

SUMMONS TO ATTEND A MEETING OF THE
NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

Time/Date 6.30 pm on TUESDAY, 22 MARCH 2016
Location Council Chamber, Council Offices, Coalville
Officer to contact Democratic Services (01530 454512)

Christine E. Fisher

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Chief Executive

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

AGENDA

Item	Pages
PRAYERS	
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
Members are reminded that any declaration of interest should be made having regard to the code of conduct. In particular, members must make clear the nature of the interest and whether it is 'pecuniary' or 'non pecuniary'.	
3. CHAIRMAN'S ANNOUNCEMENTS	
4. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS	
Members are reminded that under paragraph 11.1 of part 4 of the Constitution, questions can be asked of the Leader and Cabinet Members without notice about any matter contained in any address. Questions shall be limited to five minutes in total for each announcement.	



Item	Pages
5. QUESTION AND ANSWER SESSION	
To receive questions from members of the public under procedure rule no.10. The procedure rule provides that members of the public may ask members of the Cabinet any question on any matter in relation to which the Council has powers or duties which affect the District, provided that three clear days' notice in writing has been given to the Head of Legal and Support Services.	
6. QUESTIONS FROM COUNCILLORS	
To receive members' questions under procedure rule no.11. The procedure rule provides that any member may ask the chairman of a board or group any question on any matter in relation to which the Council has powers or duties which affect the District, provided that three clear days' notice in writing has been given to the Head of Legal and Support Services.	
7. MOTIONS	
To consider any motions on notice under procedure rule no. 12.	
8. PETITIONS	
To receive petitions in accordance with the Council's Petition Scheme.	
9. MINUTES	
To confirm the minutes of the meeting of the Council held on 23 February 2016.	3 - 16
10. PROPOSED COUNCIL DELIVERY PLAN 2016/17	
Report of the Chief Executive Presented by the Leader	17 - 38
11. PAY POLICY STATEMENT 2016/17	
Report of the Chief Executive Presented by the Leader	39 - 48
12. UPDATE OF THE COUNCIL'S CONSTITUTION	
Report of the Head of Legal and Support Services Presented by the Corporate Portfolio Holder	49 - 80

MINUTES of a meeting of the COUNCIL held in the Council Chamber, Council Offices, Coalville on TUESDAY, 23 FEBRUARY 2016

Present: Councillor J Bridges (Chairman)

Councillors R Adams, G A Allman, R D Bayliss, R Blunt, R Boam, R Canny, J Clarke, N Clarke, J Cotterill, J G Coxon, D Everitt, T Eynon, F Fenning, J Geary, S Gillard, T Gillard, L Goacher, D Harrison, G Houlton, J Houlton, R Johnson, G Jones, J Legrys, S McKendrick, K Merrie MBE, T J Pendleton, P Purver, V Richichi, N J Rushton, A C Saffell, N Smith, A V Smith MBE, M Specht, D J Stevenson and M B Wyatt

Officers: Mr S Bambrick, Ms C E Fisher, Mr A Hunkin, Mr G Jones, Mrs M Meredith, Mr P Padaniya, Mrs M Phillips and Miss E Warhurst

54. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor R Ashman.

55. DECLARATION OF INTERESTS

Councillor N J Rushton stated that he was aware of an amendment to item 10, Budget and Council Tax 2016/17. He declared a pecuniary interest in part B of the amendment, as an owner of car parking facilities in Ashby de la Zouch. He stated that he would therefore leave the room during consideration of the amendment.

Councillors T Eynon and J Legrys declared a non pecuniary interest in item 4, Leader's and Portfolio Holders' Announcements. His interest was relating to the announcement on the Coalville Project as a volunteer and stakeholder at Hermitage FM.

Councillor M B Wyatt declared a non pecuniary interest in item 10, Budget and Council Tax 2016/17, as a business owner in Coalville.

56. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

The Chairman congratulated Councillor S Sheahan on being elected to the Measham South ward and he welcomed him back to the Chamber.

The Chairman welcomed Andrew Hunkin, who had recently joined the Council as Interim Director of Resources.

The Chairman made reference to the numerous events attended by himself over the past few weeks. He added that he had attended some fantastic events, which really made him proud to come from North West Leicestershire.

The Chairman referred to two funerals which he had recently attended; the funeral of Kayleigh Haywood, whose life was tragically cut short. He stated that her family should remain in our thoughts now and in the future. The Chairman had also recently attended the funeral of Harold Smalley who was in the armed forces and had lived a very long and active life.

57. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS

The Leader informed members about the legal action the Council was taking to protect a greenfield site on the edge of Coalville. He advised that for the first time, the Council had applied to the High Court for a judicial review, seeking to challenge the planning inspector's decision to overturn the Council's refusal of the planning application for 180

houses on land off Greenhill Road, Coalville. He explained that the Planning committee had refused this application in November, but following an appeal by the developer, the planning inspector had decided on 5 January to overturn the decision. He felt that the district had taken its fair share of housing, and needed to fight to protect areas of attractive green space. He added that Policy E22 was in place to protect key areas of the district and he did not agree that the inspector should ignore this policy. He expressed support for the local community who were opposed to this development and added that the Council would do all in its power to overturn this decision. He stated that ward members would be kept informed and he would also provide updates at Council.

The Leader gave an update on the Coalville project, highlighting the new shop front on Martin and Co in the High Street. He explained that this was the first business to benefit from the shop front improvement grant scheme, whereby the Council had provided 80% of the funding for the work to improve their shop front, creating a visually appealing frontage on the High Street. He hoped that this would encourage the other 39 businesses in the town centre to take up the Council's offer of grant funding. He was pleased that 25 businesses were currently in discussions with the Council about this scheme. The Leader also welcomed the official opening of the Royal Oak Court, which would take place in March. The development would replace the derelict Pick and Shovel. He stated that this was a major change for Coalville, as it would not only provide affordable homes for local people, but would also make Coalville more welcoming. He added that he was proud that the Council was able to financially support the scheme, as it would not have taken place without this help.

Councillor M B Wyatt thanked the Leader on behalf of the residents of Castle Rock for supporting and instigating the judicial review.

Councillor J Legrys stated that he felt the judicial review was a positive move forward. He welcomed the progress on the town centre project, the opening of the Royal Oak Court and the shop front scheme. He sought clarification on how much money was being invested into the shop front scheme, and how funding much business owners could access.

Councillor R Blunt thanked members for their support. He stated that business owners could access £250,000; however this would vary slightly depending upon the level of take up of the grants. He added that he would not want funding to prevent the scheme moving forward should it prove popular.

Councillor A V Smith announced that the Council had won an award for the sixth year running at the annual Keep Britain Tidy awards, for the Council's dog watch campaign, encouraging people to clean up after their dogs. She added that for a small district council, we had done exceptionally well and were shortlisted alongside Manchester City Council and Northumberland County Council. She congratulated the team on their success.

Councillor S McKendrick added her congratulations to the team on receiving this award.

Councillor T J Pendleton gave an update on the Roxhill Rail Freight Interchange. He made reference to the decision of the Secretary of State to permit the application following a public enquiry. He added that whilst this was a ministerial decision, and notwithstanding public opinion, he wanted to be clear that the Council had supported the proposal because of the benefits it would bring, not only to North West Leicestershire, but also to the wider area. These benefits would include a new southern bypass for Kegworth, improvements to J24 and J24a of the M1, and improvements to the southbound carriageway of the M1. He advised that the scheme would create an average of 688 jobs per year during construction and in excess of 7,200 jobs once operational. He added that the scheme would provide a £300,000 community fund for the local parish councils to

spend on improvements in their villages, which would be split equally between Castle Donington, Lockington and Hemington and Kegworth parish councils. He stated that the Council would continue to play a pivotal role in working with the developer to ensure any conditions that needed to be discharged were done so quickly to enable work to commence. He added that the Council would also have an important role in monitoring the construction phase to ensure all conditions were adhered to, and would be working closely with developers to establish a liaison committee in order that the impacts of the development could be closely monitored and any issues could be addressed at an early stage. He concluded that the development of this site would not be without its impacts, however the benefits of the scheme were enormous, and he looked forward to realising these benefits.

Councillor A V Smith expressed support for the announcement. She felt the establishment of a liaison committee would be important to ensure the local voice could be heard as the construction and operation of this site proceeded. She advised that there were well established liaison committees in the district for other large operations and she felt this should operate on a similar basis. She added that she had approached the developers through officers, and they were fully supportive of the principle of establishing a liaison committee. Therefore she looked forward to seeing progress on the site and continuing to engage with developers to maximise the benefits for the local area.

Councillor A C Saffell stated that he found himself in a difficult situation because virtually everyone who lived within a 5 mile radius of the site opposed the development. He added that all three inspectors who attended the inquiry recommended that the Secretary of State refuse the application. He stated that obviously, the site did not actually require a railway line, evidence suggested that nobody wanted a railway line at that location and it was not popular for freight. He made reference to the number of unemployed people locally and suggested that local people would not benefit.

58. QUESTION AND ANSWER SESSION

No questions were received.

59. QUESTIONS FROM COUNCILLORS

No questions were received.

60. MOTIONS

No motions were received.

61. PETITIONS

No petitions were received.

62. MINUTES

Consideration was given to the minutes of the meeting held on 17 November 2015.

It was noted that Councillor T Eynon had not received a response from Councillor N J Rushton to her question regarding letting agents.

Councillor J Clarke highlighted a typographical error under minute number 41 and requested that this be amended to read 'planned' holidays.

Councillor D J Stevenson thanked members and officers for their kind words on behalf of himself and Councillor G A Allman.

It was moved by Councillor J Bridges, seconded by Councillor J Cotterill and

RESOLVED THAT:

Subject to the above amendment, the minutes of the meeting held on 17 November 2015 be approved and signed by the Chairman as a correct record.

63. BUDGET AND COUNCIL TAX 2016/17

Councillor N J Rushton presented the report to members, drawing their attention to Section 2 of the report which set out the General Fund and Special Expenses budget proposals for 2016/17. In particular he asked members to note that the provisional 2016/17 New Homes Bonus had been set at just under £2.8m, which was £350k higher than assumed in the Medium Term Financial Strategy, reflecting the excellent work that had been done in bringing empty homes back into use and ensuring that new homes qualified for the Bonus at the earliest opportunity. He felt that with unknowns such as the Business Rates Retention Income and the New Homes Bonus Consultation Exercise, this was a prudent budget that held higher than historic levels of reserves.

Councillor N J Rushton highlighted that it was recommended to freeze the district's Council Tax for the seventh year running, and North West Leicestershire was the only other local authority he was aware of, apart from Mansfield District Council, to have done so. He added that this was something to be proud of as this represented a saving to our residents of £23.45 per annum on a Band D Council Tax bill. He stated that he was also pleased to be able to continue to provide over £100,000 in localisation of Council Tax support grant to parishes. He added that he would endeavour to maintain this support for as long as possible, however parish councils should be aware that there were particularly challenging times ahead.

Councillor N J Rushton made reference to Section 2.6 of the report which detailed the Projected Outturn for 2015/16 and explained the forecast under spend of £1.6 million. He advised that it was recommended to transfer this surplus to a special projects reserve, as both the end of year position and projected budget for 2016/17 relied heavily on the projected business rates income. He added that it was therefore prudent to wait until the business rates were finalised in May prior to making any commitments to how the budgets may be allocated, and Cabinet would receive further reports in due course.

Councillor N J Rushton drew members' attention to Section 3 of the report which set out the Housing Revenue Account proposals. Members were asked to note that the Government had changed its position regarding the rent decrease and this was explained in the addendum to the Cabinet report which had been circulated to members. He advised that the balance on the Housing Revenue Account at 31 March 2016 was estimated at £5.3 million, which significantly exceeded the agreed minimum working balance of £1m. He added that the HRA budget for 2016/17 would produce an estimated surplus of £2.5 million which would increase the HRA balance to just under £7.8 million, which would provide a healthy provision for the repayment of loans within the HRA Business Plan. He congratulated the Housing department on doing an exceedingly good job in managing this. With regard to rents, he advised that changing the core assumptions had led to a remodelling of the HRA business plan, with a particular focus on re-profiling or reducing the capital programme and the generation of additional income. He explained that for service charges, an increase of 4.92% was proposed, and central heating charges would be maintained at existing levels. There would also be a small increase in garage rent levels of 0.8%, in line with the Retail Price Index.

Councillor N J Rushton highlighted Section 4 of the report which set out the proposed General Fund and Coalville Special Expenses Capital Programmes. He stated that these

programmes would allow for the continuation of the Disabled Facilities Grants Scheme and the Vehicle Replacement Programme, and in addition would see the development of new schemes that would enable improvement of facilities for residents and businesses, and continuing improvement of the efficiency and effectiveness of current services. He advised that these schemes totalled £2.8 million for 2016/17 as set out in section 4.3 of the report. He also brought to members' attention the 2017/18 purchases at paragraph 4.3.12, for which approval was sought.

Councillor N J Rushton referred to the HRA capital programme set out at section 4.5 of the report, which outlined plans for the Maintaining Decency Programme and for increasing the number of Council owned homes through new build and acquisition. He added that building new Council houses was something to be exceedingly proud of.

Councillor N J Rushton highlighted Section 5 of the report which outlined the various recommendations for setting the Council Tax.

Councillor N J Rushton moved the recommendations as set out in the report. This was seconded by Councillor D J Stevenson who reserved his comments.

The Chairman referred to the amendment to the motion which had been circulated in the additional papers. He invited Councillor F Fenning to put forward his amendment.

Councillor N J Rushton left the meeting during consideration of the amendment to the motion and took no part in the discussion or voting thereon.

Councillor F Fenning spoke to his amendment, highlighting the two measures for immediate implementation which would benefit families, residents and businesses, and uplift the spirit of our communities. He referred to the first part of the amendment proposing free swimming for all under 16's, which would assist in hitting the county Health and Wellbeing Board priorities, namely giving children the best start in life by tackling health inequalities. He highlighted the second part of the amendment in respect of car parking which would benefit traders, visitors and local residents, and would provide valuable data to feed into any future review of parking and town centre life. He advised that the amendments are proposed to be funded by reducing the transfer of forecast income over expenditure to the special projects reserve by an estimated £160,000. He formally moved the amendment.

This was seconded by Councillor J Legrys who reserved his comments.

Councillor A V Smith expressed amazement at the amendment. She stated that the leisure offer across North West Leicestershire was currently being considered, therefore to go into detail at this time was totally inappropriate. She added that members were aware that the car parking strategy was under review at present, and the first part of the report should be available at the end of March. She urged members to vote against the amendment.

Councillor T J Pendleton pointed out that the Activ8 scheme rewarded those individuals who were willing to put the time in to build up credits and effectively provided school age children with free swimming. He added that most schools were signed up to this scheme. He stated that therefore he was not in favour of a blanket scheme such as this as it was unnecessary and he could not support the amendment.

Councillor T Eynon stated that whilst the administration was quite rightly anxious about an uncertain financial future, it was proposing to transfer £1.6 million into a special projects reserve. She added that whilst the opposition accepted the need to hold substantial reserves, in order to comply with its express purpose, at least some of this special projects reserve needed to be spent on special projects, which should not only benefit

taxpayers in the area but should be schemes that lead to future growth and enhanced the wealth and the wellbeing of the community. She commented that Leicestershire County Council had agreed budget cuts affecting the leisure coordinators which were currently funded by Public Health England. She felt that rising levels of childhood obesity meant that district councils needed to find new ways to encourage inactive families to become active. She acknowledged that free swimming was already available from this Council to families in receipt of means tested benefits, to those with disabilities, and to members of a corporate parenting family, and thanks to Leicester-Shire and Rutland Sport, children at schools across north west Leicestershire could sign up to the Activ8 scheme and claim weekly points during term time which could be spent either on one session of swimming or volleyball, badminton, football or trampolining. She added that the extension of free swimming proposed in this amendment would work alongside the school based programme to raise expectations, encouraging children to consider swimming and ball games, effectively funding two leisure activities a week in term time for school aged children instead of one. She commented that this would also encourage increased use of our leisure centres not just in term time but in the summer holidays also, drawing people into the leisure centre where they would contribute to income through secondary spending in the cafe, thereby not only benefitting children's health but enhancing the sustainability of our leisure services. She concluded that this would encourage children to use leisure centres outside of the school term and promote a life-long commitment to health, as well as providing children with something to do during the long school holidays, which would help to prevent the boredom that leads to costly antisocial activities. She hoped that all members saw the point of investing a relatively small proportion of the special projects reserve in the health of our children and the sustainability of our leisure centres rather than hiding taxpayers money under the mattress.

The Chairman reminded members to confine their comments to the subject matter of the amendment only at this point in the debate.

Councillor S Sheahan stated that he was surprised at the opposition to the proposal in respect of car parking, which was exactly the same scheme which had been brought in by East Staffordshire Borough Council and would cost approximately 10% of car parking income. He commented that this would be doing something concrete to boost trade in town centres which was a high priority for the Leader. He added that the proposal would provide benefits to parking enforcement elsewhere in the district as it would free up officers after 3.00pm. He referred in particular to a problem with car parking on Chapel Street in Measham which he felt was an embarrassment to the Council due to its inability to deal with the problem within existing resources. He concluded that the proposal would provide significant benefits and he could not understand why the administration would not take this forward.

Councillor S McKendrick stated that the aim of the proposal was continued investment in people and businesses in the district, providing an opportunity to encourage people into town centres and encouraging physical activity for young people. She commented that swimming was an activity which provided so many benefits to people of all ages, as it was a social and physical activity, which lead to improved health and wellbeing. She added that obesity was an increasing health issue that impacted on young people's lives in many ways, including limitations on physical abilities, increased risk of illness leading to time away from education, and continued obesity into adulthood, placing more demands upon health services which were already struggling to meet current demands. She commented that the Council provided the Activ8 programme and leisure pass to a significant number of young people, presumably because the wider benefits were understood, and therefore she could not understand why the Council would not want to extend this opportunity to every young person under sixteen. She added that the proposal complemented the health and wellbeing agenda and the wellbeing centred approach. She stated that the government recognised the benefits of free car parking and was encouraging local authorities to provide this in town centres. She added that it was necessary to increase

footfall to support our local businesses and this was a real opportunity to test out the assumptions that free parking increased footfall. She concluded that these were strong, cost effective proposals that invested in our people and town centres.

Councillor D Everitt stated the he could not understand why freezing Council Tax for seven years was positive as this had an associated cost. He made references to a particular case relating to ongoing housing repairs.

The Chairman reminded Councillor D Everitt to confine his comments to the amendment only at this point in the debate.

Councillor D Everitt stated that he could imagine the advantage to people of having free parking from 3.00pm onwards which would remove the anxiety relating to getting a ticket. He stated that Council staff were struggling as there was a massive turnover and he believed that this was because they were not being properly financed.

The Chairman called for order at this point in the debate and invited Councillor D Everitt to relay any unrelated issues to the Portfolio Holder.

Councillor M Specht stated that money was being spent on wellbeing at the leisure centres. He added that he could not see how free swimming would prevent antisocial behaviour and as such, he would be voting against the amendment.

Councillor J Geary stated that he was bitterly disappointed when Councillor A V Smith advised members to vote against the amendment before they had had an opportunity to debate it. He added that he spent a lot of time in Coalville town centre talking to business people, and was very conscious of the health of the town centre and its businesses. He sought to comment on the Leader's Announcement at Annual Council in May 2015.

Councillor D J Stevenson sought to raise a point of order under procedure rule 14.4 as Councillor J Geary's comments were not related to the amendment under discussion. The Chairman ruled that the point was well taken.

Councillor J Geary stated that the Coalville Town Team had requested a review of car parking over the last few years. He commented that this proposal would provide an opportunity to have two hours free car parking at the end of every day and would also enable us to assess the impact that had on the footfall in Coalville. He added that this would also fall in line with neighbouring towns such as Burton on Trent. He concluded that the fact that we could not see our way to do that would disappoint traders in Coalville, and was a classic example of saying one thing and doing another.

Councillor R Blunt thanked the Labour Group for attempting to influence the budget process. He commented that a good opposition should produce a proper budget. He added that timing was really important and a review was currently being conducted of what was offered in our leisure centres. He commented that there were more people going to our leisure centres than ever before. He added that nothing was ever free, and was either paid for by the Council Tax payer or by the customer. He stated that car parking had been under discussion for as long as he had been a Councillor. He advised that a consultant was being commissioned to see what worked. He added that in the last 7 seven years, car parking charges had not been increased by a single penny. He stated that the special projects reserve was for a one off project, and what was proposed would be an ongoing expense. He added that the timing was wrong. He stated that he would bring the recommendations from the review to Scrutiny.

Councillor J Legrys expressed disappointment that Councillor R Blunt had raised points not related to the amendment. He stated that the amendment did not propose raising Council Tax, but rather proposed utilising money that was being filtered away. He added

that the proposals offered an opportunity to allow people to see and receive a return for their Council Tax, and would give residents who live in the town centres an opportunity to utilise the car parks for overnight parking. He concluded that the amendment was cost effective and provided staff with an opportunity to access real time data rather than paying for more consultants to tell people what they wanted.

The Chairman then put the motion to the vote.

A recorded vote being required in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the voting was as follows:

For the motion:

Councillors R Adams, N Clarke, D Everitt, T Eynon, F Fenning, J Geary, R Johnson, J Legrys, S McKendrick, S Sheahan (10).

Against the motion:

Councillors G A Allman, R D Bayliss, R Blunt, R Boam, R Canny, J Clarke, J Cotterill, J G Coxon, S Gillard, T Gillard, L Goacher, D Harrison, G Hault, J Hault, G Jones, K Merrie, T J Pendleton, P Purver, V Richichi, A C Saffell, A V Smith, N Smith, M Specht, D J Stevenson and M B Wyatt (25).

Abstentions:

Councillor J Bridges (1).

Therefore the motion was declared LOST.

Councillor N J Rushton returned to the meeting.

The Chairman then directed members to the debate on the substantive motion, as set out in the report.

Councillor R Johnson sought clarification on the earmarked reserves set out at paragraph 2.5.9 of the report, in particular the £10.5 million deficit and the intended use of the £10.5 million.

Councillor J Legrys thanked officers for their advice and help and congratulated them on putting the budget together. He expressed disappointment in the budget and commented that this was a good budget for maintaining an institution, however he questioned what it was actually achieving for the community and the people who paid Council Tax.

Councillor A C Saffell stated that he had always been very worried about the fact that the New Homes Bonus was utilised within the General Fund as he felt it was not safe money. He added that this year, the New Homes Bonus made up approximately one quarter of the budget. He commented that a 2% Council Tax increase in the last seven years this would have raised approximately the same amount of money. He made reference to the lack of provision of the New Homes Bonus in Castle Donington. He commented that Castle Donington Parish Council had increased its Council Tax by 50% to compensate for this and all the members had been elected unopposed because the local community was in agreement with the intended use of the money.

Councillor D Harrison stated that this was a superb budget and was well presented. He added that it was necessary to be prudent and look to the future. We have to be prudent and look to future. He commented that this was a good Council with good officers. He highly commended the budget to members.

Councillor K Merrie agreed that this was a good budget and reiterated the need to hold reserves.

Councillor R Blunt felt that the public would like to see more consensus. He stated that what the administration had done for the people of North West Leicestershire was that they had not raised Council Tax since 2007.

Councillor N Smith commented that the previous Labour administration had stood back and watched Coalville die.

Councillor D Everitt stated that Coalville was hit by decline and he felt Coalville did very well in retrospect. He made comments relating to central government and the duty of the opposition.

Councillor D Harrison sought to make a point of correction about the deregulation of banks.

The Chairman called for order at this point in the meeting.

Councillor R D Bayliss stated that he was quite proud of the housing element of the budget and expressed pride in the officers. He made reference to the directive from central government to reduce rents 1%, which had a cumulative impact upon the 30 year business plan. He stated that the decent homes standard would be maintained and a new build programme had been established, which would be financed from the Council's own resources. He expressed every confidence in the budget as a whole, he commended it to members and hoped it would find universal support.

Councillor D J Stevenson thanked officers as he felt the budget proposals were the easiest to understand in all his time on the Council. He suggested that the opposition should produce an alternative budget.

Councillor N J Rushton exercised his right of reply and stated that it had been the policy of this authority the New Homes Bonus was spent for the benefit of the whole district, not just Castle Donington, however he recognised the increase in housing in the area. He added that the New Homes Bonus would reduce over the next few years, and money was being put aside to compensate for this dip in funding. He explained that a full list of earmarked reserves was available and the £1.7 million deficit was the amount which had been spent on earmarked reserves in the previous year. He added that another prudent use of reserves was funding capital projects.

Councillor N J Rushton made a comment relating to the leadership of the Labour Group.

Councillor J Legrys made it clear that he regarded his comments as an insult.

The Chairman reminded Councillor N J Rushton to confine his comments to the motion currently under discussion.

Councillor N J Rushton outlined the function of the Council and stated that he was proud of what was being achieved in terms of economic development, and North West Leicestershire had the lowest rate of unemployment in the East Midlands.

The Chairman then put the motion to the vote.

A recorded vote being required in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the voting was as follows:

For the motion:

Councillors G A Allman, R D Bayliss, R Blunt, J Bridges, R Boam, J Clarke, J Cotterill, J G Coxon, S Gillard, T Gillard, L Goacher, D Harrison, G Hault, J Hault, G Jones, K Merrie, T

J Pendleton, P Purver, V Richichi, N J Rushton, A V Smith, N Smith, M Specht and D J Stevenson (24).

Against the motion:

Councillor M B Wyatt (1).

Abstentions:

Councillor R Adams, R Canny, N Clarke, D Everitt, T Eynon, F Fenning, J Geary, R Johnson, J Legrys, S McKendrick, A C Saffell, S Sheahan (12).

The motion was declared CARRIED.

RESOLVED THAT:

- a) The deputy Section 151 Officer's comments on the robustness of the estimates and adequacy of reserves be noted.
- b) The transfer of any surplus income over expenditure be approved in 2016/17 to the General Fund balance at 31 March 2017 for further consideration after completion of the 2015/16 accounts.
- c) The forecasted surplus income over expenditure in 2015/16 be transferred to the special projects reserve.
- d) The General Fund and Special Expenses budgets for 2016/17 be approved.
- e) The Special Expenses precepts for 2016/17 be approved.
- f) The Housing Revenue Account rent decrease by 1% (average decrease £0.83 per week) for 2016/17 be approved (excluding sheltered and supported housing which are dealt with in recommendation 12).
- g) The increase of 0.8% (average increase £0.05 per week) in the rent of garages for 2016/17 be approved.
- h) The average increase in the HRA service charges of 4.92% (£0.16 per week) for 2016/17 be approved.
- i) The ground rent increase of 0.8% (£0.24 per week) at Appleby Magna caravan site be approved.
- j) The increases in lifeline charges of 0.8% (£0.34 per quarter) be approved.
- k) Central heating charges for 2016/17 remain at the same level as for 2015/16.
- l) The rent increase of 0.9% (average £0.62 per week) for sheltered and supported housing be approved.
- m) The Housing Revenue Account budgets for 2016/17 be approved.
- n) The proposed Coalville Special Expenses and HRA Capital Programmes for 2016/17 and planned financing be approved.
- o) Capital expenditure in 2016/17 be approved and capital expenditure in 2017/18 for the vehicle replacement programme only.

- p) The remainder of the Capital Programmes 2017/18 to 2019/20 be approved as indicative only at this stage.
- q) The district Council Tax for 2016/17 be frozen.
- r) The following amounts be approved for the year 2016/17 in accordance with Section 31b of the Local Government Finance Act 1992 as amended:
- (1) 30,319 being the amount calculated by the Council, in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, as its Council Tax base for the year.
 - (2) The amounts specified in Table 1 of this report being the amounts calculated by the Council, in accordance with Section 34 of the Local Government Finance Act 1992, as the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which one or more special items relate.
- s) The following amounts be now calculated by the Council for the year 2016/17 in accordance with Sections 31a and 31b of the Local Government Finance Act 1992 as amended:
- (1) District / parish gross expenditure
£60,917,099 being the aggregate of the amounts which the Council estimates for the items set out in Section 31a (2) of the Act.
 - (2) Income
£53,959,242 being the aggregate of the amounts which the Council estimates for the items set out in Section 31a (3) of the Act.
 - (3) District / parish net expenditure
£6,957,857 being the amount by which the aggregate at 19(1) above exceeds the aggregate at 19(2) above, calculated by the Council in accordance with Section 31a (4) of the Act as its Council Tax requirement for the year.
 - (4) Basic amount of tax (including average parish precepts)
£229.49 being the amount at 19(3) above, divided by the amount stated as the Council Tax Base in parts of the Council's area, calculated by the Council in accordance with Section 31 b of the Act as the basic amount of its Council Tax for the year.
 - (5) Parish precepts/special expenses
£ 2,149,870 being the aggregate amount of all special items referred to in Section 35(1) of the Act.
 - (6) Basic amount of tax (basic Council Tax – district)
£158.58 being the amount at 19(4) above less the result given by dividing the amount at 19(5) above by the amount as stated as the Council Tax Base for the whole of the Council area, calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for dwellings in those parts of its area to which no special item relates.
 - (7) Basic amount of tax (parished areas)
The amounts listed in column 5 of Table 2 to this report, being the amounts given by adding to the amount at 19(6) above, the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned, divided in each case by the amount stated as the Council Tax base in parts of the Council area, calculated by the Council in accordance with Section 34(3) of the

Act as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.

(8) district /parish Council Tax rates

The amounts set out in Table 3 to this report being the amounts given by multiplying the amounts at 19(6) and 19(7) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band d, calculated by the Council in accordance with Section 36(1) of the Act as the amounts to be taken into account for the year in respect of categories of dwelling listed in different valuation bands.

t) Major precepting authorities

That it be noted that the amounts set out in Table 4 to this report are the amounts notified by Leicestershire County Council, Leicestershire Police and Crime Commissioner and the Combined Fire Authority in accordance with Section 40 of the Local Government Finance Act 1992 as their precepts for 2016/17 for each of the categories of dwellings listed.

u) Council Tax rates – all bands

That, having calculated the aggregate in each case of the amounts at 19(8) (Table 3) and 20 (Table 4) above, the Council in accordance with Section 30(2) of the Local Government Finance Act 1992 hereby sets the amounts of Council Tax for the Council's area for the year 2016/17 for each of the categories of dwellings as shown in Table 5.

v) Referendums relating to Council Tax increases

That it be noted that the relevant basic amount of Council Tax for 2016/17 is not excessive.

64. THE TREASURY MANAGEMENT STRATEGY STATEMENT 2016/17 AND PRUDENTIAL INDICATORS 2016/17 TO 2018/19

Councillor N J Rushton presented the report to members, highlighting that the statement complied with statutory, regulatory and professional requirements. He added that specific roles and responsibilities were identified and the Council utilised the services of an independent treasury advisor. Treasury management activity was also reported throughout the year to the Audit and Governance Committee.

Councillor F Fenning suggested that members should abstain from voting on this item. He made reference to section 4.1 of the report and observed that the estimated usable reserves for 2016/17 had decreased by £7 million from the 2015/16 figure, whilst the estimated working capital had increased by £7 million. He also referred to the estimated net debt figure for 2016/17 which was estimated to reduce by £25 million from 31 March 2015. He sought an explanation for this.

Councillor N J Rushton suggested that such detailed questions would be better put in advance of the meeting. He advised that these were CIPFA approved figures, and would undertake to provide a response in writing.

It was moved by Councillor N J Rushton, seconded by Councillor R Blunt and

RESOLVED THAT:

The Treasury Management Strategy Statement 2016/17, Prudential Indicators 2015/16 (Revised) and 2016/17 to 2018/19, and the Annual Minimum Revenue Provision Statement 2016/17 be approved.

65. ALLOCATION OF SEATS ON COMMITTEES (POLITICAL BALANCE)

It was moved by Councillor T Gillard, seconded by Councillor R Johnson and

RESOLVED THAT:

- a) The unchanged position regarding the political proportionality of the Council following the district by-election for Measham South ward be noted.
- b) Councillor S Sheahan be appointed to the vacant seats on the Audit and Governance Committee, Licensing Committee and Appointments Committee; and as a substitute on the Electoral Review Working Party.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.06 pm

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL – 22 MARCH 2016

Title of report	PROPOSED COUNCIL DELIVERY PLAN 2016/17
Contacts	<p>Councillor Richard Blunt 01530 454510 richard.blunt@nwleicestershire.gov.uk</p> <p>Chief Executive 01530 454500 christine.fisher@nwleicestershire.gov.uk</p> <p>Interim Director of Resources 01530 454833 andrew.hunkin@nwleicestershire.gov.uk</p> <p>Director of Services 01530 454555 steve.bambrick@nwleicestershire.gov.uk</p> <p>Director of Housing 01530 454819 glyn.jones@nwleicestershire.gov.uk</p>
Purpose of report	To endorse the Council's Delivery Plan for 2016/17 and consider any recommendations from Cabinet.
Reason for Decision	To formally adopt the Council Delivery Plan for 2016/17.
Council Priorities	This report delivers an update and actions on all of the Council's priorities.
Implications:	
Financial/Staff	The implementation of the Council Delivery Plan has been resourced through the Council's Medium Term Financial Strategy.
Link to relevant CAT	Improvements contained within the Delivery Plan
Risk Management	Improvements contained within the Delivery Plan
Equalities Impact Screening	Equality impacts will be continuously monitored
Human Rights	None discernible at this time
Transformational Government	Improvements contained within the Delivery Plan

Comments of Deputy Chief Executive	The report is satisfactory.
Comments of Deputy Section 151 Officer	The report is satisfactory.
Comments of Monitoring Officer	The report is satisfactory.
Consultees	CLT; Strategy Group on 9/2/16; and Cabinet on 8/3/16.
Background papers	Medium Term Financial Strategy 2016/17 to 2019/20 (Cabinet 22 September 2015) General Fund and Special Expenses Revenue Budgets – Draft Proposals 2016/17 (Cabinet 09 February 2016) Proposed Council Delivery Plan 2015-16 (Cabinet 8 March 2016)
Recommendations	IT IS RECOMMENDED THAT COUNCIL: 1. APPROVE THE PROPOSED COUNCIL DELIVERY PLAN 2016/17 WITH THE ADDITIONAL ACTION IDENTIFIED AT PARAGRAPH 2.4. 2. AUTHORISE THE CHIEF EXECUTIVE, IN CONSULTATION WITH THE LEADER OF THE COUNCIL, TO MAKE ANY FINAL TECHNICAL AMENDMENTS TO THE PLAN PRIOR TO PUBLICATION.

1. BACKGROUND

- 1.1 The council adopted its first Council Delivery Plan (CDP) in April 2005. Since then, the CDP has evolved annually to reflect the changing environment in which the council is operating.
- 1.2 Previously, the CDP was used as evidence towards the Council's Comprehensive Area Assessment (CAA) inspection, and was a lengthy and highly detailed document of several volumes designed to meet the requirements of the Audit Commission inspection process. With the abolition of the Audit Commission, the National Indicator set and the CAA during 2010, the council is able to determine locally how performance is reported.
- 1.3 Since 2011/12, the CDP format has been designed to suit our customers rather than our auditors. These plans provided an accessible overview of the council's plans for the new financial year, including priority outcomes and high level actions. Performance against the plan is reported quarterly to Cabinet. The most recent CDPs have a strong customer focus, and several sections of the reports were included largely for the benefit of readers outside the council.
- 1.4 The council's priorities for 2016/17 are: Building Confidence in Coalville; Value for Money; Business and Jobs; Homes and Communities and Green Footprints. The new priority

added from 2016/17, is “Building Confidence in Coalville”. This priority is about the Council showing leadership in the regeneration of Coalville and aims to increase the attractiveness of the town to encourage development and economic growth.

1.5 A number of key frontline services, which matter most to customers, were agreed at Cabinet in the *General Fund Revenue Budget – Draft Proposals 2014-15 and 2015-16* report of 24 September 2013. These are:

- Waste Services
- Housing Services
- Leisure Centres
- Revenues & Benefits
- Planning Services
- Environmental Health

2. COUNCIL DELIVERY PLAN 2016/17 – Improving the council’s performance planning process

2.1 The Council’s approach to Service & Financial Planning was changed for 2014/15 to a business planning approach with a focus on delivering outcomes for customers. Continuing to ensure that we provide value for money in our services is more important than ever in the current economic climate, and strategic planning has taken this into account to ensure we continue to provide high quality Frontline Services within the Council’s changing resources. This will be an ongoing priority for the council.

2.2 As a result, the Council Delivery Plan content was generated in a bottom-up approach, focusing specifically on key deliverables from Frontline Service Team Business Plans. Actions and indicators focus on improving those services and implementing key corporate projects which will improve the experience of our customers. This year we have had the benefit of the residents’ survey carried out in June 2015 and the results of this have been fed into the team business planning process.

2.3 The proposed draft of the CDP for 2016/17 is attached at Appendix 1. This draft follows the same format as the 2014/15 CDP.

2.4 Since the Cabinet meeting on 8 March 2016 an additional action has been proposed for inclusion under the Business and Jobs priority as follows:

Outcome – Businesses choose to locate and remain in our district – The council will work to ensure that businesses are supported to start, grow and thrive

Action – Deliver regulatory activity in a way that supports business growth, through the LLEP and the national Better Business for All Programme

The Leader has been consulted and has agreed to this inclusion to ensure that there is focus on the key front line service of Environmental Health.

3. STRENGTHENING OUR STRONG PERFORMANCE CULTURE

3.1 The CDP will continue as an outward-facing document for our customers and partners, and more detailed performance management will continue to be cascaded through the authority using Team Business Plans and the performance management system. The

performance management system will continue to be developed to improve reporting methodologies and to ensure that the most important information is coming through at the right levels of management and to councillors.

- 3.2 The outcomes and actions listed in the CDP have a detailed set of quarterly milestones and indicators listed within Team Business Plans. Quarterly performance monitoring against these plans will continue as it does at present. In addition, it is proposed that performance against key corporate projects will be reported quarterly to Cabinet as part of the Quarterly Performance Report.
- 3.3 The portfolio holders are briefed monthly on the performance of their services and are engaged in the quarterly performance reports.

Council Delivery Plan 2016/17





“We are very fortunate to live in an area full of character, thanks to our busy market towns, close-knit rural villages, rolling farmland and wooded countryside”

More than 1,500 people made their way to the ever popular Coalville Park in the heart of Coalville for an evening of wonderful music with Proms in the Park.

Introduction...

Welcome to our Council Delivery Plan for 2016/17, which sets out how we intend to improve North West Leicestershire in the year ahead.

We are working harder than ever to provide value for money in these challenging financial times and, while this sometimes means taking tough decisions, our focus for 2016/17 remains on providing high quality frontline services for our customers. While we are reducing our overall expenditure, we will make funding available to maintain, invest in and make essential improvements to services for the communities in our district.

Despite significant financial challenges, we're proud of our achievements during the past year. We hope you will take the time to read our End of Year report for 2015/16 when it is published in the summer to see exactly what we have done for you and your communities.

The future

In addition to our ongoing priorities around value for money, business and jobs, homes and communities and green footprints, our main focus for next year is to improve confidence in Coalville and the surrounding areas by working with local people and businesses to transform the town centre and create opportunities for economic growth.

Led by NWLDC, the project relies on contributions from all sectors of the Coalville community; achieving the project aims is a collective responsibility.

The project aims to improve the physical appearance of the town – building by building, street by street – and celebrate its people, its heritage and its future.

In addition, driving forward our technology projects will increase the flexible and mobile working opportunities for staff so that they can better serve our customers. The savings from these projects will then be re-invested into further improving council services using the feedback from our residents survey, conducted in June 2015. During focus groups held in March 2016, we will ask customers for more detail about their comments in the survey and explore actions that we have developed in response to the survey.

We would like to thank all our staff, customers and partners that have worked with us to shape and deliver our services throughout 2015/16. We look forward to building on our successes during 2016/17 and beyond.



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

Cllr Richard Blunt
Leader
North West Leicestershire
District Council



A handwritten signature in black ink, appearing to read 'Christine E Fisher'.

Christine E Fisher
Chief Executive
North West Leicestershire
District Council

What we plan to do in 2016/17

Our vision for the future

'North West Leicestershire will be a place where people and businesses feel they belong and are proud to call home.'

Delivering this vision is the focus of our four priorities and ensures that we concentrate on using our resources to provide services that really matter to local people and businesses.

Council priorities for 2016/17

• Building confidence in Coalville

We aim to regenerate and build confidence in Coalville

• Value for money

We aim to provide council services that people feel give good value for money

• Homes and communities

We aim to improve the wellbeing of people living in North West Leicestershire

• Business and jobs

We aim to make the district a better place to invest, work and visit

• Green Footprints

We aim to make people feel proud to be part of a cleaner, greener district

Our people

At North West Leicestershire District Council we know our staff are our biggest asset. Providing excellent service for our customers means developing and supporting our staff to be their best; we measure success not only by delivering great results, but also in the way we achieve them. We promote five core values for our employees as part of our Best Employee Experience (BEE) programme:

- **Spend our money wisely** – Our staff ensure they deliver value for money in everything they do
- **Support what is possible** – Our staff identify, agree and provide the best possible outcomes for all customers
- **Be fair and proud** – Our staff show pride in their work and take individual responsibility for delivering what is agreed

- **Listen carefully** – Our staff listen and respond to the needs of customers and colleagues – both internally and externally
- **Deliver agreed quality** – Our staff ensure they deliver within agreed timescales and to the expected quality

During 2016/17 our staff will continue to deliver on our core values through regular appraisals, monitoring of feedback from customers and training and development. We will celebrate the achievements of staff that consistently demonstrate outstanding service, and will use feedback from our customers to identify staff providing exceptional customer experiences.



Waste collections: 5,000,000 waste containers emptied every year, with 93.5% of our customers satisfied with the service.

Building confidence in Coalville



Coalville is an attractive place to live, work, visit and invest.

What we want to achieve	
<ul style="list-style-type: none"> • People want to live, work in and visit Coalville • Coalville is regenerated and attracts small and medium enterprises to set up businesses 	
How we will achieve it	
Outcome	Action
<p>People want to live, work in and visit Coalville...</p> <p>We will organise and support events that bring the wider Coalville community together and attract visitors to the town</p>	We will start the process of building new houses in Coalville including at Greenacres, Linford Crescent
	We will support housing schemes that encourage people to live in the centre of Coalville
	We will support new businesses that choose to locate in Coalville
	We will develop one iconic building in one of the four squares.
	We will develop the heritage offer of the town through a Heritage Lottery Fund grant
	Deliver the Coalville Specials Expenses events / project portfolio
	We will run and / or support two new annual community events in Coalville
	We will identify 10 hotspots in Coalville for litter reduction campaigns to improve the local environment.

Building confidence in Coalville



Coalville is an attractive place to live, work, visit and invest.

How we will achieve it	
Outcome	Action
<p>Coalville is regenerated and attracts small and medium enterprises to set up businesses...</p> <p>We will work with partners from all sectors to build confidence in Coalville</p>	We will apply for funding from LLEP to help improve our market towns
	We will continue and aim to develop more business support schemes, including Enterprising North West Leicestershire and the Coalville shop front improvement scheme
	We will develop projects that target regeneration of Coalville town centre, on our own and with partners
	We will increase the number of events held in Coalville to increase footfall
	We will maximise the links to Stephenson College to develop skills in local people that businesses want and need
	We will maximise the use of the council's own assets and lead on maximising commercial development opportunities in Coalville

Value for money

People feel council services provide good value for money

What we want to achieve

- Customers are happier with key services provided
- People feel the council is spending money well

How we will achieve it

Outcome	Action
<p>Customers are happier with key services provided...</p> <p>The council will focus on Information Governance so it meets all of its obligations around protecting customer information and making data freely available to citizens.</p> <p>The council will identify the skills it needs to manage services and plan to ensure recruitment and development of staff meets the future needs of the council.</p> <p>We will develop a value for money housing repairs service with high levels of productivity and tenant satisfaction</p>	<p>Improve our leisure services using feedback from customers, benchmarking exercises and the QUEST accreditors</p>
	<p>Introduce service standards for the provision of housing advice and homelessness prevention.</p>
	<p>Deliver service improvements to address findings of tenant satisfaction survey</p>
	<p>Maximise the amount of information we hold about our tenants so a tailored service can be delivered to meet the needs of customers</p>
	<p>We will increase the number of services available to customers online.</p>
	<p>We will implement systems and processes for better management of council information to make it more accessible, whilst increasing security to keep customer's personal data safe.</p>

Value for money

People feel council services provide good value for money

How we will achieve it	
Outcome	Action
<p>People feel the council is spending money well...</p> <p>The council will manage its assets more effectively and selectively dispose of sites / properties where appropriate</p> <p>The council will develop and understand its appetite for risk and improve contract management practices.</p> <p>We will develop a value for money housing repairs service with high levels of productivity and tenant satisfaction</p>	We will review how we operate the waste collection service to increase efficiency and save money
	We will review our approach to ICT to find ways of saving money and making all services more efficient.
	Implement a selective disposals plan of housing sites / properties which are not economically viable to retain
	Implement the findings of the Repairs Value for Money study to improve the efficiency of our Repairs Service
	Re-let empty properties more quickly so rental income is maximised
	Review the way that we provide our leisure services.

Other 'Value for money' measures we will monitor and report to Cabinet

- Quarterly updates on managing our finances
- Quarterly updates on managing sickness absence

Business and jobs

Our district is a better place to invest, work and visit

What we want to achieve	
<ul style="list-style-type: none"> • Businesses choose to locate and remain in our district • People find suitable employment within the district • The council supports sustainable development and growth 	
How we will achieve it	
Outcome	Action
<p>The council supports sustainable development and growth</p> <p>The council will work to support the development of the strategic growth plan. A key element of this is the development of Coaville.</p>	To increase the number of tourists visiting the district
	To review car parks strategic contribution to town centres and operational efficiency
	To develop a programme of business support targeting more women becoming economically active.
	Have an up-to-date Local Plan in place to guide growth and development
	To work with local housing and construction partners to maintain the delivery of affordable housing
	Work with expert rail consultants to prepare a case which will set out to Government the impact of HS2 on the district and the potential mitigating factors that could be negotiated for the benefit of the area.

Business and jobs

Our district is a better place to invest, work and visit

How we will achieve it	
Outcome	Action
<p>Businesses choose to locate and remain in our district</p> <p>The council will work to ensure that businesses are supported to start, grow and thrive.</p>	<p>Develop and implement strategies to help NWL's town centres to increase business occupancy, footfall and spend with local businesses.</p>
	<p>Work towards the implementation of a combined authority to deliver benefits from strategic planning, infrastructure development and the local economy</p>



Enterprising NWL: £500,000 in business grants available to small and medium sized companies in the district. First grant awarded to Trunet, based in Measham.

Homes and communities

The wellbeing of people in North West Leicestershire is improved

What we want to achieve

- People feel proud of their homes and communities
- People feel safe in their community
- Families in need are supported by the council

How we will achieve it

Outcome	Action
<p>Families in need are supported by the council ...</p> <p>We will build new council houses in the district for the first time in 25 years</p> <p>We will positively respond to resident concerns and priorities arising from the Tenant Survey conducted in 2015</p> <p>We will work with local housing associations and house builders to deliver high quality, affordable housing which meets local needs</p> <p>The council will conduct a stock condition of private rented and owner occupied housing to identify key issues needing addressing</p> <p>We will continue to promote the benefits of Sport and Physical Activity for the long term health improvement of our residents</p>	<p>Reduce health inequalities within the residents of NWL using awareness campaigns</p> <p>Identification of potential places for Gypsy and Traveller Sites</p> <p>Repair and let empty properties more quickly so families spend less time waiting on the Housing Register</p> <p>Procure a construction partner and build new council housing</p>

Homes and communities

The wellbeing of people in North West Leicestershire is improved

How we will achieve it	
Outcome	Action
<p>People feel safe in their community</p> <p>People feel proud of their homes and communities</p> <p>We will continue to support and work closely with our valued parish and town councils</p>	Work with partners to protect children and vulnerable adults from radicalisation as set out in the government’s Prevent Strategy
	Implement the requirements of the new smoke alarm and Carbon Monoxide detection regulations to ensure private landlords comply
	Identify parking hotspots and implement initiatives to reduce antisocial behaviour (ASB) complaints from resident parking problems
	Provide support for parish councils and community organisations in developing their local neighbourhood plans including Community Rights and Assets of Community Value
	Develop and implement a design guide for residential development
	Understand the condition of private housing through a stock condition survey
	Identify locally listed buildings and locally registered gardens, as well as considering the designation of new conservation areas



Royal Oak: Formerly the derelict Pick and Shovel pub, £500,000 from NWLDC has helped emh group to develop this site into 14 affordable homes in the centre of Coalville.

People feel proud to be part of a greener district

What we want to achieve

- Residents and businesses are motivated to be greener
- The council demonstrates community leadership in being green

How we will achieve it

Outcome	Action
<p>Residents and businesses are motivated to be greener...</p> <p>The council will work harder and smarter to minimise the impact of county council changes to recycling funding.</p>	<p>Identify areas with low recycling rates and help residents to increase the amount that they recycle.</p>
	<p>Reduce roadside litter through increased provision of signage and undertaking national and local anti litter initiatives.</p>
<p>The council demonstrates community leadership in being green...</p> <p>The National Forest is important to us and we will work closely with them to develop future plans in response to the changes affecting their funding.</p>	<p>Complete a review of the Housing's Green and Decent programme, recommending the best renewable technologies to be installed to heat council properties, especially in non-gas areas</p>



Volunteer litter pickers: More than 120 people give up their own time to help us keep the district free of litter

Managing the council's finances - 2016/17 to 2019/20

Continuing to make sure that we provide value for money in our services is more important than ever in the current economic climate as the Government moves forward with its deficit reduction programme. Whilst the Government has provided opportunities to reward us for business growth and increases in housing stock it is clear that the overall level of national funding will continue to reduce.

For 2016/17 our Revenue Support Grant was reduced by £641,000. This has been offset by an increase in the New Homes Bonus of around £650,000 and a forecasted increase in the Business Rates Income of around £1 million. This has allowed the council to freeze its Council Tax again in 2016/17.

We are doing all that we can to generate local income including the New Homes Bonus and Retained Business Rates. The Government's New Homes Bonus consultation looks at various ways to reduce the amount distributed to local authorities. This will also have a detrimental effect on our funding allocation in the future.

We will continue our drive for efficiency, economy and effectiveness in everything we do and will also continue with the regular monitoring of income and expenditure. The council will update its four year Medium Term Financial Strategy in the summer in anticipation of further reductions in Government funding. Members will carefully consider how funding will be spent to support their priorities for the district.

Building confidence in the council's performance

Our performance was very strong across the council during 2015/16, but we continue to strive to improve performance across all services.

At the heart of our work to further improve the services that people value will be a performance programme focusing on:

- We have a robust framework in place to manage the council's performance
- Monthly meetings are held between senior managers to discuss the performance of their services. Portfolio holders are also updated monthly and discuss progress on the council's delivery plan actions
- Quarterly reports to Cabinet, which will include performance on the council's priorities and frontline services
- Actively engaging our customers and communities in shaping our services
- Investing in and supporting our local councillors in undertaking their duties
- Valuing the views of our partners and customers to improve our performance
- Engaging external best practice and benchmarking to challenge what we do and how we do it
- Working as one council and one team to be the best we can
- Releasing talent, growing capacity and expertise within the staff of the council

Each of the actions set out in this plan will be monitored quarterly by members of the council's Cabinet to make sure we are achieving the high standards we have set.

You can check our progress on our website www.nwleics.gov.uk/performance.

“Local people are at the heart of our services, and during 2015/16 we will continue to work closely with you to improve the services you value.”



£20,000-for-Seven: £225,000 available to community groups across the district for their projects in 2015. A further £160,000 available in 2016. 37

Useful information

If you would like more information about the Council Delivery Plan or any council service, please use the contact details below:

Website:

www.nwleics.gov.uk

Email:

customer.services@nwleicestershire.gov.uk

Twitter:

@nwleics

Post:

North West Leicestershire District Council,
Council Offices,
Coalville,
Leicestershire,
LE67 3FJ

Telephone:

01530 454545 (Main switchboard)

If you have an emergency outside of normal hours,
please call 01530 454789

Fax:

01530 454506 (Reception)



NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL – 22 MARCH 2016

Title of report	PAY POLICY STATEMENT 2016/17
Contacts	<p>Councillor Richard Blunt 01530 454510 richard.blunt@nwleicestershire.gov.uk</p> <p>Chief Executive 01530 454500 christine.fisher@nwleicestershire.gov.uk</p> <p>Human Resources Team Manager 01530 454518 mike.murphy@nwleicestershire.gov.uk</p>
Purpose of report	The Council is required by the Localism Act 2011 to prepare and approve a pay policy statement in respect of each financial year, before the commencement of that financial year. This report has been produced to provide the relevant information in accordance with the relevant provisions of the Act.
Council Priorities	Value for Money.
Implications: Financial/Staff Link to relevant CAT Risk Management Equalities Impact Assessment Human Rights Transformational Government	<p>The pay policy statement will apply to all of the most senior employees in the organisation.</p> <p>There are no additional costs to the Council resulting from the information in this report.</p> <p>Not Applicable.</p> <p>None.</p> <p>No equality issues identified. Held with the Author of the report as Background papers.</p> <p>No implications.</p> <p>This relates to the new ways in which council's are being asked to deliver their services.</p>
Comments of Deputy Chief Executive	The report is satisfactory.

Comments of Deputy Section 151 Officer	The report is satisfactory.
Comments of Monitoring Officer	The report is satisfactory.
Consultees	The report and pay statement has been provided to the Senior Officers of the Council for information.
Background papers	Held in Room 127 of the Council Offices. Some of the Background papers are confidential because they relate to individual employees.
Recommendations	THAT COUNCIL APPROVES THE COUNCIL'S PAY POLICY STATEMENT 2016/17, AS ATTACHED AT APPENDIX 1 OF THIS REPORT.

1.0 BACKGROUND

- 1.1 Under Section 38 of the Localism Act 2011, the Council is required to produce a Pay Policy Statement for each financial year, which must be approved by full Council before the beginning of the financial year to which it relates.
- 1.2 The Statement must set out the Council's policies in relation to:
- Senior Officers
 - Its lowest paid employees; and
 - The relationship between the pay of Senior Officers and the pay of other employees
- 1.3 For the purposes of this statement 'pay' includes basic salary, bonuses and all other allowances arising from employment.
- 1.4 The proposed pay policy statement attached sets out the Council's policy and explains the processes that apply to performance management and assessment. The Policy Statement also details the other benefits payable to Senior Officers and the approach to the engagement of Interim Senior Officers who may be in receipt of a previous public sector pension.
- 1.5 In accordance with the requirements of the Localism Act, the statement details the Council's pay multiple, which is 5.6 (the relationship between the median average pay of the Council's workforce compared to the salary of the most Senior Officer (the Chief Executive)). This multiple has reduced from a factor of 5.7 in last year's pay statement.

2.0 CHANGES

2.1 The following changes are worthy of mention in this year's pay statement:-

- (Paragraph 3.2). The number of Directors has increased by one during 2015/16 with the appointment of the Interim Director of Resources. The number of permanent Directors was increased by one during 2015/16 as the previously Interim Director of Housing post was made permanent by Council in November 2015. The number of posts at the Head of Service grade has increased by one due to the appointment of an Interim Head of Economic Development.
- (Paragraph 4.4) The Car allowance rates have not changed. They remain at the same level as during 2015/16.
- (Paragraph 11.2). The Council agreed to adopt the "Living Wage" for all of its employees from 1st April 2014. The Living Wage rate changed to £15,594 per annum (£8.25 per hour) in November 2015 from a previous level of £14,837.
- Discussions are continuing at national level to seek to finalise annual pay increases across all employee groups which would normally be effective from 1 April 2016.

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

Pay Policy Statement 2016/17

1.0 Introduction

- 1.1 This Statement sets out the Council's policies in relation to the pay of its workforce, particularly its Senior Officers, in line with Section 38 of the Localism Act 2011. In accordance with that Act, the Statement is required to be approved by Full Council each year. The statement will be published on the Council's website. The Council is committed to an open and transparent approach to the pay and benefits that apply to its workforce.
- 1.2 This Statement sets out the Council's policies relating to the payment of the workforce particularly:
- Senior Officers
 - Its lowest paid employees; and
 - The relationship between the pay of Senior Officers and the pay of other employees
- 1.3 For the purposes of this statement 'pay' includes basic salary, bonuses and all other allowances arising from employment.

2.0 Objectives of this Statement

- 2.1 This Statement sets out the Council's key policy principles in relation to pay. The Council has employment law and contractual responsibilities in relation to the pay and benefits of its existing employees and these have been taken into account when formulating the Statement.
- 2.2 This Statement aims to ensure the Council's approach to pay and benefits attracts and retains a high performing workforce whilst ensuring value for money. It sits alongside the information on pay that the Council already publishes as part of its responsibilities under the Code of Practice for Local Authorities on Data Transparency.

3.0 Basic Salaries of Senior Officers

- 3.1 From a legal perspective, for the purposes of this Statement Senior Officers are defined as those posts with a salary above £58,200 which is the current Senior Civil Service minimum pay band.
- 3.2 In North West Leicestershire District Council eleven posts have the potential to earn a salary in excess of £58,200. We have three salary bandings which have the potential to earn more than £58,200 – the Chief Executive Band which applies to one post, a Director Band which applies to three posts, and a Head of Service Band which applies to seven posts.

- 3.3 The following posts are determined to be statutory, Chief or Deputy Chief Officer posts in the Council:-

Chief Executive (Head of Paid Service and Returning Officer)
Director of Services and Deputy Chief Executive
Director of Housing
Interim Director of Resources
Head of Legal and Support Services (Monitoring Officer)
Head of Finance (Section 151 Officer)
Head of Housing
Head of Planning and Regeneration
Head of Community Services
Joint Strategic Planning Manager (Jointly funded Partnership post, but actually an employee of North West Leicestershire District Council)
Interim Head of Economic Development

- 3.4 It should also be noted for completeness that two other posts at Service Manager Level are also technically Deputy Chief Officers because of their functions within the Council as Deputy Monitoring Officer and Deputy Finance Officer. Their information has not been included within this statement as their total pay package is less than £58,200 per annum.
- 3.5 The Heads of Service are all located within a salary range £52,971 to £61,727 (9 incremental points), The Deputy Chief Executive / Director salary range is £72,816 to £81,586 (6 incremental points) and the Chief Executive Salary range is £112,695 to £120,651.(4 incremental points).
- 3.6 The salaries of all Senior Officers have been set previously by formal meetings of elected members. In the case of the Chief Executive and the Deputy Chief Executive/Director, these were most recently reviewed in 2008 and the existing salary ranges were determined having regard to market conditions and the responsibilities associated with the roles. The Chief Executive's performance is considered annually at a meeting of the members' Appointments Panel.
- 3.7 A member review of the salaries of the Heads of Service took place in 2011, which was in response to difficulties in recruiting to the Head of Finance post. The Directors and Heads of Service are all subject to an annual appraisal process, and are required to report on their progress on Service Delivery Plans to members.
- 3.8 Increments for all employees including Senior Officers are paid on an annual basis until the maximum of the scale is reached. The Chief Executive, or her nominated representative, has the discretion to award and withhold increments of officers' dependant on satisfactory or unsatisfactory performance.
- 3.9 Annual pay awards (cost of living) are decided at national level for all employees of the Council. The Directors and Heads of Service received a cost of living award of 2% in January 2015 which is effective to the 31st March 2016. Discussions are continuing as part of the national negotiations to determine the level of increase that will apply from 1st April 2016.

4.0 Car Allowance payments made to Senior Officers.

- 4.1 It is a requirement of the contracts of all Senior Officers that they be on a call-out rota to be available for Service Emergencies or to act in the event of a civil local or national emergency situation. The rotas offer 24/7 365 days a year cover.
- 4.2 Due to the need to respond to emergencies out-of-hours and being on-call, Senior Officers have retained either a Car Lease or Essential car allowance. These criteria also apply to other employees in the workforce.
- 4.3 The annual car leasing value to Senior Officers varies depending on the year renewal date of their vehicle and the relative value of "benchmark" vehicles in the Car Leasing scheme. On the basis of the current arrangements the actual current Council contributions range between £2,554 and £3,060 per annum (for the Senior Officers in this statement).
- 4.4 All Officers who are provided with a lease car are tied to a 4 year contract, with penalties payable if they terminate the contract prematurely. Officers are responsible for their own car insurance and petrol / diesel costs. If Officers with a lease car use the car for business mileage they are reimbursed at 16.6p per mile. This rate is reviewed periodically by reference to the National Conditions of Service petrol element. This rate has not changed during the course of the 2015/16 financial year
- 4.5 The Car Allowance rates for Senior Officers are identical to those for all other employees in the Council, and these have been determined at National Level by the annual negotiations between the Employers' Organisations and the Trade Unions. The current rate is a lump sum allowance of £963 per annum which is paid in monthly instalments. Officers are then paid a fixed mileage rate for any business miles undertaken, which varies from 36.9p per mile to 40.9p per mile.

5.0 Local Government Pension Scheme

- 5.1 All Council employees may join the Local Government Pension Scheme. The Scheme is a statutory scheme with contributions from employees and from employers. For more comprehensive details of the local government pension scheme see:

<http://www.lgps.org.uk/>

- 5.2 Neither the Scheme nor the Council adopt different policies with regard to benefits for any category of employee and the same terms apply to all staff. It is not normal Council policy to enhance retirement benefits but there is flexibility contained within some pensions discretions for enhancement of benefits. The Council will consider each case on its merits in accordance with the discretions determined by Council at the time. There is no scope for the discretions to be applied more favourably to Senior Officers.
- 5.3 The Local Government Pension Scheme is an optional benefit. If senior officers are members of the scheme the employee contribution rates range between 8.5% and 11.4%.
- 5.4 The discretions that North West Leicestershire is able to apply were revised and agreed by Cabinet on the 24th June 2014 (as a direct result of the changes to the

National Local Government Pension Scheme). The discretions apply to all employees in the Council's workforce including Senior Officers and there are no special considerations for employees working at Senior Officer level.

6.0 Professional Fees

6.1 The Council reimburses the cost of professional fees for Senior and other Officers where it is essential to the performance of the job role. The Council will reimburse the cost of one fee up to a maximum of £244 per annum. The annual maximum is linked to a percentage of one of the spinal column points in the main employee salary scale, so is increased when there is a nationally-agreed cost of living rise.

7.0 Electoral Registration fees

7.1 In accordance with the national agreement the Chief Executive is entitled to receive and retain the personal fees arising from performing the duties of returning officer, acting returning officer, deputy returning officer or deputy acting return officer and similar positions which he or she completes.

7.2 Fees for returning officer and other electoral duties are identified and paid separately for local government elections, elections to the UK Parliament and EU Parliament and other electoral processes such as referenda. As these relate to performance and delivery of specific elections duties they are distinct from the process for the determination of pay for Senior Officers. The fees are set externally by legislation and based on a formula linked to the number of electors.

8.0 Employment Stability Policy

8.1 The Council has previously determined that its "Employment Stability Scheme" will apply to all employees of the Council including Senior Officers. The Employment Stability Policy provides that actual weekly pay will be used when calculating an employee's redundancy payment and the number of redundancy weeks payable is the statutory number of weeks redundancy multiplied by a factor of 1.5. This means that the maximum number of weeks payable, depending on age and service, is 45. The National Local Government Pension Scheme Regulations provide that employees aged over 55 gain automatic payment of their pension if they are made redundant by the Council and there can then be an associated pension Capital cost payable by the Council. It is relevant to note that the Government is currently considering revised legislation to limit the value of termination payments to Senior Officers, and to claw back termination payments if the departing officer is re-engaged in another part of the Public Sector. The proposals will be the subject of a future report to Council if/when they become enacted.

8.2 The Employment Stability Policy also includes the potential for any employee (including Senior Officers) who is at risk of being made redundant to receive salary protection for 3 years on a stand-still basis if they are redeployed to a lower graded post. It should be noted that in practice, this is a rare occurrence.

8.3 Full Council will be given the opportunity to vote on severance arrangements which exceed a total value of £100,000 before they are approved. The information presented will clearly set out the components of the severance package (e.g. salary paid in lieu, redundancy compensation, pension capital costs, holiday pay and any other bonuses, fees or allowances paid).

9.0 Whole-time service

- 9.1 All Senior Officers are expected to devote the whole of their service to the Authority and are excluded from taking up additional business, ad hoc services or additional appointments without consent. Officers at a senior level are restricted from being involved in specified political activities, and all employees of the Council are bound by a code of conduct. Senior Officers are expected to work the hours required to complete the job, subject to a minimum of 36.25 hours per week. No additional payments are normally made for out-of-hours working, and there is an expectation that Senior Officer Roles will include on-call and out-of-hours meetings and duties.

10.0 Other benefits.

- 10.1 A number of the Senior Officers' terms and conditions of Service are determined at National level according to the following frameworks:

National Joint Council for Chief Executives Conditions of Service
National Joint Council for Chief Officers Conditions of Service

These frameworks provide the details of conditions of service such as annual leave, sick pay, maternity allowances, training and development etc.

11.0 Pay Relationships

- 11.1 The Localism Act 2011 requires the Council to set out its policy relating to the relationship between the pay of its Senior Officers and the pay of the rest of its employees. The Council has not previously set its pay structure of any group of employees by reference to a pay multiple. The Council has previously set the pay rates for different groups through processes of job evaluation, market comparability and the prevailing economic and market conditions. These can vary enormously from time to time and between the many occupational groups comprising the Council's workforce.

- 11.2. Pay of the Council's Lowest Paid Employees

The Council has defined its lowest paid employees as those on the lowest pay grade the Council operates, who are not undergoing an apprenticeship. The Council agreed to pay the "Living Wage" rate as a minimum wage figure in April 2014, so the lowest pay rate is the current Living Wage of £15,594 per annum (previously £14,837 per annum).

- 11.3 The Localism Act requires Councils to calculate the pay multiples between the highest and lowest earners. The median average pay of the Council's workforce in February 2016 (including overtime payments) was £21,544, which when compared to the salary of the most highly-paid Senior Officer at £120,651 per annum, the pay multiple factor is 5.6.

12.0 Approach to pensioners and Interim Managers.

- 12.1 The Localism Act requires an explanation of the Council's policy in relation to the arrangements that might apply where it could appear that the public sector is paying an individual twice through a salary and a pension for doing the same job. This

Council's view is that it is not good value for money for the taxpayer to make a person redundant (and pay a pension if they are aged 55 years and over) for them to then return to the same job. The Council will not condone this approach. However, it should be noted that there may be circumstances where the Council may employ individuals who are in receipt of a public sector pension for new roles where they are the best person for the job. An example of this may be the employment of ex-services or "blue-light" personnel, to a different role in this Council. It should also be noted that there might be risks of age or disability claims if the Council was to adopt a contrary position.

- 12.2 The Council has used Interim Managers to fill short-term vacancies or to undertake specific projects where there are capacity issues or a shortage of a particular skill set within the Council's own workforce. This may mean that the Council could engage Interim Managers who are in receipt of a public sector pension from other previous employment where an appropriate assessment has been completed on the value-for-money of the proposed arrangement for the Council. Such assessments will be completed by the Head of the Paid Service in consultation with the Leader of the Council.

13.0 Review and Changes

The Council will review this policy annually, or if amendments need to be made before the date of the scheduled review, in year, to Full Council. Any significant amendments or changes to the legislation which may affect the pay and benefits of Senior Officers will be determined according to the Council's constitution or legislation by the relevant Committee / Panel / Council meeting.

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL – 22 MARCH 2016

Title of report	UPDATE OF THE COUNCIL'S CONSTITUTION
Contacts	<p>Councillor Nicholas Rushton 01530 412059 nicholas.rushton@nwleicestershire.gov.uk</p> <p>Interim Director of Resources 01530 454833 andrew.hunkin@nwleicestershire.gov.uk</p> <p>Head of Legal and Support Services 01530 454762 elizabeth.warhurst@nwleicestershire.gov.uk</p>
Purpose of report	To seek Council's approval of the proposed amendments to the Constitution.
Council Priorities	The Constitution covers all the priorities.
Implications:	
Financial/Staff	None.
Link to relevant CAT	Not applicable
Risk Management	A clear and up to date Constitution will minimise the risk of the Authority failing to comply with statutory requirements and assist in delivering its priorities and objectives.
Equalities Impact Screening	Not applicable.
Human Rights	Not applicable.
Transformational Government	Clear and robust governance arrangements and procedures assist with the effective and efficient delivery of services and proper decision making.
Comments of Deputy Chief Executive	The report is satisfactory.
Comments of Deputy Section 151 Officer	The report is satisfactory.
Comments of Deputy Monitoring Officer	The report is satisfactory.

Consultees	Procurement Gateway Board Statutory Officers. Head of Legal and Support Services. Head of Finance Policy Development Group
Background papers	Report to Policy Development Group – 2 March 2016
Recommendations	<p>IT IS RECOMMENDED THAT COUNCIL:</p> <ol style="list-style-type: none"> 1. NOTES THE COMMENTS OF MEMBERS OF POLICY DEVELOPMENT GROUP; 2. APPROVE THE AMENDMENTS TO THE CONSTITUTION SET OUT IN APPENDIX 1; <p>AND</p> <ol style="list-style-type: none"> 3. AUTHORISES THE HEAD OF LEGAL AND SUPPORT SERVICES TO MAKE THE AGREED AMENDMENTS TO THE CONSTITUTION AND RE-ISSUE THE DOCUMENT.

1.0 INTRODUCTION

- 1.1 The Local Government Act 2000 requires each local authority to prepare, keep up to date and publicise the document known as the Constitution.
- 1.2 The Constitution should be logical, integrated and accessible to members, officers, local people and anyone else interested in the way a local authority makes its decisions. There is also a statutory requirement on the Council's Monitoring Officer to keep the Constitution up to date, and accordingly the update of the Constitution is an on-going process.

2.0 BACKGROUND

- 2.1 Full Council regularly considers items relating to updates to the Constitution. The updates are generally required due to legislative and organisational changes or to clarify and improve processes within the Authority to reflect best practice. Members may recall that, in response to comments and suggestions made by members at Council, it was agreed that:
- (i) the Constitution underwent one main annual review - around the time of Annual Council;
 - (ii) any remaining changes or matters arising after this date would be dealt with by way of one mid year review;
 - (iii) further reviews or changes would only be suggested outside this process if legislation or national guidance required it;
 - (iv) there was some "scrutiny" of the main annual review report whilst in draft and prior to its publication;

- (v) there would be informal consultation / engagement with members on the mid year and other reviews.

3.0 CHANGES TO THE CONSTITUTION PRESENTED TO THE POLICY DEVELOPMENT GROUP ON 2 MARCH 2016.

Contract Procedure Rules

- 3.1 As a result of the enactment of the Public Contracts Regulations 2015 the Council has reviewed and updated its Contract Procedure Rules which set out the procedures that officers should consider when procuring goods and services.
- 3.2 The Contract Procedure Rules have been reviewed and amended by the Procurement Gateway Board which was chaired by the Chief Executive at the time of the review and involved officers from Financial Services (including Procurement Services), the Head of Finance, the Head of Legal and Support Services and the Director of Housing.
- 3.3 The proposed amendments to the Contract Procedure Rules are attached as Appendix 1.

4.0 COMMENTS FROM THE POLICY DEVELOPMENT GROUP

- 4.1 The proposed amendments to the constitution were considered by the Policy Development Group on 2 March 2016. A copy of the draft minutes from the meeting of Policy Development Group are attached at Appendix 2.
- 4.2 Officers have considered the comments made by Policy Development Group and;
 - a) Propose that being satisfied that the change of wording in CPR 6 from 'obtain' to 'source' is not material as the threshold table in CPR 5.5 still refers to 'seeking three quotations' that the wording reverts to 'obtain'; and
 - b) That the Contract procedure Rules at 6.11 are sufficiently clear in relation to awarding contracts locally.

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4.7: CONTRACT PROCEDURE RULES

Rule	Subject
1:	Introduction
2:	Value for Money
3:	Special Circumstances (Waiver and Exemption)
4:	Framework Agreements
5:	Types of Contracts <u>Selecting a Procurement Route</u>
6:	Conducting a Procurement Exercise <u>Contracts to which the Public Procurement Regulations Apply</u>
7:	Contracts to which the Public Procurement Regulations Apply <u>Types of Tender</u>
8:	Submission of Tenders <u>Types of Tender for Band C Contracts</u>
9:	Opening and Acceptance of Tenders <u>Specifications</u>
10:	Tender Evaluation and Award of Contracts <u>Submission of Tenders and Evaluation</u>
11:	Contract Conditions <u>Opening and Acceptance of Tenders</u>
12:	Contract and Performance Management <u>Tender Evaluation and Award of Contracts</u>
13:	<u>Contract Conditions</u>
14:	<u>Contract and Performance Management</u>

1. INTRODUCTION

Purpose of these Standing Orders

- 1.1 These Standing Orders are made pursuant to s135 of the Local Government Act 1972. These Standing Orders have been prepared in accordance with the Public Contracts Regulations 2015, the Authority's policies and to facilitate small and medium enterprises in the local area the opportunity to enter the Authority's supply chain.
- 1.2 These Standing Orders set out how the Authority will invite tenders, obtain quotations and award contracts for ~~the supply of~~ supplies, services or works. Their role is to ensure that contracts are appropriate for their purpose, provide the right balance between price and quality and are procured in an open way that demonstrates probity and compliance with the Authority's policies and the law. It is important that they are viewed as an aid to good management and compliance and not as a hindrance. ~~They apply equally where payment is expected to be received or where payment is to be made by the Authority.~~

What Contracts is outside the scope of these Standing Orders

- 1.3 Where the Authority is disposing of goods, officers shall seek advice from the Head of Finance and have regard to the provisions of the Financial Procedure Rules.
- 1.4 These rules do not apply to contracts between other local authorities for the joint delivery of services or discharge of functions, save the obligation to secure value for money for the Authority. These rules do not apply to transactions for the sale, purchase or lease of land or property.

Probity and Compliance

- 1.35 Responsibility for compliance with these Standing Orders remains at all time with officers. It shall be the responsibility of the ~~Heads of Service~~ Directors to ensure that staff within his or her ~~Service~~ directorate comply with these Standing Orders.
- 1.46 No contract shall be entered into unless adequate budgetary provision has been made for the award of that contract.
- ~~1.5 These Standing Orders have been prepared in accordance with the Authority's policies and to facilitate small and medium enterprises in the local area to enter the Authority's supply chain. This is through a combination of rationalising the previous rules to assist procuring officers and clarifying the Authority's approach to procurement, to direct businesses to the opportunities available.~~

- 1.67** Any officer, whether a direct employee of the Authority or engaged through an external organisation or supplier who is engaged to work on behalf of the Authority shall, if they become aware of any relationship (current or past), whether pecuniary or not, with any supplier or potential supplier, make a Declaration of Interest to the relevant Head of Service at the earliest opportunity.
- 1.78** An officer with an interest in a contract shall take no part in advising on the Authority's dealing with that contract. If the officer is present at a meeting when the contract is discussed, he or she shall forthwith declare that interest and withdraw from the meeting while it is under discussion, unless the chair of the meeting invites him or her to remain.
- 1.89** The Chief Executive shall record in a book, to be kept for the purposes of recording any notice given by an officer of the Authority, under ~~1.6-7~~ above and/or Section 117 of the Local Government Act 1972 and the book shall be open during office hours to the inspection of any member of the Council.
- ~~1.9 — Officers should have regard to the Procurement Toolkit.~~

2. VALUE FOR MONEY

Value of the Contract Opportunity and Aggregation

- 2.1 The Authority is under a duty to ensure that funds are spent in a way that achieves "value for money" for the Authority. Officers involved in procuring supplies, services or works should be mindful of this duty.
- ~~2.2 When an officer has identified the need to procure supplies, services or works, the relevant Head of Service shall assess the value of the proposed arrangement. The value is the total amount that the Council Authority expects to pay for the contract, either in a single sum or periodically over time.~~
- 2.3 Purchases should be aggregated to make the best use of the Authority's purchasing power. Where a recurring pattern of purchases can be identified for similar supplies, services or works across the Authority, consideration shall be given to whether one contract would represent better value in terms of price, service, invoicing or other administrative costs. It is the Head of Service's' responsibility to have due regard to the aggregation of contract values.
- 2.4 The principles of aggregation in EU procurement law are designed to ensure that authorities do not deliberately split contracts which have similar characteristics into separate contracts so that they fall below the relevant thresholds (unlawful disaggregation).

2.5 Notwithstanding this, Procuring officers shall consider the sub-division of procuring supplies, services or works into lots, facilitating access for small and medium enterprises. Where the decision is taken not to sub-divide a procurement into lots, the reasons shall be recorded.

Initial ConsiderationsThe Procurement Hierarchy

~~2.1 The Authority is under a duty to ensure that funds are spent in a way that achieves “value for money” for the Authority. Officers involved in procuring supplies, services or works should be mindful of this duty.~~

2.26 When an officer has identified a need to procure new supplies, services or works, they shall first consider these options in turn (the Procurement Hierarchy):

2.26.1 any current arrangements in existence in-house;

2.26.2 any existing contracts entered into by the Authority; and

~~2.26.3 any provision available through ESPO; and~~

~~2.2.4~~ any provision available through other third party contracts or ~~framework~~ agreements, including those provided by Buying Solutions and other public sector buying consortia, where they can be ~~shown~~ shown to offer value for money for the Authority.

2.37 Where the officer determines that no provision is available from the above sources/resources in the Procurement Hierarchy or that in the circumstances they do not represent value for money, they shall have regard to these Standing Orders in determining which procurement option is the appropriate one to follow.

2.8 The Head of Finance is responsible for maintaining a schedule of the Authority’s planned procurements. Head of Services shall be responsible for ensuring that all contracts proposed to be entered into by the Authority in the coming financial year are notified to the Procurement Team for inclusion in the procurement plan.

3. SPECIAL CIRCUMSTANCES (~~WAIVER EXEMPTION AND WAIVER~~)

Exemption

3.1 Notwithstanding the provisions of these Standing Orders and subject only to the requirements of ~~statute or regulation~~ law:

3.1.1 ~~Exemption~~ exemption from any of the provisions of these Standing Orders may be granted by the Council acting through the Chief

Executive (or where appropriate, Acting or Deputy Chief Executive), in consultation with the Chief Finance Officer and the Monitoring Officer, upon it being shown to their satisfaction that there are **special circumstances** justifying such exemption. Such special circumstances shall fall under at least one of the —following two categories:

- (a) only one supplier is available for technical or artistic reasons and no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing of the parameters of the procurement;
- (b) extreme urgency exists for unforeseen reasons which are not attributable to the Authority and the various time limits cannot be met. Inadequate forward planning would not constitute special circumstances and an exemption shall not be permitted in such circumstances,

3.1.2 Any any request under 3.1.1 above shall be made in writing on the approved form which shall be certified by the officers specified in 3.1.1 above; and-

————— 3.1.3 The the Cabinet shall be informed of the exercise of any authority —pursuant to this Standing Order by the Directors or Chief Executive —and any such report will include confirmation that the officers —
————— specified in 3.1.1 have been consulted and such exemption granted

Waiver

3.2 If, in exceptional circumstances, authority is sought from Cabinet to waive these Standing Orders, the report to Cabinet must give adequate reasons and specify precisely the procedures to be waived and must first be approved by the Monitoring Officer.

3.3 Where specific legislation requires the Authority to let a contract differently from as set out in these Standing Orders, a—these Standing Orders shall be deemed waived without recourse to Cabinet, Council or the Statutory Officers.

4. FRAMEWORK AGREEMENTS

4.1 Where it is determined to use a framework agreement to meet the identified need of the Authority, the officer shall seek the advice of the Procurement Team and Legal Services in relation to the use of such framework and the contractual arrangements.

- 4.2 When calling-off supplies, services or works under a framework agreement, the selection procedure, including award criteria, from within the framework agreement shall be used. Officers must comply with all rules and regulations set out within a framework agreement in relation to direct call-off of contracts (direct award) and re-opening of competition between providers appointed on to that framework (mini-competition).

5. TYPES OF CONTRACTS/SELECTING A PROCUREMENT ROUTE

Initial Considerations

- 5.1 In relation to any contract for the supply of supplies, services or works to the Authority the functions described in Section 17(4) of the Local Government Act 1988 shall be exercised without any reference to any of those matters set out in Section 17(5) of that Act. (Section 17.4 describes the functions to which this legislation applies and Section 17.5 details what is regarded as non commercial issues that must be ignored when entering into a contract for the supply of supplies, services or works). This shall at all times be subject to the provisions of 5.2 below.
- 5.2 In relation to any contract for the supply of services not through an existing framework or existing arrangement, the officer shall have regard to the considerations set out in the Public Services (Social Value) Act 2012. Specifically, the officer must consider how the services might (in addition to the service requirement) improve the economic, social and environmental well-being of the district and how the procurement itself might be conducted to secure that improvement.
- 5.3 All procurement documents (including business questionnaires, specifications and contracts) shall be completed prior to advertising the contract opportunity.

Procedures for Determining Which Procurement Option to Follow

- 5.3 Where an officer has reasonably determined not to use any available options as perin the Procurement Hierarchy, the following provisions shall apply.
- ~~5.3 When an officer has identified the need to procure supplies, services or works, the relevant Head of Service shall assess the value of the proposed arrangement.~~
- ~~5.4 Whenever possible, purchases should be aggregated to make the best use of the Authority's purchasing power. Where a recurring pattern of purchases can be identified for similar supplies, services or works, consideration shall be given to whether one or more framework agreements would represent better value in terms of price, service, invoicing or other administrative costs. It is the Head of Service's responsibility to have due regard to the aggregation of contract values.~~

~~5.5—The principles of aggregation in EU procurement law are designed to ensure that authorities do not deliberately split contracts which have similar characteristics into separate contracts so that they fall below the relevant thresholds.~~

~~5.6—Nothing in this rule shall prohibit, where appropriate, the sub-division of procuring supplies, services or works into lots, facilitating access for small and medium enterprises.~~

5.74 When the officer has assessed the value of the proposed arrangement (see above), the appropriate procurement route shall be determined in accordance with the Threshold Table (below).

5.5 Notwithstanding the provisions in the Threshold Table, lower value procurements can be conducted using a more ~~seem~~ ~~complex~~ ~~sophisticated~~ process as long as it remains objectively reasonable and proportionate to do so and secures open, transparent and fair competition.

Threshold Table

Contract Value		Process	Award Procedure based on	Contract Opportunity	Documentation
From	To				
£0	£9,999	Verbal Quotation	Minimum of <u>Seeking a minimum of</u> three verbal quotations	Source from preferred supplier solution in first instance	Employee to record details for Audit purposes
Band A (Minor)					
£10K	£ 23 <u>24</u> ,999	Written Quotation	<u>Seeking a</u> Minimum of three written quotations	Source from preferred supplier solution in first instance For procurements over £25,000 where the contract opportunity is to be advertised, Contracts Finder	Must be based on a written specification provided to the supplier.
Band B (Small)					
£ 35 <u>25</u> K	£ 74 <u>74</u> ,999	RFQ (Request for quotation) <u>Formal Tender</u>	Three written quotations based on a RFQ template with simplified T&C's <u>Full Tender Process</u>	Source Leics NWL Web site Contracts Finder	Must be based on a written specification provided to the supplier. ITT documentation using NWL E-tendering Portal
Band C (Medium Large) <u>NOTE: the EU threshold is a figure set out by the EU and varies from time to time. Please seek advice from the Procurement Team.</u>					
£ 75 <u>75</u> K	EU	Formal Tender	Full Tender Process	Source Leics NWL Web site Contracts Finder Specialist publication if appropriate	PQQ & ITT documentation using NWL E-tendering portal
Band D (Large)					

EU	Above	Formal Tender	Full Tender Process	OJEU Source Leics NWL Web site Contracts Finder Specialist publication if appropriate	PQQ & ITT documentation using NWL E-tendering portal
Band E-D (EU)					

Authority to award contracts

5.6 Officers may only enter into a contract if they have sufficient authority to do so. Legal advice in respect of authority to award contracts can only be given to the extent that such authority is set out in the Constitution. Officers are responsible for knowing the extent of ~~their~~ any delegated authority they may have and ensuring they do not exceed that.

5.7 The Authority's Constitution contains the Scheme of Delegation, which sets out what decisions can be made by which body, individual or group of individuals. For the purposes of awarding contracts, the following Authorisation Table provides an initial indication of where those decisions sit. However, officers should ~~still~~ take advice from Legal Services as to the appropriate source of authority to award where they are unsure.

Authorisation Table

5.8 It is for individual Officers to ascertain the limits of their authority to sign contracts and orders. Some Officers have unlimited authorisation levels, please see Paragraph 11 – Designated Authorised Officers of Section 7 – Scheme of Delegation to Staff, Council and Executive Functions; ~~[PARAGRAPH/SECTION]~~ of the Financial Procedure Rules. The below table provides a guide for Officers in salary bands A-I, who should check with their line managers as to what they are and are not authorised to commit the Council to.

	<u>Approval</u>	<u>Reference in Constitution</u>
<u>£100,000 and above</u>	<u>Cabinet (Financial Key Decision)</u>	<u>Section 4 (2)(31)</u>
<u>Up to £99,999</u>	<u>Chief Executive or Relevant Director</u>	<u>Scheme of Delegation paragraph 3(iv)</u>
<u>Up to £49,000</u>	<u>Heads of Service</u>	<u>As set by the Statutory Officers</u>
<u>Up to £24,999</u>	<u>Service Team Managers</u>	<u>As set by the Statutory Officers</u>
<u>Up to £9,999</u>	<u>Officers in salary bands G, H and I, at the request of their Director or Head of Service</u>	<u>Dependent on individual post and as set by the Statutory Officers</u>
<u>Up to £4,999</u>	<u>Officers in salary bands D, E and F, at the request of their Director or Head of</u>	<u>Dependent on post and as set by the Statutory Officers</u>

	<u>Service</u>	
<u>Up to £2,000</u>	<u>Officers in salary bands A, B & C, at the request of their Director or Head of Service</u>	<u>Dependent on post and as set by the Statutory Officers</u>

6. CONDUCTING A PROCUREMENT EXERCISE

Band A (Minor) Contracts

5.86.1 For any single contract, not related to or part of any larger procurement, whose value is less than £10,000, three verbal quotations shall be obtained.

5.96.2 Officers shall first consult the Authority's preferred supplier solution list, ~~however if~~ the officer is unable to obtain three ~~verbal quotations suitable providers~~ from the Authority's preferred supplier solution list, they may then seek quotations from other providers outside the Authority's preferred supplier solution.

5.106.3 Where officers are seeking verbal quotations:

5.106.3.1 Heads of Service shall ensure that the selection process used is fair and equitable and in accordance with these Standing Orders;

5.106.3.2 officers must select the quotation which offers value for money for the Authority. In most Band A (Minor) contracts, value for money will normally be shown by choosing the most economically advantageous quotation and in assessing this officers should be mindful of price, quality and the added economic, social and environmental benefits that could be obtained by procuring supplies, services or works in a particular way;

5.106.3.3 The Head of Service shall be responsible for keeping a record for audit purposes, ~~in a form agreed by the Chief Finance Officer~~ of:

- (a) all those contractors that were requested to provide a quotation;
- (b) the reasons why those particular contractors were selected to provide a quotation;
- (c) if applicable, the reasons why less than three contractors were selected to provide a quotation; and
- (d) the reason for selecting the winning quote;

~~5.106.3.4~~ in the event that three quotations are not received the Head of Service can still proceed to award the contract provided that they can demonstrate that it is reasonable to do so and has obtained Director approval to do the same;

5.10.5— notwithstanding where the supplies, services or works sought are a repetition of a previous procurement, subject to the rules above in relation to aggregation, new quotations should be obtained each time, to ensure the prices paid represent value for money for the Authority;

~~5.10.6~~ in the case of any contract to carry out works to be carried out pursuant to Disabled Adaptation Grants, tenants are required to provide to the Authority two quotes and the Authority will establish the best price and this shall be recorded in a file for audit purposes.

— Band B (Small) Contracts

5.116.4 For any single contract not related to or part of any larger procurement, whose value is more than £10,000, but less than £~~3525~~,000, the officer shall produce a written specification for the supplies, services or works being sought and three written quotations shall be obtained.

5.126.5 Officers shall first consult the Authority's preferred supplier ~~solutionist~~, however if the officer is unable to obtain three ~~written quotations suitable providers~~ from the Authority's preferred supplier ~~solutionist~~, they may then seek quotations from other providers ~~outside the Authority's preferred supplier solution~~.

5.136.6 Where officers are seeking written quotations:

5.136.6.1 Heads of Service shall ensure that the selection process used is fair and equitable and in accordance with these Standing Orders;

5.136.6.2 officers must select the quotation which offers value for money for the Authority. In most, but not all, Band B (Small) contracts, value for money will normally be shown by choosing the most economically advantageous quotation and in assessing this officers should be mindful of price, quality and the added economic, social and environmental benefits that could be obtained by procuring supplies, services or works in a particular way;

~~5.136.6.3~~ In the event that three quotations are not received the Head of Service can still proceed to award the contract provided that they can demonstrate that it is reasonable to do so and has obtained Director approval to the same;

~~5.13.4~~—The Head of Service shall be responsible for keeping a record for audit purposes, ~~in a form agreed by the Chief Finance Officer~~ of:

- (a) all those contractors that were requested to provide a quotation;
- (b) the reasons why those particular contractors were selected to provide a quotation;
- (c) if applicable, the reasons why less than three contractors were selected to provide a quotation; and
- (d) the reason for selecting the winning quote;

~~5.136.6.~~ 54 ~~Notwithstanding notwithstanding~~ where the supplies, services or works sought are a repetition of a previous procurement, ~~n~~subject to the rules above in relation to aggregation, new quotations should be obtained each time, to ensure the prices paid represent value for money for the Authority.

Band C (MediumLarge) Contracts

~~5.146.7~~ For any single contract, not related to or part of any larger procurement, whose value is £~~3525~~,000 or more, but less than ~~£75,000~~the relevant EU threshold, the officer shall ~~obtain three written quotations using the Request for Quotation form, available in the Procurement Toolkit. The Request for Quotation shall be accompanied by a written specification and a set of contract terms, prepared with advice from Legal Services~~conduct a formal tender using a template to be provided by the Procurement Team and accompanied by terms and conditions prepared with advice from Legal Services.

~~5.156.8~~ Where officers ~~submit a Request for Quotation~~conduct a formal tender:

~~5.156.8.1~~ the ~~Request for Quotation~~opportunity shall be advertised on~~uploaded to~~ the Source Leicestershire website, Contracts Finder (in the format available from the Procurement Toolkit) and the Council's Authority's website ~~and from 1 April 2015 Contracts Finder,~~ by the Procurement Team ~~and shall be open for a minimum of 5 working days or such shorter time as the relevant Head of Service may determine;~~

~~5.156.8.2~~ Heads of Service shall ensure that the selection process used is fair and equitable and in accordance with these Standing Orders;

~~5.156.8.3~~ officers must select the quote which offers value for money for the authority. In some Band C (MediumLarge) contracts, value for money will normally be shown by choosing the most economically advantageous quotation and in assessing this officers should be mindful of price, quality and the added economic, social and

environmental benefits that could be obtained by procuring supplies, services or works in a particular way;

~~6.85.15.4 in the event that three quotations are not received the Head of Service can still proceed to award the contract provided that he/she can demonstrate that it is reasonable to do so and has obtained Director approval to the same;~~

~~5.15.5 the Head of Service shall keep a record for audit purposes, in a form agreed by the Chief Finance Officer of:~~

~~(a) all those contractors that were requested to provide a quotation;~~

~~(b) the reasons why those particular contractors were selected to provide a quotation;~~

~~(c) if applicable, the reasons why less than three contractors were selected to provide a quotation; and~~

~~(d) the reason for selecting the winning quote;~~

~~5.15.6 Notwithstanding where the supplies, services or works sought are a repetition of a previous procurement, subject to the rules above in relation to aggregation, new quotations tenders should be obtained each time, to ensure the prices paid represent value for money for the Authority.~~

Band D (Large) Contracts

~~5.16 For any single contract, not related to or part of any larger procurement, whose value is £75,000 or more, but below the thresholds set out in the Public Contracts Regulations 2015 (as amended from time to time), tenders shall be sought in accordance with the procedures under Standing Order 7, below.~~

~~5.17 The contract opportunity shall be advertised on the Source Leicestershire website (in the format available in the Procurement Toolkit) and the Council's website and from 1 April 2015, Contracts Finder. Such adverts shall be uploaded by the Procurement Team. Where it is deemed appropriate and proportionate by the officer, the opportunity should also be advertised in relevant specialist publications.~~

~~5.18 The procuring officer must note that these Standing Orders contain minimum timescales for a procurement exercise and therefore it is imperative that advice is sought from both Legal Services and the Procurement Team well in advance of the commencement of the procurement exercise.~~

~~5.19 Head of Services shall be responsible for ensuring that any Band D contracts proposed to be entered into by the Authority in the coming financial year are~~

~~notified to the Procurement Team by the end of February each year for inclusion in the procurement plan.~~

~~6.9 The EU threshold is an amount set out by the EU and can vary year to year. The Cabinet Office confirms the amounts in Sterling. Please seek advice from the Procurement Team as to the current EU thresholds.~~

Preferred Supplier Solution List

~~5.206.910~~ The Authority has a preferred supplier ~~solution list~~ which is ~~operated and managed by the Authority's service provider~~ Procurement Team. The preferred supplier ~~solution list~~ is a directory of businesses and shall be used in accordance with these Standing Orders.

~~5.216.101~~ Where an Officer is seeking quotations for Band A and Band B contracts from the preferred supplier ~~solution list~~, they shall in the first instance restrict the selection of businesses to those based locally.

~~5.226.112~~ Details of the ~~Preferred preferred Supplier supplier Solution list~~ are available from the Procurement ~~Toolkit~~ Team.

67. CONTRACTS TO WHICH THE PUBLIC PROCUREMENT REGULATIONS APPLY (BAND ~~E-D~~ – EU)

~~67.1~~ For any contract whose value is more than the ~~threshold~~ amounts set out ~~in the thresholds in~~ the Public Contracts Regulations 2015 (as amended from time to time), tenders shall be sought in accordance with those regulations.

~~76.2~~ ~~Under the Public Contracts Regulations 2015 a contract may be tendered under the open or restricted procedure or, in the case of complex procurements, under the competitive dialogue procedure, competitive procedure with negotiation, the innovation partnership and in limited circumstances the negotiated procedure without prior publication.~~

~~6.3~~—The procuring officer must note that the Public Contracts Regulations 2015 contain minimum timescales for a procurement exercise and therefore it is imperative that advice is sought from both the Procurement Team Legal Services and Services ~~the Procurement Team~~ well in advance of the commencement of the procurement exercise.

~~67.43~~ The provisions of these Standing Orders shall continue to apply to such a contract only to the extent that they do not conflict with the provisions of the Public Contracts Regulations 2015.

78. TYPES OF TENDER FOR BAND DC CONTRACTS

Open Tendering

78.51 This is a procedure by which a contract is let following publication of an advertisement inviting all those expressing an interest in the contract to submit a bid at the same time. This is a one stage procedure.

7.68.2 The advertisement shall:

7.68.2.1 specify details of the supplies, services or works the Authority is procuring;

7.68.2.2 specify the contract duration and proposed commencement date;

7.68.2.3 specify any other requirements for participating in the procurement;

7.68.2.4 specify a contract reference number;

7.68.2.5 specify a reasonable (in the circumstances of the contract opportunity) date and time, being not less than 21 days from the date of the advertisement, by which such expressions of interest are to be received by the Authority; and

7.68.2.6 specify the appropriate electronic tender box code and details of how to access documentation.

Restricted Tendering

7.8.34 This is a two stage procedure by which a contract is let following publication of an advertisement seeking expressions of interest from tenderers to participate. Following evaluation of the pre-qualifying submissions, no fewer than ~~5~~ 3 qualified bidders shall be invited to tender for the contract. This route to the market is particularly suitable where a large response is anticipated. In relation to works, This-this procedure may only be used for ~~procuring works~~ where the value of the works exceeds the threshold in the Public Contracts Regulations 2015 for services. This procedure may not be used for procuring services or supplies save to the extent that such services fall within the scope of Schedule 3 (Social and Other Specific Services) of the Public Contracts Regulations 2015.

7.28.4 The advertisement shall:

8.47.2.1 specify details of the supplies, services or works the Authority is procuring;

7.28.4.2 specify the contract duration and proposed commencement date;

8.47.2.3 specify any other requirements for participating in the procurement;

8.47.2.4 specify a contact reference number;

8.47.2.5 specify a time limit, being not less than ~~30~~21 days from the date of the advertisement within which such expressions of interest are to ~~be~~ received by the Authority;

8.4.6 ~~Specify a time limit, being not less than 21 days from the date of inviting shortlisted bidders to submit their tender, within which such tenders are to be received by the Authority;~~ and

~~7.2.6~~8.4.7 specify the appropriate electronic tender box code and details of how to access documentation.

7.38.5 In relation to works only:

8.57.3.1 advertisements need not be placed in accordance with 7.28.4 (above) where no fewer than ~~5~~3~~three~~ bidders can be selected from the Authority's preferred supplier ~~solution list~~ and invited to tender;

7.38.5.2 ~~in the event that 5 bidders cannot be selected the Head of Service can still proceed to invite between 3 and 5 bidders provided that they can demonstrate that it is reasonable to do so and has obtained Director approval to do the same;~~

~~7.3.3~~ in the event that less than ~~3~~three bidders can be selected, an advertisement shall be placed in accordance with 7.28.4 (above).

7.48.6 After the expiry of the period specified in the advertisement and following proper evaluation of the returned Pre-Qualification Questionnaires (PQQ), in accordance with the criteria specified, invitations to tender for the contract shall be sent to:

~~7.48.6.1~~ not less than ~~5~~3~~three~~ of the persons or bodies who returned a satisfactorily completed PQQ and has been shortlisted, selected by the Authority; or

7.48.6.2 where fewer than ~~5~~3~~three~~ persons or bodies have applied or have satisfactorily completed the PQQ, those persons or bodies which the Authority consider suitable.

9. SPECIFICATIONS

Specifications

7.X9.1 Full tenders shall be accompanied by an appropriate specification, clearly setting out the Authority's requirements for the goods, works or services to be supplied.

7.X9.2 Specifications should incorporate measurable and, so far as is possible, objective quality and performance criteria to enable— the contract to be monitored and managed.

7.X9.3 Where appropriate, officers shall take all necessary professional advice to ensure the specification sufficiently expresses the Authority's requirements and ensure the output of the contract represents value for money. Any third party engaged to support the preparation of the specification shall not be invited to bid for the substantive contract. — **Open Tendering**

~~7.5 — This is a procedure by which a contract is let following publication of an advertisement inviting all those expressing an interest in the contract to submit a bid at the same time. This route to the market is not recommended where a large response is anticipated. This is a one stage procedure.~~

~~7.6 — The advertisement shall:~~

~~7.6.1 — specify details of the supplies, services or works the Authority is procuring;~~

~~7.6.2 — specify the contract duration and proposed commencement date;~~

~~7.6.3 — specify any other requirements for participating in the procurement;~~

~~7.6.4 — specify a contract reference number;~~

~~7.6.5 — specify a date and time, being not less than 52 days from the date of the advertisement, by which such expressions of interest are to be received by the Authority; and~~

~~7.6.6 — specify the appropriate electronic tender box code and details of how to access documentation.~~

Competitive Procedure with Negotiation

~~7.7 — This procedure may be considered where the nature of the service(s) is such that “specifications cannot be drawn up with sufficient precision to permit the award of the contract using the open or restricted procedures”. This is especially useful for ‘intellectual’ services. This procedure can only be used with the written consent of the Head of Legal and Support Services.~~

Competitive Dialogue

~~7.8~~ This procedure is available for procurements in which the Authority is unable to define the financial, legal or technical elements of the project. This, like the restricted procedure, requires a pre-qualification stage, carried out with a call for competition. This is the most complex route to the market and will only be used in the most exceptional of cases and with the written consent of the Head of Legal and Support Services.

~~Negotiated Procedure without Prior Publication~~

~~7.9~~ This procedure is available in limited circumstances, set out in the Public Contracts Regulations 2015. This procedure can only be used with the written consent of the Head of Legal and Support Services.

810. SUBMISSION OF TENDERS AND EVALUATION CRITERIA

Submission of Tenders for Band ~~D-C~~ (Large) Contracts

810.1 Where in pursuance of these Standing Orders invitation to tender is made, every invitation shall state the process for registering and submitting tenders and the signed Form of Tender using the NWL E-tendering portal.

810.2 No tender received after the time and date specified in the invitation shall be considered under any circumstances, unless the relevant Head of Service thinks it is reasonable to do so in the circumstances.

810.3 Every invitation to tender shall state:

810.3.1 that the Authority is not bound to accept any tender, including the lowest;

810.3.2 the tender evaluation criteria, with full explanation;

810.3.3 a statement that the Authority ~~will be~~ is obliged to comply with the Freedom of Information regime;

810.3.4 closing date and time for receipt of tenders and the web address to which tenders should be sent; and

810.3.5 a requirement that the tenderers accept full responsibility for ensuring compliance with the terms of these Standing Orders and that any failure to do so may render that tender liable to disqualification.

Evaluation Criteria

810.4 Evaluation criteria must be designed to secure an outcome providing value for money for the Authority. ~~The basic criterion shall be one of:~~

~~810.4.1 Lowest price where payment is to be made by the Authority;~~

~~810.4.2 Highest price where payment is to be received by the Authority;~~

~~810.4.3~~ on the basis of the Most Economically Advantageous Tender-, expressed as the price/quality balance in percentage terms—where considerations other than just purchase price apply. If relying on this criterion, a appropriate sub-criteria must should also be included referring to relevant considerations and guidance should be given to tenderers on how their responses will be scored. Further advice can be provided by the Procurement Team.

810.5 Evaluation criteria must not include:

810.5.1 ~~Non~~non-commercial considerations, save as expressly set out in these Standing Orders;

810.5.2 ~~Matters—~~matters which discriminate against suppliers from the European Economic Area; and

810.5.3 ~~A~~a general provision allowing for the highest mark to be awarded for tenders which exceed the specification.

8-10.6 Within every invitation to tender there shall be reference made to the requirements on public bodies with regard to the Freedom of Information Act 2000. Such a reference shall include notice to the tenderer that:

~~108~~.6.1 the Authority has a duty of 'openness' under the act;

810.6.2 it is the Authority and not the tenderer who makes the decision on the release of information within a tender;

810.6.3 any claim by the tenderer that information within a tender is exempt under the act will be considered by the Authority. However, a simple assertion that any disclosure would prejudice commercial interests is not sufficient. The assertion must be supported by reasoned argument and where practical, by empirical evidence.; ~~a~~Any decision to treat all or some information within a tender as exempt may be reviewed if any further requests are received over time;

810.6.4 the Authority will consult with them before making any disclosure; and

810.6.5 the Authority has a system for dealing with any appeals under the act.

Submission of Tenders for Band ~~E-D~~ (EU) Contracts

810.7 Tendering processes shall comply with the Public Contracts Regulations 2015. In the event of a conflict between these Standing Orders and the Public Contracts Regulations 2015, the latter shall take precedence.

~~8.8 Head of Services shall be responsible for ensuring that all ny Band E contracts proposed to be entered into by the Authority in the coming financial year are notified to the Procurement Team by the end of February each year for inclusion in the procurement plan.~~

~~8.9 The EU procurement regime requires a standstill (or Alcatel) period of a minimum of 10 days from the date on which the outcome of the tender is notified to all the bidders. Should a challenge from an unsuccessful bidder be received during this period, the award of the contract shall be delayed until the challenge is resolved. If no challenge is received within the standstill period, the contract may be awarded in accordance with the Constitution.~~

~~8.10 An award notice must be placed in the Official Journal of the European Union within 48 days of contract award. The award notice must be approved by the Procurement Team.~~

911. OPENING AND ACCEPTANCE OF TENDERS

911.1 This Rule shall apply to Band ~~D-C~~ (Large) and Band D and Band E (EU) contracts

911.2 Tenders received under these Standing Orders shall be opened at one time and only following the date on which the receipt of tenders closed.

911.3 Tenderers shall be notified of the acceptance or rejection of their tenders.

~~911.4 Face to face feedback on a tenderer's submission shall be offered to those tenderers that are small or medium enterprises (being a business with less than 250 employees)~~Detailed feedback shall be provided to all unsuccessful bidders.

4012. TENDER EVALUATION AND AWARD OF CONTRACTS

4012.1 All tenders shall be properly evaluated by the relevant Director or their nominated officer in accordance with the published award criteria and in accordance with any specific requirements of any relevant EU Directive or English legislation. The Procurement Team shall be notified of any evaluations being conducted by procuring officers and a member of the Procurement Team may participate in the ~~A member of the Procurement Team shall be invited to participate in the~~ evaluation process if they consider it appropriate.

~~4012.2~~ Any tenderer whose tender is found to contain a qualification which will give that tenderer an unfair advantage over other tenderers will be asked either to withdraw the qualification or withdraw the tender.

~~10.3~~ A tenderer's error in the computation of the pricing of their tender will be corrected and the tenderer asked ~~by the Director~~ to stand by the corrected tender or to withdraw the tender.

~~4012.43~~ Post tender negotiations shall only be by exception and in accordance with the Public Contracts Regulations 2015. Authority to enter into post tender negotiations may only be granted by the Chief Executive, ~~Director of Housing or Director of Services and relevant Director~~. Officers who are authorised to carry out post-tender negotiations shall ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.

~~4012.54~~ Where award is based on lowest or highest price, a tender other than the lowest tender if payment is to be made by the Authority or the highest tender if payment is to be received by the Authority shall not be accepted except where there are justifiable reasons for doing so, for instance:

~~4012.54.1~~ the procurement of a named product required to be compatible with an existing product, i.e. computer software;

~~4012.54.2~~ an alternative pre-tender evaluation criteria has been determined;

in such circumstances the Statutory Officers shall be consulted and written confirmation of their agreement retained for audit purposes.

~~4012.65~~ If the relevant Director considers the lowest priced tender, highest priced tender or most economically advantageous tender (as appropriate) to be abnormal given the nature of the contract, the tenderer shall be asked to clarify in writing the reasons for its tender and the Director shall take that explanation into account in deciding ~~which~~ whether the tender will be accepted.

~~10.7~~ Contracts shall be awarded by:

~~10.7.1~~ the cabinet (in accordance with Cabinet Function no. 31 at Part 3, ~~Section 4(2) of the Constitution~~); and

~~10.7.2~~ officers (in accordance with the general delegations to be discharged ~~by the Chief Executive and Directors no. (iv) at Part 3, Section 7(3) of the Constitution~~).

~~4012.86~~ All contract awards shall be notified promptly to the Procurement Team in order that the details can be recorded in the Contracts Register and inform the Procurement Plan.

4413. CONTRACT CONDITIONS

4413.1 Every procurement which exceeds £~~3525~~,000 in value shall be a formal contract in writing. The procuring officer should seek the advice of Legal Services at the earliest opportunity in this regard. ~~No contract shall be entered into without the prior approval of the Head of Legal and Support Services or their nominated officer.~~

4413.2 Such contract shall, unless the Head of Legal and Support Services deems it disproportionate;

4413.2.1 specify the supplies, services or works to be supplied or executed; the price to be paid together with a statement as to the amount of any discount(s) or other deduction(s); the period(s) within which the contract is to be performed and such other conditions and terms as may be agreed between the parties or specified in these Standing Orders;

4413.2.2 where a contract exceeds £200,000 and the Head of Finance deems appropriate, contain a requirement that a contractor give sufficient security for the due performance of the contract provided that this shall not apply where the goods and materials are supplied and payment is not made until completion of works;

4413.2.3 include provisions for the termination and recovery of any sums paid where there has been evidence of bribery or corruption or any breach of the Bribery Act 2010 or section 117(2) Local Government Act 1972;

4413.2.4 include provisions entitling the Authority to terminate part or all of the contract or to obtain substituted provision of the supplies, services or works to be supplied under the contract in the event of a breach of contract by or the insolvency of the contractor;

4413.2.5 include prohibitions on the contractor from sub-contracting, assigning or otherwise transferring the contract without the prior written consent of the Authority and providing that the contractor shall remain liable to the Authority for any part of the contract that may be sub-contracted;

4413.2.6 include provisions securing the contractor's compliance with relevant legislative requirements, including as a minimum in relation to:

- (a) Health and Safety;
- (b) Human Rights;

- (c) Freedom of Information;
- (d) Data Protection;
- (e) ~~Workforce transfer regulations~~Confidentiality;
- (f) Bribery and corruption; and
- (g) Equalities and discrimination.

4413.2.7 provide for indemnities in favour of the Authority for any breach of the above and for the acts and omissions of the contractor in carrying out the contract;

4413.2.8 provide for compliance with those of the Authority's policies relevant to the provision of the supplies, services or works;

4413.2.9 provide for the protection of the Authority's intellectual property rights, where appropriate;

4413.2.10 provide for, where the supplies, services or works require it, appropriate restrictions or conditions precedent in relation to the protection of vulnerable persons, including requiring ~~Criminal Records Bureau~~Disclosure and Barring Service checks;

4413.2.11 provide for the Authority's right to monitor and audit the supplies, services or works under the contract and for the contractor's provision of assistance in such monitoring and in securing improvements in economy, efficiency and effectiveness, as specified in Section 3 of the Local Government Act 1999, where appropriate. Such assistance may include setting performance indicators, benchmarking implementing performance plans and/or periodically reviewing the services;

4413.2.12 ~~be governed by the laws of England and subject to the exclusive jurisdiction of the Courts of England; provide for adequate confidentiality and data protection provisions;~~

4413.2.13 ~~_____ be governed by the laws of England and subject to the exclusive jurisdiction of the Courts of England;~~

~~44.2.14~~ comply with the laws of England and any applicable EU legislation or regulation.

4413.3 Where an appropriate British Standard Specification or British Standard Code of Practice issued by the British Standards Institution is current at the date of the tender, every contract shall require that all goods and materials used or supplied, and all the workmanship shall be at least of the standard required by the appropriate British Standard Specification or Code of Practice.

4413.4 Every contract which exceeds £250,000 shall be in writing and under the Common Seal of the Authority.

4413.5 Where a contract exceeds £50,000 in amount or value, provide for the payment of liquidated damages by the contractor where he fails to complete the contract within the time specified, where the appropriate Head of Service considers appropriate.

4413.6 The provisions of these Standing Orders do not prevent the use of a formal contract for a procurement less than £325,000 where on receipt of advice from Legal Services the ~~appropriate~~ relevant Head of Service considers it appropriate.

4413.7 It shall be a condition of any agreement between the Authority and any person (not being an officer of the Authority) who is required to supervise a contract between the Authority and a third party on the Authority's behalf that, in relation to such contract, he/she shall comply with the requirements of these Standing Orders as if he/she were an officer of the Authority.

4413.8 In all areas of tendering, negotiating, letting or renewing, performing, reviewing, amending, discharging or terminating any contract to which the Authority is either a party or of which it is a beneficiary, regard shall be had to the requirements of economy, efficiency and effectiveness specified in Section 3 of the Local Government Act 1999.

4413.9 Ensure compliance with Risk Management Guidelines on insurance levels and require such insurances as the relevant Head of Services determines appropriate in consultation with the Section 151 Officer.

4413.10 Where a main contractor indicates in their tender submission the use of sub- contractors, the officer will ensure that:

4413.10.1 the main contractor verifies they have vetted the sub-contractor to ensure that they meet the standards in all areas that the main contractor has undertaken to meet in their submission;

4413.10.2 ~~the insurance levels of the sub-contractor meet the levels required in the tender document;~~

~~**4413.10.3** the supplies, services or works they have been sub-contracted by the main contractor to provide, remains the responsibility of the main contractor.~~

4413.11 Where a framework agreement is used to meet the Authority's need for supplies, services or works, this Standing Order shall only apply to the extent that the framework's call-off terms do not include these provisions and the framework agreement provides for a variation to such terms.

4214. CONTRACT AND PERFORMANCE MANAGEMENT

- 4214.1** Contract management arrangements shall be set out in any invitation to tender and incorporated into any subsequent contract.
- 4214.2** An identified ~~named~~ contract manager shall be appointed for each Band C, and D ~~and~~ E contract.
- 4214.3** The Head of Legal and Support Services may agree the variation or novation of any contract originally awarded ~~by the Director~~ under delegated authority. The variation or novation of a contract originally awarded by the Cabinet shall only be agreed by the Cabinet, save to the extent that such variation is of a minor nature or accounted for in the contract.
- 4214.4** No contract entered into by the Authority may be extended by duration or value unless:
- 4214.4.1** where the contract is a Band E-D (EU) contract, such extension was provided for in the original OJEU notice and contract documentation;
- 4214.4.2** where the contract is a Band D-C (Large) contract or of lesser value, such extension would not mean that, had it been included in the original contract, the overall value would have exceeded the EU threshold; and
- 4214.4.3** alternative options have been considered and the relevant Head of Service is satisfied that this option represents value for money and is in the best interests of the Authority in light of the contractor's performance.
- 4214.5** All extensions to Band D-C (Large) and Band E-D (EU) contracts shall be promptly notified to the Procurement Team.
- 4214.6** A contract is a live document. Contract managers and officers shall have regard to the provisions of the contract in observing and monitoring performance of the contract, handling disputes and terminating a contract. Where officers are unclear of the provisions or operation of a contract they should promptly seek advice from Legal Services.

MINUTES of a meeting of the POLICY DEVELOPMENT GROUP held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 2 MARCH 2016

Present: Councillor M Specht (Chairman)

Councillors N Clarke, J Cotterill, T Eynon, J Geary, D Harrison, V Richichi, A C Saffell and N Smith

In Attendance: Councillors R Johnson, J Legrys and S McKendrick

Officers: Mrs M Meredith and Miss A Wright

27. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor J G Coxon.

28. DECLARATION OF INTERESTS

No interests were declared.

29. PUBLIC QUESTION AND ANSWER SESSION

No questions were received.

30. MINUTES

Consideration was given to the minutes of the meeting held on 6 January 2016.

Councillor T Eynon requested the minutes to be amended to reflect that, under the item entitled 'Section 106 Contributions for Health', it had been resolved to monitor progress on this issue and to invite the CCG representative to a future meeting to answer members' questions on future progress.

It was moved by Councillor J Cotterill, seconded by Councillor D Harrison and

RESOLVED THAT:

Subject to the above amendment, the minutes of the meeting held on 6 January 2016 be approved and signed by the Chairman as a correct record.

31. UPDATE OF THE COUNCIL'S CONSTITUTION

The Financial Services Team Manager presented the report to members, highlighting the proposed amendments to the Contracts Procedure Rules as outlined at Appendix A. She advised that the changes had been agreed by the procurement gateway board.

In response to a question from Councillor D Harrison, the Financial Services Team Manager gave assurances that the changes would not weaken security and attested that the Head of Legal and Support Services had been involved throughout the process.

In response to comments from Councillor N Smith, the Financial Services Team Manager advised that the procurement process would depend upon the value of the contract, and if this was over a certain threshold, EU procurement directives would apply. She assured members that proposals were being developed to encourage small businesses to do business with the Council.

Councillor N Smith commented that he was pleased to hear this, and added that there were a lot of sole traders in Coalville and it would be a shame if they were precluded.

Councillor N Clarke made reference to the change to the wording relating to seeking three quotations rather than obtaining three quotations. He sought clarification on the reasoning behind this change.

The Financial Services Team Manager advised that this wording had been amended by the Legal Team and she would provide a response in writing.

Councillor J Geary noted that for contracts under £1,000, only a verbal quotation was required. He questioned whether this was good practice not to ensure a paper trail. He added that he did not consider it to be too onerous to obtain a written quotation even if this was via email.

The Financial Services Team Manager advised that officers were required to document the verbal quotation for audit purposes and the invoice would also provide an audit trail.

Councillor A C Saffell sought clarification on what basis a decision could be made if three quotations were not obtained, and what would happen if only one quotation was obtained. He felt that a minimum of two quotations should be obtained before a contract could be awarded.

Councillor N Smith acknowledged that there could be difficulties in obtaining quotations and he felt that members ought to rely on officer discretion.

Councillor J Geary commented that if tradespeople did not respond to tenders, they should be removed from the approved traders list.

Councillor D Harrison urged members to be mindful that occasionally there would be very specialist contracts and it would be best not to tie the officers' hands.

Councillor N Clarke agreed that the process should be simplified for officers, however he felt that there should be more emphasis on making every effort to obtain three quotations.

Councillor A C Saffell suggested that to save time, the Council's surveyor could give an opinion on whether a tender represented value for money.

Councillor V Richichi commented that if officers were having difficulty obtaining three quotations, perhaps the approved supplier list should be expanded.

Councillor N Smith suggested that the new system should be advertised in the Coalville Times to expand the list of contractors.

The Financial Services Team Manager felt that in general, it was not a problem to obtain three quotations, and there was an approved schedule of rates in respect of housing repairs. She felt that this was only an issue in terms of specialist contracts.

In response to comments from Councillor T Eynon, the Financial Services Team Manager advised that suppliers would be selected from the local supplier list firstly from within North West Leicestershire; if this was not possible, a selection would be made from within the East Midlands before seeking a supplier nationally.

Councillor T Eynon suggested that this be made clearer in the Constitution.

RESOLVED THAT:

The suggested amendments to the Constitution be noted.

32. ITEMS FOR INCLUSION IN THE FUTURE WORK PROGRAMME

Councillor N Clarke requested that consideration be given to bringing forward the next meeting of Policy Development Group to enable consideration of the End of Year and Quarter 4 Performance Management Report prior to its consideration by Cabinet. He wished to particularly discuss recycling, as he had noticed that North West Leicestershire was the worst performing authority in Leicestershire.

Councillor J Geary stated that he felt scrutiny was toothless, positive recommendations were seldom made, and were not acted upon when they were made. He felt that members did not have the change to scrutinise things that concerned them. He felt that as a matter of importance, the way scrutiny was run in this authority should be scrutinised. He also requested that the Leader be present so that he could explain why he considered this to be a fit and proper scrutiny panel. He commented that under the previous Labour administration, scrutiny was chaired by the opposition, which made it meaningful and ensured the executive was held to account. He commented that scrutiny was just a talking shop.

Councillor D Harrison felt that the comments made by Policy Development Group were heard. He also felt that politics should not be brought into scrutiny.

Councillor J Geary made reference to the recent changes to the Constitution. He stated that Policy Development Group had highlighted references to Ward Members and requested that the plural be deleted to reflect the current single member wards. He added that when the report was considered by Council, the plural form was still included, highlighting that the comments were not listened to.

Councillor A C Saffell commented that items for scrutiny requested by members never seemed to materialise on the agenda. He expressed concerns that scrutiny was not working properly at all.

Councillor T Eynon noted the item on the work programme relation to Section 106 agreements, the date for which was currently to be confirmed. She sought confirmation of when this would be considered.

It was moved by Councillor J Geary, seconded by Councillor A C Saffell and

RESOLVED THAT:

- a) The following items be added to the work programme for the next meeting of Policy Development Group:
Performance management/waste targets
The effectiveness of scrutiny at North West Leicestershire District Council
- b) The Leader be invited to the next meeting of Policy Development Group as a witness for the report on scrutiny.
- c) Consideration be given to the date of the next meeting to enable these items to be considered in a timely manner.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.07 pm

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