of default by the recipient, including taking security of assets where appropriate;
- appropriate monitoring and performance arrangements, commensurate with the value of grant, are to be set in place to ensure the predetermined expected outcomes and performance of the external organisation are being satisfactorily achieved;
- ~~arrangements are set in place whereby the recipient will produce his/her financial accounts to a representative of the council so that they can confirm the proper use of the grant/assisted sum and the recording of its receipt in the proper accounts of the body;~~
- the recipient will provide evidence to the Council demonstrating the proper accounting for and use by the recipient of the assistance;

- ~~arrangements are set in place for the recipient to provide, including, for assistance over £5,000 in value, a copy of the annual accounts of the body, access to other~~ accounting records as ~~the Council is deemed~~ necessary and the CFO and representative of the Council are given rights supporting such access to information, documents and evidence;
- a formal legally binding agreement is in place between the Council and the body covering the above conditions relating to the use of the grant or other assistance;
- for grants in excess of £10,000, arrangements should be made to monitor the financial status of the recipient in order to ensure that the Council is not providing assistance to a body that is to, or is likely to, terminate for financial reasons and hence be unable to fulfil the purpose for which assistance is being given.

E.197 Full records shall be maintained of all grants and related applications for assistance; they should identify members of staff or Members involved in the processing of applications and grants; should record the date of approval of any grant or other assistance, together with other relevant transaction information.

E.2048 Directors are responsible for promptly taking action where there are concerns over delivery, accounting or any other aspects of scheme administration and management. This may require recovering grant sums or the value of assistance given and assets provided by the Council.

APPENDIX A: GLOSSARY

In these Rules, unless the context otherwise requires: -

Asset is any asset including material and intellectual property but excluding any estate or interest in land and buildings, i.e. 'Property' as defined by these FPR.

Bad debt means any debt that is unable to be collected after all reasonable efforts have been exhausted.

Budget is a plan expressed in financial terms.

Budget Framework is the overall budget approved by Council this includes the revenue, capital and HRA budgets for the medium-term.

Budget Holder is an officer nominated by a Director as being responsible for managing a defined sum of money, i.e. 'budget'.

Capital Programme is the sum of all the Council's individual capital projects.

Capital Project is a project which uses capital resources to build, improve, increase the market value or substantially lengthen the useful life of an asset.

Capital Expenditure is to acquire fixed assets that will be of use for more than one year in which they are acquired and which adds to the Council's tangible assets rather than simply maintaining existing ones.

Council means Doncaster Council.

Chief Financial Officer (CFO) is appointed by the Council to exercise the powers defined in Section 151 of the Local Government Act 1972.

CIPFA is the Chartered Institute of Public Finance and Accountancy; the professional body for people in public finance.

CPR means the Contract Procedure Rules.

Depreciation means the measure of the wearing out, consumption or other reduction, in the economic life of a fixed asset, whether arising from use, passage of time or obsolescence through technological or other changes.

Director means the Chief Executive and those Managers that report direct to the Chief Executive.

Directorate refers to the large departments that make up the Council's management structure.

Doubtful debts means any debt that is unlikely to be collected after all reasonable efforts have been exhausted.

Earmarked Reserves are funds set aside for a specific purpose.

Executive means the body described in Part 1 of the Constitution.

Finance Manual is the detailed financial guidance which will assist users in the applications of these FPR.

FPR means these Financial Procedure Rules.

Head of Internal Audit (HIA) leads the Council's Internal Audit function.

Key Decision has the meaning as set out in the Council's constitution and is a decision that is likely to:

Result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or

Be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council.

The level of expenditure/savings which this Authority has adopted as being financially significant are: (a) in the case of the revenue budget, gross full-year effect of £250,000 or more. (b) in the case of the capital budget, £1,000,000 or more in respect of a single project or set of interdependent projects. ~~or otherwise across one financial year.~~

Leasing Agreement is a contract for the provision of finance to enable goods or services (but not Property) to be obtained and where ownership in any goods does not necessarily pass to the Council at the end of the contract period.

Management Team means the group of executive staff comprising the senior management charged with the execution of strategy.

Medium-term Financial Strategy (MTFS) refers to the overview of the Council's revenue position over the next four-year period.

Member is a Councillor generally or, in relation to a committee or sub-committee, a Member of that committee or sub-committee. The Elected Mayor will be treated as a Member of the Council unless the law or context requires otherwise.

Monitoring Officer (MO) is designated as the Assistant Director Legal and Democratic Services.

Officer means any employee of the Council or other authorised agent.

Partnership means an arrangement where parties agree to cooperate to advance their mutual interests.

Portfolio Holder is the Councillor who, as a member of the Executive, has primary responsibility for a defined area of service(s).

Property refers to any estate or interest in land or buildings.

Property Officer is a designation currently held by the Assistant Director of Development.

Reserves means the accumulation of surpluses, deficits and appropriations over past years.

Revenue is income or expenditure, arising from or spent on, day-to-day activities and short lived commodities or consumables.

Revenue Budget is the Council's revenue spending plans for the year including the level of Council tax.

Services means the provision by a contractor of any services or similar facilities or works for the Council.

Virement is the transfer of resources between or within approved cost centres for both revenue and capital purposes.



Doncaster
Council

DONCASTER COUNCIL FINANCIAL PROCEDURE RULES

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INTRODUCTION

- 1.1 These **Financial Procedure Rules** form part of the overall control framework within which Doncaster Council operates. They aim to facilitate effective service delivery by setting out best practice for the administration of all financial matters throughout the Council, ensuring a high quality of financial information and enabling decision making. They enable the Council to conduct its business efficiently and operate an appropriate level of public accountability.
- 1.2 The Constitution defines the rules governing the procedures of the Council including responsibility for functions, Contract Procedure Rules and these Financial Procedure Rules.
- 1.3 The Constitution defines the framework within which the powers to make decisions, take action etc. are delegated to the appropriate level in the organisation. In particular the Constitution: -
 - requires all Directors to act within the terms of these Rules in the exercise of their delegated powers;
 - empowers the Chief Financial Officer (CFO) to act as the Proper Officer under Section 114 of the Local Government Finance Act 1988 (as amended) and the Local Government Act 2003;
 - empowers the CFO to exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 (as amended).
- 1.4 The Contract Procedure Rules define the correct procedures to be followed when the Council enters into any contractual arrangement and should be read in conjunction with these Rules.
- 1.5 The Finance Manual is a comprehensive document detailing all aspects of financial systems and procedures and is designed for use on a day to day basis by staff involved in any aspect of financial administration. Any new or revised instructions on financial matters issued by the CFO will be incorporated into the Finance Manual.

Application of the Rules

- 2.1 These rules apply across all parts of the Council. They govern management of financial resources and assets under the Council's direct control but also extend to the Council's partnerships, its subsidiaries, its associates, joint ventures, joint operations and any other arrangements in which the Council has an interest. This is to the extent that they are capable of being imposed by virtue of the Council's control or influence and would not be detrimental to the interests of the Council. Doncaster Schools have their own financial procedure rules, approved by governors, which are aligned to those of the Council.
- 2.2 All members and staff have a general responsibility for taking reasonable action to provide for the security of the assets, funds and resources under their control, and for ensuring that the use of these resources is legal, is properly authorised and provides value for money.

Maintaining the Rules

- 3.1 The Council operates a system of managerial and financial control whereby the CFO has overall responsibility for the proper management of the finances of the Council as a whole but the responsibility for the day-to-day financial control and administration in Directorates and other corporate project and programme work is devolved to the relevant Director.
- 3.2 The overall responsibilities of the CFO in respect of these rules are therefore to:
- maintain these Rules and submit any additions or changes necessary to Council for approval in consultation with the MO (Monitoring Officer) and Chief Executive;
 - issue explanatory advice and guidance to underpin these Rules as necessary. Where such advice and guidance is issued, Members, officers and others acting on behalf of the Council are required to comply with the general provisions of these Rules;
 - require any officer to take any action deemed necessary (as is proportionate and appropriate) to ensure proper compliance with these Rules;
 - report, where appropriate, any breaches of these Rules to Members;
 - report all waivers of Rules to Members approved by the CFO during the course of any financial year which the CFO has delegated authority to determine.
- 3.3 Should any uncertainty or dispute arise pursuant to these Rules, the matter must be referred to the CFO for interpretation and/or arbitration.

Non-Compliance with the Rules

- 4.1 Failure to comply with any part of these Rules may constitute misconduct and lead to formal disciplinary action. Non-compliance will be referred for management action, to be dealt with by the relevant Director in most instances. Serious breaches will be referred to the CFO who may require remedial action to be taken by the Director.
- 4.2 Any waivers or non-compliance will be reported to Audit Committee on a 6-monthly basis.

General Principles of Financial Management

5.1 The financial management staff report to the CFO and provide day to day support to all Directorates. They are able to provide assistance to any member or officer regarding financial management. The general principles of financial management operated in the Council follow best practice guidance and aim to ensure that: -

- roles and responsibilities are clearly understood;
- there is a system of financial control which ensures that transactions are authorised appropriately, with adequate separation of duties;
- financial transactions are recorded properly, with a clear audit trail;
- clear, up-to-date and accurate position reports will be provided to Directors and Cabinet to properly monitor the financial standing of the Council;
- risks are managed on an ongoing basis and, for significant projects with financial impact, risks are registered and managed;
- the Council's Enterprise Resource Planning (ERP) system and other key financial systems and processes are documented and business continuity plans in place to maintain effective financial administration at all times;
- staff are aware of and comply in spirit and substance with the Council's anti-fraud and corruption policy.

FINANCIAL PROCEDURE RULE A: FINANCIAL MANAGEMENT – RESPONSIBILITIES

Responsibilities of the Full Council

These are detailed in the Constitution at Article 3; the financial responsibilities are: -

- A.1 Setting the Budget and Policy Framework within which the Cabinet will operate.
- A.2 Approving any budgetary decision that causes the total expenditure financed from Council Tax, grants and reserves to be increased above that approved.
- A.3 Approving the Treasury Management policy statement and an annual Investment strategy for the Council's cash balances.

Responsibilities of the Elected Mayor and Cabinet

These are detailed in the Constitution; the financial responsibilities of the Elected Mayor and Cabinet are: -

- A.4 Proposing the Budget and Policy Framework and Capital Programme to Council and for discharging executive functions in accordance with the Budget and Policy Framework agreed by Council.
- A.5 Approving the Strategic Risk Management policy statement and strategy.
- A.6 The Elected Mayor determines the Scheme of Delegation which will govern the framework for financial decision-making and budgetary responsibility, except where these financial procedure rules impose other responsibilities or arrangements. Executive decisions can be delegated by the Elected Mayor, to a committee of Cabinet, an individual cabinet member, a member of staff, or a joint committee. Where the scheme of delegation established by the Elected Mayor is silent as to where responsibility for a budget lies, the budget holder will be the officer with responsibility for the relevant service, policy or project.

Responsibilities of Committees

Audit Committee is responsible for: -

- A.7 Approving the Council's Annual Governance Statement.
- A.8 Considering audit matters for recommendation to Cabinet including the Council's anti-fraud and corruption policy.

Overview and Scrutiny Management Committee's financial responsibilities include: -

- A.9 Scrutinising executive decisions before or after they have been implemented and for holding the Executive to account.
- A.10 Making recommendations on future policy options and for reviewing the general policy, budget and service delivery of the Council.
- A.11 Providing a response within 4 weeks to the Elected Mayor's budget proposal.

Responsibilities of Officers

- A.12 Officer responsibilities for the overall management of the Council's financial affairs are variously set out by legislation, the provisions of the Council's Constitution and the Council's Scheme of Delegation.
- A.13 Certain legislation requires the Council to designate particular officers as the 'proper officer' for the performance of certain functions. 'Proper Officer' functions include the responsibilities of the Head of Paid Service (HPS), the Monitoring Officer (MO) and Chief Financial Officer (CFO) in managing the overall financial affairs of the Council. Formal recognition is also given to the particular responsibilities and functions of the Head of Internal Audit (HIA) at the Council in accordance with best practice advice and guidance.

Chief Executive

The Head of Paid Service (HPS) is designated as the Chief Executive. The financial responsibilities of the Chief Executive include: -

- A.14 Advising the Elected Mayor on budget strategies as linked to the Corporate Plan and Council Policies, including the preparation of a medium-term financial strategy.
- A.15 Advising the Elected Mayor in preparing a capital programme and establishing capital budgets for identified projects.
- A.16 Establishing protocols to ensure that those with Executive decision-making powers consult with relevant officers before taking a decision within their delegated authority. In doing so, the individual officer or Member must take account of legal, financial and human resource implications, other internal policies and any cross-cutting issues where relevant.
- A.17 Ensuring that there is a proper scheme of delegation, which clarifies responsibilities from the Elected Mayor downwards and the skills to carry out those responsibilities. This will include developing and maintaining a resource allocation process that ensures due consideration of the Council's Budget and Policy Framework.
- A.18 Establishing arrangements for the ongoing regular review, assessment and assurance of the effectiveness of the Council's internal control arrangements and for annually preparing an Annual Governance Statement.

Monitoring Officer (MO)

The MO is responsible for: -

- A.19 Promoting and maintaining high standards of conduct including those of financial administration.
- A.20 Reporting any actual or potential breaches of the law or maladministration to Council and/or to the Cabinet.
- A.21 Ensuring that procedures for recording and reporting key decisions are operating effectively and that executive decisions and the reasons for them are made public. The MO must also ensure that all Members are aware of key decisions made by those with Executive decision-making powers.
- A.22 Advising all Members and employees about who has authority to take a particular decision.
- A.23 Advising (in conjunction with the CFO), whether a decision is likely to be considered contrary or not wholly in accordance with the Budget and Policy Framework (see rule A.27 for examples of 'contrary to the budget').

Chief Financial Officer (CFO)

- A.24 The functions and responsibilities of the CFO are directed in the first instance by legislation that imposes statutory duties on the CFO for the proper management, financial administration and stewardship of Council assets and the fiduciary interests of current and future local tax payers. These responsibilities include: -
 - proper administration of the council's financial affairs, systems and procedures;
 - providing advice to the political and appointed Executive, Overview and Scrutiny and Council on financial and economic factors likely to influence the budget and policy framework. This may also include legal requirements, medium-term planning prospects, available resources, borrowing requirements, spending pressures, value for money and other relevant government guidelines;
 - reporting on the adequacy of the Council's reserves and the robustness of budgets to the Council meeting, which approves the Elected Mayor's budget and Council Tax proposal;
 - setting and monitoring compliance with financial management standards, accounting standards and policies;
 - ensuring proper professional practices are adhered to in relation to the standards, performance and development of all finance staff;
 - advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
 - providing high quality financial information to decision makers and preparing the annual statement of accounts in accordance with CIPFA's Accounting Code of Practice;
 - preparing the revenue budget and capital programme;
 - treasury management and insurance;

- ensuring adherence to the CPR, promoting value for money through compliant and best practice procurement processes;
- in exceptional circumstances personally suspending these Financial Procedure Rules, where to do so appears to be in the best interests of the Council and in its financial interests.

A.25 Section 114 of the Local Government Finance Act 1988 requires the CFO to report to the full Council, Executive and external auditor if the Council or one of its employees: -

- has made, or is about to make, a decision which involves or would involve incurring expenditure which is unlawful;
- has taken, or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Council;
- is about to enter an item of account the entry of which is unlawful.

It is the duty of the CFO, in preparing the report to consult with the MO and the Chief Executive as far as practicable.

A.26 Section 114 of the 1988 Act also requires: -

- the CFO to nominate a properly qualified member of staff to deputise should the CFO be unable to perform the duties under section 114 personally;
- the Council to provide the CFO with sufficient staff, accommodation and other resources, including legal advice where this is necessary, to carry out the duties under section 114 of the 1988 Local Government Finance Act.

A.27 In addition, the CFO (together with the MO) is responsible for advising Members as to whether a decision is likely to be considered contrary or not wholly in accordance with the Budget. Actions that may be contrary to the Budget include:

-

- initiating new policies that may impact on agreed budgetary provisions and resource allocations;
- committing expenditure in future years over and above the Council's Budget;
- causing the total expenditure financed from Council Tax, grants and corporately held reserves to increase, or to increase by more than a specified amount;
- incurring interdepartmental transfers above the virement limits set out in these Rules.

A.28 The CFO can choose to delegate day-to-day responsibilities to an appropriate representative(s). Where this is the case, the delegation and officer responsibilities must be clearly documented and be kept under regular review by the CFO.

The Head of Internal Audit (HIA)

- A.29 The HIA is designated by the CFO and plays a key role in providing assurance to the Members, the CFO, the HPS and Council's Management Team about the probity, practical deployment and effectiveness of financial management at the Council.
- A.30 The HIA has rights of access to information and data held by officers or Members of the Council at all reasonable times and is responsible for the overall co-ordination and deployment of internal audit resources at the Council.
- A.31 The HIA is responsible for reporting on any relevant matter of concern to senior management and Members of the Council outside normal line management arrangements to protect the interests of the Council and/or local tax payers.

Responsibilities of Directors

- A.32 Whilst the CFO has overall responsibility for the finances of the Council, Directors are responsible for ensuring the effective discharge of the day-to-day management of their Directorate finances and/or the finances of any projects or programmes for which they are responsible. It is the responsibility of Directors to make appropriate arrangements for the discharging of their financial responsibilities by Assistant Directors and Managers within their Directorate, delegating authority to manage budgets to an appropriate level of management and thereby creating a budget holder structure. Directors should review the performance of managers in delivering their budget holder role.

Directors, Assistant Directors and Managers responsibilities include: -

- A.33 Operating sound financial management of their allocated budget and only committing the Council to expenditure where there is sufficient funding available;
- A.34 Promoting and ensuring compliance with the financial management standards and practices set by the CFO in their Directorates and/or any projects or programmes for which they are responsible;
- A.35 Consulting with the CFO on any matter which is liable to materially affect the resources of the Council. This must be done before any commitment is incurred, or a report made to a Portfolio Holder or to a Committee for decision;
- A.36 Ensuring that Portfolio Holders are advised of the financial implications of all proposals and that these have been agreed by the CFO or their nominated representative;
- A.37 Reporting suspected fraud and irregularities to the Police or external agencies in consultation with the CFO;
- A.38 Safeguarding all assets and information used in their day-to-day activities within the Directorate.

FINANCIAL PROCEDURE RULE B: FINANCIAL PLANNING AND BUDGETING

Budget Preparation and Approval

- B.1 The annual revenue budget (including medium-term financial strategy) proposed by the Elected Mayor will be agreed by Cabinet and then put forward for approval to Council. Council may amend the budget strategy or ask the Elected Mayor to reconsider it before approving it, as detailed in the Constitution (part 4, section 3).
- B.2 The CFO will report on the robustness of budgets and the adequacy of Council reserves to the Council meeting which approves the Elected Mayor's budget and Council Tax proposal.
- B.3 The multi-year capital programme proposed by the Elected Mayor will be agreed by Cabinet and then put forward for approval to Council annually. The annual review will update the multi-year capital programme for any new additions and revisions to the approved budgets. The CFO will advise on the affordability of capital investment plans and propose prudential indicators for the approval of Council. Relevant approval is required before a project can commence or commit to capital spend.

Budget Management and Monitoring

- B.4 Directors and budget holders will control income and expenditure within their area, taking account of financial information provided by the CFO. The Chief Executive will ensure that the Management Team monitor and control expenditure against approved budgets and address any problems of overspending or resource re-allocation.
- B.5 A Budget Holder may only authorise expenditure from budgets under their direct control. Throughout the financial year each Budget Holder shall monitor income (including any grants) and expenditure against those specific budgets for which they are responsible. Budget Holders shall supply accurate and timely budget monitoring information to the CFO, as and when required.
- B.6 Directors should report on variances within their own budget responsibility areas and should formulate and promptly implement, action plans in respect of any significant variances. They should also take any action necessary to avoid exceeding their budget allocation and must alert the CFO to any problems at the earliest opportunity.
- B.7 The latest forecast budget position will be reported regularly to Directors and Cabinet.
- B.8 The CFO is responsible for agreeing the system and methodology of all recharges.

- B.9 The CFO is responsible for agreeing any in-year additions to the capital programme, including any additional resources for approved projects. Following CFO agreement and before any commitment to spend, a project specific report in line with key decision rules, is required to approve the capital project for inclusion in the capital programme.
- B.10 The CFO will report any significant deviations from expectations for prudential indicators through regular reports to Cabinet. The key objectives of the prudential indicators are to ensure that capital investment plans are affordable, prudent and sustainable.

Virements

- B.11 Virement is the transfer of resources from one budget heading to another, including movement between any earmarked reserves.
- B.12 Virement is not permitted from certain budget heads, other than by the CFO, as this impacts on the Council's ability to fund non-discretionary expenditure. These excluded heads are as follows, or as may be determined from time to time by the CFO: -
- Capital Charges and Financing;
 - Support Services Recharges;
 - Administration and Building Recharges.
- B.13 Directors are responsible for agreeing in-year virements within their Directorate budgets but cannot agree virements within their Directorate for budgets funded by: -
- Corporate Capital Resources including prudential borrowing;
 - Earmarked Reserves.
- B.14 Proposals for virement between Directorates must be approved by the CFO, up to £250,000 and key decision approval is required for virements greater than £250,000. The value of the virement is defined as the gross annual budget.

Fees and Charges Approval

- B.15 At the annual budget meeting Council will approve the annual percentage change for all discretionary fees & charges for the forthcoming financial year as proposed by Cabinet. Council will also agree any exceptions which must be agreed by the relevant Portfolio Holder prior to the annual budget meeting. The proposals will be based on advice from the CFO taking into consideration inflation, market forces and the Council's overall financial position.
- B.16 Any new fees and charges proposed within the financial year or any changes to existing fees and charges, for which the estimated income is below the key decision threshold, will be approved by the CFO in consultation with the relevant Portfolio Holder and reported to Cabinet in the quarterly monitoring report. Any new fees and charges proposed within the financial year or any changes to existing fees and charges, for which the estimated income is above the key decision threshold, will be approved by Cabinet in a specific report.

- B.17 Some fees and charges are set by legislation and therefore the above paragraphs (B.15 and B.16) do not apply.

Treatment of Year-End Under/Overspends

- B.18 Any under / overspend at the year-end on the Directorate revenue budget will not be carried forward to the following financial year.
- B.19 The CFO may approve a budget carry forward of a ring-fenced grant or where a grant has conditions or expectations attached, where the related expenditure is not expected to be incurred in the current financial year. The CFO may also approve a budget carry forward where not carrying the budget forward would adversely affect the Council's budget position. Cabinet will approve all other budget carry forward requests through the outturn report, taking advice from the CFO and Chief Executive.

FINANCIAL PROCEDURE RULE C: RISK MANAGEMENT AND CONTROL OF RESOURCES

Introduction

- C.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant strategic and operational risks to the Council. This should include the ongoing pro-active participation of all those associated with planning and delivering services.

Risk Management

- C.2 Cabinet is responsible for approving the Council's Strategic Risk management policy and to promote a culture of risk management awareness throughout the Council, which is monitored by the Audit Committee.

Insurance

- C.3 The CFO is responsible for ensuring that proper insurance exists where appropriate. Directors are responsible for updating and approving insurance schedules for the CFO. Directors are also responsible for providing timely and accurate information to the CFO in relation to any insurance claims. The CFO is responsible for advising the Cabinet on proper insurance cover where appropriate.

Internal Control

- C.4 'Internal control' refers to the systems of control devised by management which must: -
- facilitate the effective exercise of the Council's functions and the achievement of the Council's aims and objectives;
 - ensure that the financial and operational management of the Council is effective; and
 - include effective arrangements for the management of risk.
- C.5 The HIA is responsible for completing an assessment and forming an opinion on the overall adequacy and effectiveness of the Council's governance, risk management and control arrangements via an annual report to Audit Committee.
- C.6 The CFO is responsible for annually preparing an Annual Governance Statement to the requirements of the Accounts and Audit Regulations 2015 (as amended).

C.7 It is the responsibility of Directors to maintain adequate internal control arrangements in their service areas and establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial and service performance targets.

Audit Requirements

C.8 The Accounts and Audit Regulations 2015 require every local authority to maintain an adequate and effective internal audit of its accounts and supporting systems. The Council's internal audit function will fulfil this requirement and will do so in accordance with the approved Audit Charter and the United Kingdom Public Sector Internal Audit Standards (PSIAS). These require: -

- that internal auditors are given access at all reasonable times for requests to access premises, personnel, documents and assets that the auditors consider necessary for the discharge of their official duties;
- that auditors are provided with any information and explanations that they seek in the course of their work;
- audit reports and recommendations are responded to within the timescales determined by the HIA;
- that any agreed actions arising from audit recommendations are carried out within timescales agreed between both Management and Internal Audit. The relevant Director must ensure that sufficient resources are in place to implement the agreed management actions and will be required to account to the Council's Audit Committee where such actions are not achieved; and
- that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Head of Internal Audit prior to implementation.

C.9 External Auditors shall be appointed to the Council to conduct and report on, the external audit of the Council in accordance with the relevant statutory code of audit practice.

C.10 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies that have statutory rights of access.

Preventing Fraud and Corruption

C.11 The Chief Executive has overall responsibility for the maintenance and operation of this framework. The Chief Executive is supported in this by the Director of Corporate Resources, Assistant Director of Finance, Assistant Director of Human Resources and Communications, Assistant Director of Legal and Democratic Services and the HIA.

C.12 This policy and strategy shall be subject to periodic monitoring and updating with the intention of ensuring that the policy remains relevant.

C.13 An Annual Fraud Report is produced showing the outcomes of the Council's anti-fraud work and a counter fraud plan is included within the annual audit plan.

- C.14 Members of staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.
- C.15 Directors must notify the CFO, via the HIA, immediately of any suspected fraud, irregularity, improper use or misappropriation of the Council's property or resources. Pending investigation and reporting, the Director, in consultation with the CFO should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration. Directors are responsible for reporting suspected fraud and irregularities to the Police or external agencies, in consultation with the CFO.

Asset Management

- C.16 The Council holds tangible assets in the form of property, vehicles, equipment, electronic devices, furniture and other items (e.g. share certificates) worth many millions of pounds. It also makes use of other non-tangible assets such as intellectual property. It is essential to the financial health and well-being of the Council that these assets are safeguarded and used efficiently and effectively in supporting the delivery of Council services. All staff are responsible for safeguarding the assets and information used in their day to day activities.
- C.17 The Assistant Director of Legal and Democratic Services shall have the custody of all title deeds under secure arrangements, maintaining a separate register of all such deeds. The Property Officer (responsible for the Council's properties) will maintain an up-to-date register of all Council land and buildings.
- C.18 The CFO shall ensure that a full and accurate register of all Council fixed assets is maintained, in accordance with good practice standards and the relevant Codes of Practice. The Property Officer is responsible for arranging the valuation of all land and buildings as necessary to meet the accounting requirements of the CFO.
- C.19 In the absence of any specific conditions or exemptions agreed by Cabinet and these FPR, the following have authority to undertake a review of property charges. If, in each case, the revised rent, licence fees, easement or wayleave payment or compensation claim does not exceed £250,000 per annum, the Property Officer may approve. In line with the revenue key decision threshold, if it is over £250,000 per annum, the approval of Cabinet is required.
- C.20 In respect of disposals of land and property (which includes the granting of a lease): -
- processes followed should be robust and transparent and in accordance with current legislation;
 - in all cases of planned disposal of land or property, the Property Officer, the Assistant Director of Legal and Democratic Services and the CFO must be consulted.
 - In line with the capital key decision threshold, where the estimated disposal value is less than £1,000,000 the Property Officer, having taken financial and legal advice, may arrange for the disposal of land or property. Where the estimated disposal value of individual property assets is equal to or greater than £1,000,000, a key decision is required;

- in respect of disposal at less than Best Consideration where the estimated disposal value would otherwise have been at less than £250,000 (revenue key decision limit), the Property Officer may arrange for the disposal of land or property;
- in respect of disposal at less than the Best Consideration where the estimated disposal value would otherwise have been at or above £250,000 (revenue key decision limit), the Property Officer shall prepare a report to Cabinet, requesting approval to proceed with the disposal in accordance with the relevant legislation (Circular 06/03: Local Government Act 1972 general disposal consent (England) 2003);
- all arrangements for the acquisition and disposal of land and buildings shall be in accordance with Council Asset Management Policy and be conducted by the Property Officer, including all negotiations and the preparation and certification of valuation certificates.

In respect of the acquisition of land and property: -

- where budget provision for an acquisition exists within the total Council budget, the Property Officer may approve a purchase of land or property.

Leasing Agreements

- C.21 The Property Officer is responsible for the negotiation of terms and conditions and authorising any leasing of land and property assets to or from the Council, and maintaining a complete register of land and property leases.
- C.22 The Council will not lease in or out any assets other than land and property except where the CFO determines that it is in the best interests of the Council. In those cases, the CFO is responsible for the negotiation of terms and conditions and authorising any leasing of assets to or from the Council, and maintaining a register of such leases.
- C.23 Directors are responsible for adhering to the terms and conditions for assets (excluding land and property) in their service acquired under a lease agreement, particularly in relation to wear and tear and residual condition of the asset at the end of the leasing period.
- C.24 Any assets subject to a leasing agreement must not be disposed of without the prior consent of the CFO who shall be responsible for terminating the lease.
- C.25 A lease is considered to be a disposal Under Section 123 of the Local Government Act 1972 and the granting of a lease at less than best consideration is therefore dealt with as set out above in C.20.

Inventory

- C.25 Directors are responsible for the care, custody and recording of the stocks, stores and equipment in their respective service areas; ensuring that they are kept securely, protected from loss, theft and damage etc.

C.26 Directors are responsible for: -

- only holding stocks, stores or equipment that are required to meet their service's reasonable requirements;
- maintaining local inventories recording adequate descriptions of all furniture, fittings, equipment, plant and machinery above £1,000 together with all attractive and portable items below this figure; reviewing annually the stocks, stores or equipment required for their service areas; and
- review and write-off promptly obsolete items of stocks, stores or equipment.

C.27 Directors shall provide the CFO with the information in relation to all inventories that is required for accounting, costing and financial records.

Treasury Management

C.28 The Council will have due regard to all recognised codes of practice and guidance issued relating to its Treasury Management operations. The Council defines its treasury management activities as: -

"The management of the organisation's investments and cash flows, its banking, money market and capital market transactions; the effective control of risks associated with those activities, and the pursuit of optimum performance consistent with those risks."

C.29 The Council will create and maintain the following: -

- a Treasury Management strategy statement, approved by Council, stating the policies and objectives of its treasury management activities;
- suitable treasury management practices, setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities; and
- Treasury Management Prudential Indicators as part of the Council's budget and policy framework.

C.30 The Cabinet will receive regular reports on the treasury management activities which will include as a minimum an annual strategy report in advance of the forthcoming financial year and an annual report detailing the performance of actual activity six months after the financial year.

C.31 The Council delegates responsibility for all decisions, execution and administration of its treasury management activities to the CFO. The CFO will enter into any borrowing, investment and guarantees on behalf of the Council.

FINANCIAL PROCEDURE RULE D: SYSTEMS AND PROCEDURES

General

- D.1 The CFO is responsible for the operation of the Council's Enterprise Resource Planning ('ERP') system, the form of accounts and the supporting financial records.
- D.2 Any new or changes to current systems containing financial transactions must be approved by the CFO prior to procurement and/or implementation. The CFO can request changes to be made to Directorate systems, where they do not provide the necessary financial data required. Suitable and appropriate business continuity arrangements should be established, tested and kept up to-date in respect of all important financial systems.
- D.3 Directors must ensure that information is processed in accordance with data protection legislation. Directors must ensure that staff are aware of their responsibilities under the Data Protection Act 2018, the General Data Protection Regulation, the Freedom of Information Act, the Regulation of Investigatory Powers Act and any other Council policies and guidance relating to the use of information and the use and procurement of I.T. systems.

Scheme of Authorisation

- D.4 It is the responsibility of Directors, in consultation with the CFO, to ensure that a proper Scheme of Authorisation has been established within their area that is suitably documented and is operating effectively. The Scheme of Authorisation should identify staff authorised to act on the Director's behalf in income collection and placing orders/raising requisitions and making payments, together with the limits of their authority. These records should be amended promptly where changes in circumstances or personnel take place and reviewed annually to ensure that they are kept up-to-date.

Income

- D.5 Directors are responsible for ensuring that all income due to the Council is identified and collected for the services provided by their Directorate. It is preferable to obtain income in advance of supplying goods or services as this improves the Council's cash flow and also avoids the time and cost of administering and collecting debts.
- D.6 Directors are responsible for the safeguarding of any income collected prior to banking. All relevant details must be forwarded to the CFO to allocate the income to the correct budgets.
- D.7 Any changes to fees and charges must be in accordance with rule B.16.

- D.8 In order to comply with the Money Laundering Regulations 2017, the Council will not accept cash income for the purchase of goods with a value greater than the sterling equivalent of €15,000 (approx. £11,000). This also applies where payment is accepted over a number of instalments and the total value of all instalments exceeds €15,000. If goods are sold exceeding this value, a payment method other than cash is required, e.g. electronic bank transfer.
- D.9 Only the CFO has the legal authority to write-off bad debts. In order to do this, the following arrangements are in place: -
- The write-off of Bad or doubtful debts below £250,000 can be authorised by the CFO, who may delegate responsibilities as necessary for smaller items;
 - The CFO will consult with the Elected Mayor before authorising the writing-off of debts of £250,000 or over.

In all cases, debts will not be written-off unless processes for collection have proved fruitless. All requests for write-offs will be made by the relevant Director with due explanation for non-collection. All write-offs made will be properly recorded and such records retained.

Banking Arrangements

- D.10 The CFO is responsible for all matters relating to the establishment, varying and closing of bank accounts for the Council and for approving all standing orders, direct debits or other electronic payment methods from the Council's bank accounts. This includes imprest and petty cash accounts and debit/credit cards.

Ordering and Paying for Works, Goods and Services

- D.11 The CFO is responsible for approving the form of orders and associated terms and conditions.
- D.12 Directors should identify and maintain a list of designated officers to authorise orders.
- D.13 Directors should ensure that the following key controls are complied with: -
- works, goods and services are procured in accordance with the Contract Procedure Rules (CPR) and by designated officers;
 - designated officers ensure that there is uncommitted budget before placing an order;
 - works, goods and services received are checked to ensure they are in accordance with the order;
 - there is proper separation of duties between staff responsible for ordering, receiving, checking works, services and goods and authorising invoices for payment;
 - payments should not be made unless goods have been received by the Council to the correct price, quantity and quality standards, except where the CFO advises that payment in advance is the accepted practice for the type of expenditure involved, e.g. subscriptions, travel or conference facility fees;

- payments are made to the correct person for the correct amount and are properly recorded;
- where payments are made by cheque or electronically these should be made by the CFO;
- appropriate evidence of the transaction and payment documents are retained and stored for the appropriate period as defined by the document retention schedule; and
- expenditure, including V.A.T. is accurately recorded against the appropriate budget and that budgetary provision exists to cover the payment.

Payments to Employees and Members

D.14 The CFO is responsible for all payments of salaries, wages and expenses to staff and members in accordance with approved procedures and rules.

Taxation

D.15 The CFO is responsible for advising Directors on all taxation issues that affect the Council.

D.16 The CFO is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate. Directors shall provide such information, maintain such records and administer taxes in a suitable manner, as the CFO requires, to fulfil these responsibilities.

FINANCIAL PROCEDURE RULE E: EXTERNAL ARRANGEMENTS

Introduction

- E.1 The Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social, or environmental well-being of its area.
- E.2 All projects involving the voluntary sector must be supported by an appropriate assessment of need, options appraisal, value for money and contain expected outcomes.

Partnerships, Trusts or Other Organisations

- E.3 The Council should be clear about the role and responsibility of officers or members attending or participating in any partnerships, trusts or other organisations as a result of their position within the Council. Cabinet is responsible for approving delegation of financial management arrangements relating to, and specifically, agreeing partnerships.
- E.4 The Council representative on any partnership, trust or other organisation must refer all financial decisions to Cabinet, including considering any recommendations that would create a commitment or liability for the Council. Any other specific delegation arrangements in respect of partnerships will be set out in the Scheme of Delegation.
- E.5 The MO is responsible for promoting and maintaining the same high standards of conduct with regard to partnerships that apply throughout the Council and representatives to partnerships should exercise these same high standards. Representatives should not be put under any actual or perceived undue pressure to carry out a particular course of action.
- E.6 The CFO must ensure that accounting arrangements to be adopted relating to partnerships, joint operations and joint ventures are satisfactory. Directors must also consider any overall corporate governance issues and shall take account of any legal issues when arranging contracts with external bodies. They must ensure that the risks have been fully appraised and brought to the attention of the respective decision-maker before agreements are entered into with partners and other external bodies and that all significant risks are effectively managed and reported upon.

- E.7 All partnership agreements involving the discharge of Council Services and statutory duties by external bodies in exchange for payment shall contain the following clause: -

In order to deliver the Council's statutory responsibilities for internal audit, the HIA shall have all reasonable rights of access to information and persons of the partner body so as to ensure that the Council's internal control arrangements are sound, its financial interests protected and all income due to it and payments made by it can be vouched for and confirmed to be adequate and correct.

- E.8 Directors are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work or partnerships with external bodies, before financial arrangements are made.

External Funding

- E.9 Directors are authorised to apply for external funding, in consultation with the CFO, which contribute to the delivery of Council services or achievement of Council goals. Grant acceptance and/or commitment is subject to key decision rules; acceptance and/or commitment to revenue funding above £250,000 will be approved by key decision and acceptance and/or commitment to capital funding above £1,000,000 will be approved by key decision. It must be explicit in the grant determination that the funding is capital grant, otherwise the threshold for approval by key decision will be £250,000.
- E.10 Grant acceptance and/or commitment relating to external funding opportunities arising after the budget has been set and which will be used to replace funding for existing approved activity (i.e. a funding swap), can be approved by the CFO and will not be subject to key decision rules, provided the terms and conditions of the funding do not change the scope of the existing approved activity.
- E.11 Grant acceptance and/or commitment relating to external funding from Government, where the Council has no choice but to accept the funds and where the Council must spend or passport the funds as directed by Government, can be approved by the CFO and will not be subject to key decision rules.
- E.12 Any external funding received by the Council after the budget for the year has been approved, outside of rule E.9, E.10 and E.11, will be classed as a corporate resource unless otherwise determined by the CFO.
- E.13 Directors are responsible for ensuring that action plans are in place (including exit strategies and match funding arrangements) for all external funding within the Directorate.
- E.14 The CFO, in consultation with the respective Director, is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts. Directors are responsible for promptly informing the CFO about such funding and of any subsequent modifications to timing and amounts of anticipated funding.
- E.15 Where the income is receivable against a grant claim, the respective Director is responsible for producing the grant claim and shall provide sufficient information to enable the claim to be signed by the Chief Executive, CFO or any other relevant person where appropriate.

Work for Third Parties

E.16 Current legislation enables the Council to provide a range of services to other bodies, e.g. shared services, joint ventures. The relevant Director, in consultation with the CFO, is responsible for approving the contractual arrangements for work undertaken on behalf of third parties or external bodies, subject to key decision rules. In all cases consideration must be given to the financial, legal, risk and human resources implications of such arrangements both in the short and longer term.

Grants to Outside Bodies

E.17 Directors are authorised to approve grants and annual assistance to external bodies, subject to key decision rules and other requirements of these FPR and related guidance and this approval being formally recorded. Grants to Academies and Voluntary Aided schools for capital projects are exempt.

E.18 Irrespective of where approval responsibility rests, the relevant Director must ensure the Council's interests are protected at all times and must be in a position to provide assurance that the following requirements have been met or will be met before any grant or other assistance is actually made: -

- the receiving body has been properly identified with suitable lead parties, its work/purpose is identified, and are bona fide, with suitable trust documents or Constitution;
- any conflicts of interest have been declared and properly managed;
- any risks to such agreements and the Council's interests are being adequately and appropriately managed on a continuous basis;
- it will be possible to confirm the proper use of the Council's assistance, including the purpose and outcomes, which contribute to the delivery of Council services or achievement of Council goals;
- arrangements for the repayment of any loan have been made;
- arrangements to gain repayment/recovery for the value of the assistance are in place in the event of default by the recipient, including taking security of assets where appropriate;
- appropriate monitoring and performance arrangements, commensurate with the value of grant, are to be set in place to ensure the predetermined expected outcomes and performance of the external organisation are being satisfactorily achieved;
- the recipient will provide evidence to the Council demonstrating the proper accounting for and use by the recipient of the assistance;
- arrangements are set in place for the recipient to provide accounting records as the Council deems necessary and the CFO and representative of the Council are given rights supporting such access to information, documents and evidence;
- a formal legally binding agreement is in place between the Council and the body covering the above conditions relating to the use of the grant or other assistance;

- for grants in excess of £10,000, arrangements should be made to monitor the financial status of the recipient in order to ensure that the Council is not providing assistance to a body that is to, or is likely to, terminate for financial reasons and hence be unable to fulfil the purpose for which assistance is being given.
- E.19 Full records shall be maintained of all grants and related applications for assistance; they should identify members of staff or Members involved in the processing of applications and grants; should record the date of approval of any grant or other assistance, together with other relevant transaction information.
- E.20 Directors are responsible for promptly taking action where there are concerns over delivery, accounting or any other aspects of scheme administration and management. This may require recovering grant sums or the value of assistance given and assets provided by the Council.

APPENDIX A: GLOSSARY

In these Rules, unless the context otherwise requires: -

Asset is any asset including material and intellectual property but excluding any estate or interest in land and buildings, i.e. 'Property' as defined by these FPR.

Bad debt means any debt that is unable to be collected after all reasonable efforts have been exhausted.

Budget is a plan expressed in financial terms.

Budget Framework is the overall budget approved by Council this includes the revenue, capital and HRA budgets for the medium-term.

Budget Holder is an officer nominated by a Director as being responsible for managing a defined sum of money, i.e. 'budget'.

Capital Programme is the sum of all the Council's individual capital projects.

Capital Project is a project which uses capital resources to build, improve, increase the market value or substantially lengthen the useful life of an asset.

Capital Expenditure is to acquire fixed assets that will be of use for more than one year in which they are acquired and which adds to the Council's tangible assets rather than simply maintaining existing ones.

Council means Doncaster Council.

Chief Financial Officer (CFO) is appointed by the Council to exercise the powers defined in Section 151 of the Local Government Act 1972.

CIPFA is the Chartered Institute of Public Finance and Accountancy; the professional body for people in public finance.

CPR means the Contract Procedure Rules.

Depreciation means the measure of the wearing out, consumption or other reduction, in the economic life of a fixed asset, whether arising from use, passage of time or obsolescence through technological or other changes.

Director means the Chief Executive and those Managers that report direct to the Chief Executive.

Directorate refers to the large departments that make up the Council's management structure.

Doubtful debts means any debt that is unlikely to be collected after all reasonable efforts have been exhausted.

Earmarked Reserves are funds set aside for a specific purpose.

Executive means the body described in Part 1 of the Constitution.

Finance Manual is the detailed financial guidance which will assist users in the applications of these FPR.

FPR means these Financial Procedure Rules.

Head of Internal Audit (HIA) leads the Council's Internal Audit function.

Key Decision has the meaning as set out in the Council's constitution and is a decision that is likely to:

Result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or

Be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council.

The level of expenditure/savings which this Authority has adopted as being financially significant are: (a) in the case of the revenue budget, gross full-year effect of £250,000 or more. (b) in the case of the capital budget, £1,000,000 or more in respect of a single project or set of interdependent projects.

Leasing Agreement is a contract for the provision of finance to enable goods or services (but not Property) to be obtained and where ownership in any goods does not necessarily pass to the Council at the end of the contract period.

Management Team means the group of executive staff comprising the senior management charged with the execution of strategy.

Medium-term Financial Strategy (MTFS) refers to the overview of the Council's revenue position over the next four-year period.

Member is a Councillor generally or, in relation to a committee or sub-committee, a Member of that committee or sub-committee. The Elected Mayor will be treated as a Member of the Council unless the law or context requires otherwise.

Monitoring Officer (MO) is designated as the Assistant Director Legal and Democratic Services.

Officer means any employee of the Council or other authorised agent.

Partnership means an arrangement where parties agree to cooperate to advance their mutual interests.

Portfolio Holder is the Councillor who, as a member of the Executive, has primary responsibility for a defined area of service(s).

Property refers to any estate or interest in land or buildings.

Property Officer is a designation currently held by the Assistant Director of Development.

Reserves means the accumulation of surpluses, deficits and appropriations over past years.

Revenue is income or expenditure, arising from or spent on, day-to-day activities and short lived commodities or consumables.

Revenue Budget is the Council's revenue spending plans for the year including the level of Council tax.

Services means the provision by a contractor of any services or similar facilities or works for the Council.

Virement is the transfer of resources between or within approved cost centres for both revenue and capital purposes.



Report

21st September, 2023

To the Chair and All Members of the Council

Report Title: Approval of Councillor Absence

EXECUTIVE SUMMARY

1. This report requests that Council note the action taken by the Monitoring Officer (Acting under delegated authority) in approving the request from Councillor Rob Reid for an extension of absence from attendance at meetings due to ill health until 16th December, 2023.

EXEMPT REPORT

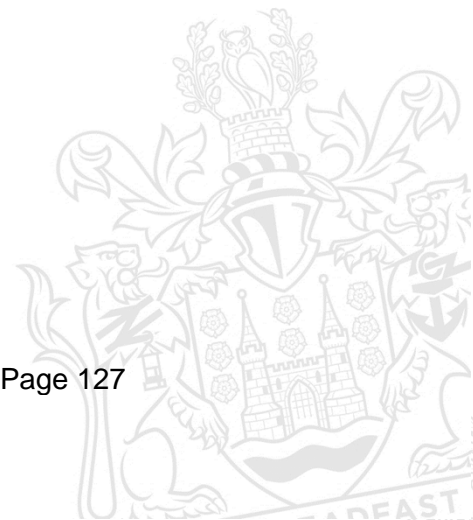
2. This report is not exempt

RECOMMENDATIONS

3. That Council note the action taken by the Monitoring Officer in accordance with Section 85 of the Local Government Act 1972, in approving an extension of absence from attendance at meetings due to ill health, for Councillor Rob Reid until 16th December, 2023.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. This action ensures locally elected Members can continue to represent their constituents following or during periods of ill health or other genuine reasons which may otherwise prevent them from attending meetings of the local authority during a six month period.



BACKGROUND

5. Section 85 of the Local Government Act 1972, provides that if a Member of a Local Authority fails throughout a period of six consecutive months from the date of his/her last attendance, to attend any meeting of the Authority, he/she shall cease to be a Member of the Council, unless the failure is due to some reason approved by the Authority before the expiry of that period.
6. At its meeting on 27th November, 2014, Council granted the Monitoring Officer delegated authority to approve extended periods of absence for Members. Any request is to be submitted in writing to the Monitoring Officer prior to the expiration of the fifth month of absence, and if satisfied that the grounds for request was reasonable, such approvals are to be reported to the next available meeting of Council by the Monitoring Officer, for information.
7. Due to ill health resulting in surgery in May 2023 and a period of recuperation, Councillor Rob Reid has been unable to attend meetings.
8. Councillor Reid's last recorded attendance was at the Children and Young People's Overview and Scrutiny Panel on 16th March, 2023, meaning Councillor Reid would be required to attend a meeting of the Authority by 16th September, 2023.
9. The Monitoring Officer, under delegated authority, approved an extension of absence from attendance at meetings due to ill health for Councillor Reid until 16th December, 2023.

OPTIONS CONSIDERED

10. There were no other options considered.







REASONS FOR RECOMMENDED OPTION



11. In the event that the Monitoring Officer did not feel able to approve the request, an Extraordinary Meeting of Council would have to have been called to consider Councillor Reid's request.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

12. Whilst there is no direct impact on the Council's Key Outcomes, the Council is committed to maintaining the highest standards of Governance to allow for the proper discharge of the Council's functions, ensuring openness and transparency.

Great 8 Priority	Positive Overall	Mix of Positive & Negative	Trade-offs to consider	Neutral or No implications
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				- Negative overall	
 Tackling Climate Change					✓
Comments:					
 Developing the skills to thrive in life and in work					✓
Comments:					
 Making Doncaster the best place to do business and create good jobs					✓
Comments:					
 Building opportunities for healthier, happier and longer lives for all					✓
Comments:					
 Creating safer, stronger, greener and cleaner communities where everyone belongs					✓
Comments:					
 Nurturing a child and family-friendly borough					✓

Comments:				
 Building Transport and digital connections fit for the future				
Comments:				
 Promoting the borough and its cultural, sporting, and heritage opportunities				✓
Comments:				
Fair & Inclusive				✓
Comments:				

Legal Implications [Officer Initials: NC Date: 8/9/23]

13. Section 85 of the Local Government Act 1972 provides that if a Member of a Local Authority fails to attend meetings through a period of six consecutive months, he/she shall cease to be a Member of the Authority unless the failure to attend is due to a reason approved by the Authority before the expiry of that six month period.
14. At its meeting on 27th November, 2014, Council granted the Monitoring Officer delegated authority to approve extended periods of absence for Members if satisfied that the grounds for such a request are reasonable. Such approvals are to be reported to the next available meeting of Council by the Monitoring Officer, for information.
15. The authority of the Monitoring Officer to undertake this function is detailed in the Constitution at Part 3 – Responsibility For Functions, 3.8 Full Council Functions – Scheme of Delegations (e).

Financial Implications [Officer Initials: PH | Date: 31/08/23]

16. There are no specific financial implications relevant to this report.

Human Resources Implications [Officer Initials: RH | Date: 8/9/23]

17. There are no specific Human Resource implications relevant to this report.

Technology Implications [Officer Initials: PW Date: 31/08/23]

18. There are no specific technology implications relevant to this report

RISKS AND ASSUMPTIONS

19. There are no risks and assumptions relevant to this report.

CONSULTATION

20. Consultation and communication has been ongoing with Councillor Reid during his ill health to support him in his role.

BACKGROUND PAPERS

21. None

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Team Doncaster Executive

March 2023



Present: **Mayor Ros Jones (Chair)**, Riana Nelson, Doncaster Council, Cllr Rachael Blake, Mel Besford, John Rees, DN College Group, Jade Dyer, Doncaster Chamber, Emma Norton, Doncaster Chamber, Dolly Agoro, Inclusion & Fairness and Forum, Ian Proffitt, South Yorkshire Fire & Rescue Service, Dave Richmond, St Leger Homes, Cath Witherington, Voluntary Action Doncaster, Scott Cardwell Doncaster Council, Michael Hart, Doncaster Culture & Leisure Trust, Lee Tillman, Doncaster Council, Allan Wiltshire, Doncaster Council, Leanne Hornsby, Doncaster Council, Pat Hagan, Doncaster Council and Heather Boyce, Age UK.

1. **Matters arising:**

Edlington Regenerative Neighbourhood model update:

An overview of the Regenerative Neighbourhoods approach that is being taken in Edlington was discussed and included:

- **Housing Options Appraisal** - The commissioning a refresh of a 2018 options appraisal to identify and assess a range of strategic choices available to deal with housing conditions is needed to inform engagement and interventions with key stakeholders (residents, landlords, owner occupiers). A brief for the options appraisal has been drafted and will be finalised shortly.
- **Intensive Neighbourhood Management – New Operating Model** - A weekly integrated team tasking group is now in place and staff from key council services and partners, i.e. St Leger Homes and South Yorkshire Police. This has enabled joint area walkabouts to establish visibility and carry out joint assessments of potential for early action on key issues.
- **Landlord Forum** - Planning is underway for a further meeting with Landlords early in the new financial year.
- **Children and Family Zone** - A design group to take the Children and Family Zone has been established and initial work is under way to: Develop the basis of a 'Cradle to Career' framework of activity delivered across schools, community groups and other local services, Generate early wins, particularly focused on out of school activity to enable children and young people to socialise and play in safety and Learn from Children and Family Zone developments in the UK, including potential planned learning visits. The role of Exceed Learning Partnership as Anchor Organisation is key here, and it is encouraging to see that other local schools including the local Secondary Sir Thomas Wharton Academy have engaged enthusiastically.
- **Edlington Delivery Board** - The inaugural meeting of the Edlington Regenerative Neighbourhoods Delivery Board took place in January 2023. This brought together local anchor organisations (Exceed Learning Partnership, Schools, Town Council, Eco, Helping Hands) with Team Doncaster Partners and local ward members for an initial walk through the role and terms of reference/function of the Delivery Board in the context of the Regenerative Neighbourhoods Approach.



2. Integrated Care Board update

Team Doncaster Executive received an update on the Industrial Action days and the plans in place to manage the volume and operational delivery given by junior Doctors.

It was advised that they were 8 months into the ICB and in the middle of planning rounds for next year. Discussion held around future targets of which there were a number of recovery targets which indicated that the effect of the pandemic was still being felt.

It was added that the biggest pressure would be access to Primary Care and that they were currently awaiting the Access Recovery Plan to be published.

It was noted that the Integrated Care Partnership strategy was being launched and that when it had been taken through the HWBB the response to previous consultation was listened to and aligned to local priorities.

3. Sub Regional updates

Partners were given a sub-regional update which covered the following items.

- South Yorkshire Mayoral Combined Authority update
- Local Enterprise Partnership Review update
- Doncaster Sheffield Airport Update

4. Skills Deep Dive

Team Doncaster Executive were offered an update which focused on the following areas.

1. South Yorkshire Skills strategy development
2. Education and skills 2030 (with focus on local provision and the Talent Innovation and Ecosystem implementation)
3. Local skills improvement plan
4. Qualifications Reform College skills strategy and the SY Institute of Technology

Remake Learning festival (25 may – 3 June)

It was noted that this should be an exciting event, with Doncaster being the first place in the UK to host this internationally acclaimed festival.

Suggestions from partners were welcomed about how we might link in with existing activity as they were keen to get as many different organisations and people involved with the festival as possible.

6. City Centre Delivery - an update was on some of the regeneration schemes that are currently in delivery mode within the City Centre. It was added that whilst this was the current pipeline of regeneration schemes, work was ongoing to develop a future pipeline with SYMCA around the use of future Gainshare funding.

5. Exception reports/updates.

- a) **Equalities, Diversity and Inclusion** – an update on the Proposal of recommended changes to the Inclusion and Fairness Forum 2023 were outlined and it was agreed that it was critical to capture feedback from lesser heard community groups in order to close the communications loop.
- b) **Be Kind** – an update was given to partners on the 'Be Kind' campaign, it was added that the programme would have 4 key strands including, the development of events and activities, building a network of 'be kind' champions, Sharing stories and Upscaling volunteering opportunities.

