COUNCIL

Monday 13 July 2015

8.00 pm, (or upon the rising of the Special Council Meeting)
Council Chamber
South Norfolk House, Long Stratton, Norfolk, NR15 2XE

Mr D Bills – Chairman of the Council
Mr G Wheatley – Vice-Chairman of the Council

If you have any special requirements in order to attend this meeting, please let us know in advance
Large print version can be made available

This meeting may be filmed, recorded or photographed by the public; however anyone who wishes to do so must inform the Chairman and ensure it is done in a non-disruptive and public manner. Please review the Council’s guidance on filming and recording meetings available in the meeting room.

<table>
<thead>
<tr>
<th>Group Meetings</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Conservatives</td>
<td>Cavell &amp; Colman Rooms 6.00pm</td>
</tr>
<tr>
<td>Liberal Democrats</td>
<td>Blomefield Room 6.15pm</td>
</tr>
</tbody>
</table>

Contact Claire White on 01508 533669 or democracy@s-norfolk.gov.uk

South Norfolk Council

Working with you, working for you
Agenda

1. Apologies for Absence;

2. Urgent Items;

   Any items of business which the Chairman decides should be considered as matters of urgency pursuant to Section 100 B (4) (b) of the Local Government Act, 1972; [Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.]

3. To Receive Declarations of Interest from Members; (please see guidance – page 6)

4. To confirm the minutes of the meeting of the Council held on Monday 1 June 2015; (attached – page 7)

5. Chairman's Announcements; (engagements attached – page 19)

6. To consider any petitions received under Section I of the “Rights of the Public at Meetings”

7. Presentations to Former Members

8. Recommendations from the Cabinet

PLEASE REFER TO YOUR CABINET PAPERS FOR THE MEETING HELD ON 15 JUNE 2015
(i) Greater Norwich Growth Programme 2016/17 – South Norfolk Infrastructure Business Plan;
(item 6, page 17 of the Cabinet agenda)

RESOLVED:

TO RECOMMEND THAT COUNCIL:

1. Agrees the 2016/17 Infrastructure Business Plan for South Norfolk (attached as Appendix A) for consideration by the October meeting of the Greater Norwich Growth Board as part of the 2016/17 Growth Programme; and

2. Agrees to pool CIL payments for 2016/17 to help ensure the delivery of the Growth Programme;

3. Agrees in principle to use pooled CIL in future years to ensure the delivery of NATS projects, including particularly the Norwich Northern Distributor Road and the Long Stratton bypass.

(ii) Performance, Opportunities/Risks and Revenue Budget Position Report for the Financial Year 2014/15;
(item 7, page 25 of the Cabinet agenda)

RESOLVED:

TO RECOMMEND THAT COUNCIL APPROVES:

a) the budget virements which exceed £100,000 in accordance with the rules of financial governance;

b) the slippage requests totalling £516,891;

c) the movements in reserves as outlined in Paragraph 6 of the report.

(iii) Capital Programme Outturn Report 2014/15;  
(item 8, page 60 of the Cabinet agenda)
<table>
<thead>
<tr>
<th>RESOLVED: TO RECOMMEND THAT COUNCIL</th>
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</thead>
<tbody>
<tr>
<td>a) Approves the slippage requests summarised at paragraph 3.1 of the report;</td>
</tr>
<tr>
<td>b) Approves the financing of the amended capital programme for the next five financial years as set out in Appendices B and C of the report.</td>
</tr>
</tbody>
</table>

(iv) Treasury Management Annual Report 2014/15; (item 9, page 72 of the Cabinet agenda)

<table>
<thead>
<tr>
<th>RESOLVED: TO RECOMMEND THAT COUNCIL:</th>
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</thead>
<tbody>
<tr>
<td>a) Approves the actual 2014/15 prudential indictor</td>
</tr>
<tr>
<td>b) Notes the treasury activity in quarter four and that it complies with the agreed strategy</td>
</tr>
</tbody>
</table>

9. Recommendations from the Finance, Resources, Audit and Governance Committee - Annual Report and Opinion for 2014/15, including Review of the Effectiveness of Internal Audit (item 8, page 52 of the FRAG agenda)

PLEASE REFER TO THE FRAG AGENDA FOR THE MEETING HELD ON 26 JUNE 2015 (AVAILABLE TO VIEW ONLINE)

<table>
<thead>
<tr>
<th>RESOLVED: TO RECOMMEND THAT COUNCIL:</th>
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<tbody>
<tr>
<td>1. gives its approval to the Annual Report and Opinion of the Internal Audit Consortium Manager;</td>
</tr>
<tr>
<td>2. approves the Review of the Effectiveness of Internal Audit.</td>
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</tbody>
</table>

10. Monitoring Officer Report; (report attached – page 20)
11. **Chairmen’s Reports;**  
To receive/hear reports and to take questions from Councillors and the public.

Note: [Time allocated to be at the discretion of the Chairman. No notice is required of questions, however it may be necessary for written answers to be provided where an immediate response cannot be supplied]. If members choose to submit questions in writing in advance, they will be circulated before the meeting.

a. **Cabinet – Report of the Leader**  
   (report attached – page 51)
   
   Questions to the Leader and other Cabinet members as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
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</thead>
<tbody>
<tr>
<td>Martin Wilby</td>
<td>Deputy Leader, Stronger Communities</td>
</tr>
<tr>
<td>Yvonne Bendle</td>
<td>Wellbeing and Early Intervention</td>
</tr>
<tr>
<td>Michael Edney</td>
<td>Finance and Resources</td>
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<td>Lee Hornby</td>
<td>Regulation and Public Safety</td>
</tr>
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<td>Kay Mason Billig</td>
<td>Environment and Recycling</td>
</tr>
</tbody>
</table>

b. **Scrutiny Committee (Oral Update) - questions to the Chairman**

c. **Licensing, Appeals and Complaints Committee/ Licensing and Gambling Acts Committee - questions to the Chairman**  
   (report attached – page 58)

d. **Development Management Committee - questions to the Chairman**  
   (report to be tabled)

12. **Outside Bodies – Feedback from Representatives**  
None received

13. **To consider any correspondence**
Agenda Item: 3

DECLARATIONS OF INTEREST AT MEETINGS

Members are asked to declare any interests they have in the meeting. Members are required to identify the nature of the interest and the agenda item to which it relates.

- In the case of other interests, the member may speak and vote on the matter.
- If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed.
- If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting.
- Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.
- In any case, members have the right to remove themselves from the meeting or the voting if they consider, in the circumstances, it is appropriate to do so.

Should Members have any concerns relating to interests they have, they are encouraged to contact the Monitoring Officer (or Deputy) or another member of the Democratic Services Team in advance of the meeting.
Minutes of a meeting of South Norfolk District Council held at South Norfolk House, Long Stratton on Monday
1 June 2015 at 7.30 pm

Members Present: Councillors, Amis, Bell, Bendle, Bernard, Bills, Blake, Blundell, Broome, Dale, Dewsbury, Duffin, Easton, Edney, Ellis, Foulger, Fulcher, Fuller, Goldson, Gould, Hardy, J Hornby, L Hornby, Hudson, C Kemp, W Kemp, Kiddie, Legg, Lewis, Mason-Billig, Minshull, Mooney, Palmer, R Savage, Stone, Thomas, Thomson, J Wilby, M Wilby, and Worsley

Apologies: Councillors, Gray, Neal, Overton, Pond, Riches, J Savage and Wheatley

Officers in Attendance: The Chief Executive (S Dinneen), the Director of Growth of Localism (T Horspole), the Director of Business Improvement (D Lorimer) and the Director of Community Services (P Boyce)

3279 CHAIRMAN’S ENGAGEMENTS

The Chairman formally welcomed all new members and returning members, to the Council.

Referring to his engagements, he explained that it had been both an honour and a privilege to have represented the Council and its residents at numerous engagements throughout the year. He offered his sincere thanks to the Chief Executive and her staff, for the support he had received, and he gave special mention to Tracy Brady who had kept his diary in order. He also expressed his appreciation for the support received from his wife, Sandra, and he thanked the Council for her lovely gift of flowers, received earlier that day.

The Chairman was sorry to report that the current Vice-Chairman of the Council, Glyn Walden, had been unable to attend the meeting as planned, as he was in hospital, having suffered a further stroke. The Chairman read a message from Mr Walden,
which thanked the Council for the opportunity to serve as Vice-Chairman during 2014/15, an honour that he had thoroughly enjoyed. He hoped that his successor would find the role as rewarding as he had.

Members conveyed their very best wishes to Mr Walden, for a speedy recovery.

3280 APPOINTMENT OF CHAIRMAN OF THE COUNCIL FOR 2015/16

Cllr L Dale proposed, seconded by Cllr T Lewis, that Cllr D Bills be appointed Chairman of the Council for the ensuing municipal year.

In the absence of other nominations, it was RESOLVED that Cllr D Bills be elected Chairman of the Council for 2015/16. Cllr Bills took the Chair and signed the Declaration of Acceptance of Office.

Cllr Bills thanked the Council for the honour bestowed upon him.

3281 APPOINTMENT OF VICE-CHAIRMAN OF THE COUNCIL FOR 2015/16

Cllr C Kemp proposed, seconded by Cllr T Lewis, that Cllr G Wheatley be appointed Vice-Chairman of the Council for the ensuing municipal year.

In the absence of other nominations, it was RESOLVED that Cllr G Wheatley be elected Vice-Chairman of the Council for 2015/16.

The Chairman explained that Cllr Wheatley was absent from the meeting, but had indicated that he would be honoured to take on the role of Vice-Chairman, if appointed. Cllr Wheatley would sign the declaration of office in due course.

3282 ELECTION OF LEADER OF THE COUNCIL FOR 2015/16

Cllr M Wilby proposed, seconded by Cllr A Thomas, that Cllr J Fuller be appointed Leader of the Council for the ensuing municipal year. In the absence of other nominations, it was RESOLVED that Cllr J Fuller be elected Leader of the Council for 2015/16.

Cllr Fuller then announced his Cabinet members and portfolios, and Cllr T Lewis, as leader of the opposition group, announced the shadow portfolio holders (as detailed below):
3283 VOTE OF THANKS TO RETIRING CHAIRMAN

Cllr M Edney proposed, seconded by Cllr T Lewis, that the Council recorded its thanks for the way in which Cllr Goldson had performed his duties as Chairman of the Council for 2014/15. Members agreed that Cllr Goldson had always demonstrated a fair and consistent approach to all.

3284 MINUTES

With reference to the list of attendees, it was noted that Cllrs Thomson and Billig, had been omitted from those present, in error. Cllr Walden had also been listed in the attendees, although he had not been present.

Subject to the above changes, the minutes of the meeting held on Monday 23 February 2015, were agreed as a correct record.

3285 CHAIRMAN’S ANNOUNCEMENTS

The Chairman began by welcoming all newly elected members.

The Chairman announced that his theme for the year was “Business in the Community”. He stressed that this was about much more than helping individual businesses; it was about what positive impacts businesses could have on the community.
Members noted that his chosen charity for the year was Alzheimer’s Research UK.

3286 REPORT OF THE RETURNING OFFICER

Cllr J Fuller presented the report of the Returning Officer, which detailed the results of the District Council elections, held 7 May 2015. Cllr Fuller referred to the high percentage turnout in all wards.

Cllr T Lewis wished to thank staff for the excellent and efficient way in which the election had been conducted, and these sentiments were endorsed by Cllr C Kemp.

3287 MONITORING OFFICER REPORT

Cllr Fuller presented the report of the Monitoring Officer, which sought approval to make amendments to the Council’s committee structure and updated Council with regard to various legal matters.

Cllr J Fuller referred to the paper tabled at the meeting, detailing appointments to committees, explaining that minor amendments were still required. He suggested that the final list of memberships be delegated to the two group leaders to advise accordingly.

Cllr T Lewis expressed his disappointment at the proposal to reduce the number of seats on the Scrutiny Committee, thus reducing the opportunities for back benchers to become involved. He proposed an amendment to the recommendations, that the number of seats on the Scrutiny Committee be retained at 11, and this was duly seconded by Cllr V Bell.

Cllr C Kemp explained that the Cabinet Policy Committees provided an opportunity for back benchers, including those from the opposition, to become involved in policy formation, and was a more effective approach from the old style Policy Development Panels, introduced by the last Liberal Democrat administration. Cllr Fuller added that the Conservative group had all agreed that a smaller Scrutiny Committee would prove to be more focussed and effective.

With 5 votes in favour, and 33 against, the amendment was then lost.

It was then unanimously

RESOLVED: To

1. Agree the modification to the delegation of responsibilities and cabinet portfolio committees as included in paragraph 1 and Appendix 1 of this report;
2. Agree the reduction in membership of the Scrutiny Committee to 9 members
3. Agree the allocation of seats on Council Committees in accordance with Appendix 2 of the report, the final appointments to be delegated to Group Leaders (and appended to these minutes).
4. Appoint Chairman and Vice-Chairman as set out in Appendix 3 of the report
5. Agree the appointment of the Independent Person, Mr Alex Oram, to 30 May 2019.
6. Agree the modification to the Scheme of Delegation for Development Management as set out in paragraph 4.7 of the report.

3288 APPOINTMENTS TO OUTSIDE BODIES

Cllr J Fuller introduced the report and referred members to the list of appointments to outside bodies, tabled at the meeting. He explained that there was one further amendment; Cllr B Stone was to replace Cllr C Kemp as the Council’s representative on the Norfolk Museums Committee.

It was unanimously

RESOLVED: To make appointments to outside organisations for 2014/15, as circulated, subject to one minor amendment, as detailed above.

3289 SCHEME OF SUBSTITUTES 2015-19

Cllr J Fuller commended the report to members, explaining that a new scheme of substitutes required consideration at the beginning of each four year term of the Council.

It was unanimously

RESOLVED: To adopt a scheme of substitution, as detailed at paragraph 4 of the report, for the duration of the Council 2015-19.
CHAIRMEN’S REPORTS

a) Cabinet

Members noted the report of the Leader of the Council.

Cllr J Fuller wished to extend a warm welcome to Paul Boyce, the Council’s new Director of Communities. He hoped that she would have a long and fulfilling career at South Norfolk Council.

Cllr T Lewis asked Cllr Y Bendle whether she supported the proposals for Housing Associations to sell off larger properties to tenants. Cllr Bendle was aware of such proposals, but wanted to reserve her judgement on the matter until further details were known. She suggested that any such proposals would be considered at the Housing, Wellbeing and Early Intervention Policy Committee.

Cllr V Bell congratulated Cllr K Mason Billig on her promotion to the Cabinet, and noting her portfolio of Environment and Recycling, invited her to attend a WEEE Give and Take Reuse event at Breckland Hall in Costessey, on 2 June, where she would be made most welcome. In response, Cllr Mason Billig thanked Cllr Bell for her kind invitation, advising that she would be attending the event.

b) Annual Report of the Scrutiny Committee

Members noted the annual report of the Scrutiny Committee.

c) Licensing Appeals and Complaints Committee /Licensing and Gambling Acts Committee

Members noted the report of the Licensing Committee.

The newly appointed Chairman of the Committee, Cllr D Goldson reminded members of two separate training sessions regarding Licensing Act 2003, Taxi Licensing and Homelessness, which were due to take place shortly. He advised members of the Licensing Committee that this training would provide them with the accreditation to allow them to sit on licensing panels.

d) Development Management Committee
Members noted the report of the Chairman of the Development Management Committee, which had been tabled at the meeting.

3291 OUTSIDE BODIES – FEEDBACK FROM REPRESENTATIVES

There was no feedback to report with regard to the Council’s outside bodies.

The Chairman reminded members that any feedback must be in the form of a written report, and would be permitted for consideration at the Chairman’s discretion.

(The meeting concluded at 8.30 pm)

_________________________
Chairman
Appendix

**Appointments to Committees, 2015/16**

**Cabinet Members, Portfolios and Shadow Portfolio Holders**

<table>
<thead>
<tr>
<th>Member</th>
<th>Portfolio</th>
<th>Deputy</th>
<th>Shadow</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Fuller</td>
<td>The Economy and External Affairs</td>
<td>Martin Wilby</td>
<td>Trevor Lewis</td>
</tr>
<tr>
<td>Martin Wilby</td>
<td>Stronger Communities (and Deputy Leader)</td>
<td>Florence Ellis</td>
<td>Brendon Bernard (Murray Gray Deputy Leader)</td>
</tr>
<tr>
<td>Yvonne Bendle</td>
<td>Wellbeing and Early Intervention</td>
<td>Alison Thomas</td>
<td>Sharon Blundell</td>
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<tr>
<td>Michael Edney</td>
<td>Finance and Resources</td>
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<td>Trevor Lewis</td>
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<td>Murray Gray</td>
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<tr>
<td>Kay Mason Billig</td>
<td>Environment and Recycling</td>
<td>Barry Stone</td>
<td>Murray Gray</td>
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**Scrutiny Committee (9)**

(7 Conservative / 2 Liberal Democrat – as the Conservative Group have elected not to take their full allocation of seats)

<table>
<thead>
<tr>
<th>Member</th>
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<tbody>
<tr>
<td>Lisa Neal (Chairman)</td>
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<tr>
<td>Trevor Lewis (Vice Chairman)</td>
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<tr>
<td>Barry Duffin</td>
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<tr>
<td>Brendon Bernard</td>
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<tr>
<td>Colin Gould</td>
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<tr>
<td>Keith Kiddie</td>
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<tr>
<td>Des Fulcher</td>
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<tr>
<td>Graham Minshull</td>
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<tr>
<td>Jenny Wilby</td>
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</table>
### Licensing and Standards Committee (15)
(13 Conservative / 2 Liberal Democrat)

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>David Goldson</td>
<td>Chairman - Licensing</td>
</tr>
<tr>
<td>Kay Mason Billig</td>
<td>Chairman – Standards</td>
</tr>
<tr>
<td>William Kemp</td>
<td>Vice Chairman – Licensing</td>
</tr>
<tr>
<td>Christopher Kemp</td>
<td>Vice Chairman – Standards</td>
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<tr>
<td>Margaret Dewsbury</td>
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<td>Colin Gould</td>
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<td>Phil Hardy</td>
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<tr>
<td>Jack Hornby</td>
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<td>Tony Palmer</td>
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<td>Andrew Pond</td>
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<td>Jeremy Savage</td>
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<td>Jenny Wilby</td>
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<td>Kevin Worsley</td>
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<td>John Amis</td>
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<td>Vivienne Bell</td>
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### Development Management Committee (11)
(10 Conservative / 1 Liberal Democrat)

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
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</thead>
<tbody>
<tr>
<td>Joe Mooney</td>
<td>Chairman</td>
</tr>
<tr>
<td>Derek Blake</td>
<td>Vice – Chairman</td>
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<tr>
<td>Florence Ellis</td>
<td></td>
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<tr>
<td>Colin Gould</td>
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<tr>
<td>Christopher Kemp</td>
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<td>Graham Minshull</td>
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<tr>
<td>Lisa Neal</td>
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<tr>
<td>Barry Stone</td>
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<tr>
<td>Alison Thomas</td>
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<tr>
<td>Vic Thomson</td>
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<tr>
<td>Murray Gray</td>
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### Development Management Substitute Pool
(6 Conservative / 1 Liberal Democrat)

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>Peter Broome</td>
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<tr>
<td>Leslie Dale</td>
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<td>Nigel Legg</td>
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<tr>
<td>Brian Riches</td>
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<tr>
<td>Garry Wheatley</td>
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<tr>
<td>Vacant</td>
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<tr>
<td>Vivienne Bell</td>
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</table>
**Sites Sub-Committee (6)**
(5 Conservative / 1 Liberal Democrat)
To be appointed in rotation from membership of the Development Management Committee.

**Emergency Committee (5)**
(4 Conservative / 1 Liberal Democrat)

<table>
<thead>
<tr>
<th>John Fuller (Chairman)</th>
<th>Trevor Lewis</th>
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<tbody>
<tr>
<td>Michael Edney</td>
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<td>Nigel Legg</td>
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**Electoral Arrangements Task Group (6)**
(5 Conservative / 1 Liberal Democrat)

<table>
<thead>
<tr>
<th>Christopher Kemp (Chairman)</th>
<th>Trevor Lewis</th>
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</thead>
<tbody>
<tr>
<td>John Fuller</td>
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<tr>
<td>Keith Kiddie (Vice-Chairman)</td>
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<td>Joe Mooney</td>
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<td>Alison Thomas</td>
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**Aldermanic Review Panel**
To be composed the Chairman of the Council, the leaders of both the majority and main opposition groups, and any current members who have previously served as Chairman of the Council

**Growth and Communities Policy Committee (7)**
(6 Conservative / 1 Liberal Democrat)

<table>
<thead>
<tr>
<th>Florence Ellis (Chairman)</th>
<th>Brendon Bernard</th>
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<tbody>
<tr>
<td>David Bills</td>
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<td>Peter Broome</td>
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<td>Charles Easton</td>
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<td>John Overton</td>
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<td>Brian Riches</td>
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## Council Minutes

### 1 June 2015

#### Housing, Wellbeing and Early Intervention Policy Committee (7)
(6 Conservative / 1 Liberal Democrat)

<table>
<thead>
<tr>
<th>Position</th>
<th>Member</th>
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<tbody>
<tr>
<td>Chairman</td>
<td>Alison Thomas</td>
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<td>Jack Hornby</td>
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<td>Kevin Worsley</td>
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<td>Sharon Blundell</td>
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#### Environment and Regulation (7)
(6 Conservative / 1 Liberal Democrat)

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<th>Position</th>
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<tr>
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#### Finance, Resources, Audit and Governance (7)
(6 Conservative / 1 Liberal Democrat)

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<td>Clayton Hudson</td>
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<td>William Kemp</td>
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<td>Trevor Lewis</td>
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#### Joint Consultative Committee
(5 Conservatives / 1 Liberal Democrat)

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<td>Garry Wheatley</td>
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<td>Margaret Dewsbury</td>
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<td>Brian Riches</td>
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<td>John Amis</td>
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**Neighbourhood Chairman (5)**
All Conservative

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<tr>
<th>Neighbourhood Area</th>
<th>Chairman</th>
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<tr>
<td>Tas Valley Neighbourhood Area</td>
<td>Charles Easton</td>
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<td>Eastern River Valleys Neighbourhood Area</td>
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<td>Brian Riches</td>
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<td>Tiffey Valley Neighbourhood Area</td>
<td>Peter Broome</td>
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## CIVIC ENGAGEMENTS FOR THE PERIOD: 1 June to 13 July 2015

### CHAIRMAN: Cllr DAVID BILLS

<table>
<thead>
<tr>
<th>Date</th>
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| 12 June | **Mayor of Thetford: Civic Reception**  
The Mayor’s annual civic reception held at the Carnegie Rooms in Thetford |
| 21 June | **Lord Mayor of Norwich: Civic Service**  
The Mayor and Sheriff’s civic service and procession held at Norwich cathedral in celebration of the new civic year and acknowledging the role of education in the life our Norwich city. |
| 25 June | **100th Birthday Visit**  
Visit and presentation of flowers to Kathleen Pinchen, who lives in Tacolneston and celebrated her 100th birthday. |
| 28 June | **Dean of Norwich and Lord-Lieutenant**  
The Dean and Lord-Lieutenant’s service held at Norwich Cathedral, celebrating volunteers and the Changing Lives Service. |
| 30 June | **Annual Public Law Lecture**  
An annual lecture given by Philippe Sands, QC, on the coming struggle over human rights and held by the Norfolk Community Law Service |
| 1 July  | **President’s Luncheon and Reception**  
The President’s luncheon held at the Royal Norfolk Showground during the Royal Norfolk Show |
| 2 July  | **High Sheriff of Norfolk: Reception**  
An invitation to the home of Nicholas Pratt, the current High Sheriff, for an evening reception. |
| 4 July  | **Lord Mayor of Norwich: Street Procession**  
A procession through the streets of Norwich, followed by refreshments at City Hall. |
| 7 July  | **Hethersett and the Meltons’ Sports Association**  
An annual schools cricket festival held at Taswood Lakes in Flordon and the presentation of prizes to the winning school children. |
| 10 July | **Colonel RG Novotny: Summer Lunch Reception**  
A Summer lunch reception from the 48th Fighter Wing Commander, held at RAF Lakenheath. |

### VICE CHAIRMAN: Cllr GARRY WHEATLEY

<table>
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| 14 June | **Mayor of King’s Lynn & West Norfolk: Civic Service and Reception**  
The Mayor’s annual civic service held at King’s Lynn Minster and followed by a drinks reception at the town hall. |
| 1 July  | **President’s Luncheon and Reception**  
The President’s luncheon held at the Royal Norfolk Showground during the Royal Norfolk Show |
Monitoring Officer Report

Report of the Monitoring Officer
Cabinet Member: John Fuller, Leader of the Council

CONTACT
Leah Mickleborough, 01508 533954
lmickleborough@s-norfolk.gov.uk
1. **Introduction**

   1.1. The purpose of this report is to seek Council agreement to changes to the officer employment procedures, and to make amendments to Committee appointments.

2. **Statutory Officer Appointments**

   2.1. On 11 May 2015, Regulations were introduced that revise the arrangements for dismissing the three statutory officers – the Head of Paid Service, the Chief Finance Officer (s.151 Officer) and the Monitoring Officer. The regulations apply to all Local Authorities and must be incorporated into the Council’s Officer employment rules at the next ordinary meeting of Council.

   2.2. Previously, should a statutory officer be subject to potential disciplinary action, the officer would be suspended whilst an investigation is undertaken by a Designated Independent Person (usually a Barrister or highly qualified investigator). The Designated Independent Person submits a recommendation to a panel of members, who then agree the recommendation. Should the officer be dissatisfied with the outcome of the decision, they have the right to appeal to a separate committee of members. It should be noted that such instances are extremely rare.

   2.3. The new rules require that instead, a Committee meets to agree a recommendation to put to Council on whether to dismiss the Officer. At least two Independent People must be invited to the Committee meeting. Council will then make a decision based on this recommendation.
2.4. Whilst the new rules are designed to simplify the dismissal process, concern has been raised on the part of representative bodies that the new process are not sufficiently robust and could lead Councils to be open to accusations of unfair dismissal. In particular, there is no requirement for the alleged conduct to be investigated, and there is no guaranteed right of appeal by the employee against the decision made, which is inconsistent with existing employment law and caselaw.

2.5. With this in mind, it is proposed to adopt the following procedure to ensure that the Council remains compliant with the legal framework, but also to minimise the risk presented:

2.5.1. Should it become necessary to take disciplinary action against a Statutory Officer, an investigator will be appointed by agreement between the Council and the Officer. The Investigator will be entitled to review all information necessary to enable them to make an informed and reasoned decision. The officer will be suspended following the start of the investigation.

2.5.2. The investigator’s findings will be presented to a Hearing Panel, to be comprised 3 members from the Standards and Licensing Pool, and 2 Independent Persons. The Hearing Panel will be convened at least 20 working days before the meeting of Council to consider whether or not to dismiss a relevant officer. One Independent Person will be the Council’s Independent Person, and the other will be an Independent Person from another local authority. The Hearing Panel will have a quorum of 3, to include 2 Independent Persons, and be chaired by an Independent Person who will have the casting vote in the event of an equal number of votes.

2.5.3. The Panel will consider the investigator’s findings and be entitled to hear from any additional parties or witnesses they consider necessary prior to making a recommendation to Council.
2.5.4. Full Council will meet to consider the recommendations of the Panel and the conclusions of any investigation into the proposed dismissal, as well as any representations from the officer concerned.

2.5.5. Should the officer be dissatisfied with the outcome, they are entitled to submit an appeal to a separate Appeals Panel, to be convened of 5 members of the Standards and Licensing Pool who were not present at the original Hearing Panel.

2.5.6. Proposed Terms of Reference for the Hearing Panel and Appeals Panel are attached at Appendix 1. These are standing Committees, but as it is proposed to include these within the Standards and Licensing Committees Pool, no specific appointments are required.

2.5.7. Although there are no direct financial implications as a result of these changes, should the Hearing Panel be required to meet, the Independent Persons would be entitled to remuneration in line with that agreed under their fees payable in respect of their role under the Localism Act 2011.

2.5.8. Should Council be agreeable to these proposals, further revisions to the Disciplinary Procedures will be brought to the Joint Consultative Committee in due course.

3. Other Constitutional Matters

3.1. Council will today pay tribute to Councillor Derek Blake, who sadly passed recently. His vacancy has no impact on the political balance of the Council. However, Council will need to re-appoint the Vice-Chairman of the Development Management Committee and a substitute member on the Norfolk Duty to Co-operate Forum.
3.2. The Monitoring Officer has received a request to revisit the terms of reference for the Policy Committees, which do not allow for substitutes to be members of the Council’s Scrutiny Committee. It is noted that this can make it unnecessarily challenging to find substitute members.

3.3. It is important that there is a clear distance between the Policy Committees and Scrutiny, in order that Scrutiny can effectively challenge the work of Committees. In order to achieve the right balance, it is proposed to revise the Policy Committee memberships in order that No more than 2 members of the committee can also sit on the Scrutiny Committee. Named substitutes may be members of Scrutiny, to the extent that in total no more than 2 members voting at any meeting are also members of the Scrutiny Committee.

3.4. At present, the Electoral Arrangements Task Group will be overseeing the review of District Ward and Parish Boundaries forecast to take place during the next electoral term. However, individual Community Governance Reviews (where one part of the District is assessed) fall within the scope of the Standards Committee.

3.5. We have now received a request for a Community Governance Review in respect of Queens Hills and Costessey. Given the remit of the Electoral Arrangements Task Group in forthcoming years, it is considered that it would be useful at this stage to transfer responsibility of individual Community Governance Reviews to the Electoral Arrangements Task Group.

3.6. Finally, new European Procurement Regulations have recently been ratified into UK law. The various changes involved were presented to the Finance, Resources, Audit and Governance Committee, however in summary:

3.6.1. Require additional publication of tenders to raise awareness through the Government’s Contract Finder system;
3.6.2. Modify requirements regarding Pre-Qualification of suppliers, making it easier for suppliers to be able to undertake work with the Council
3.6.3. Introduce the possibility of new potential procurement routes, including “innovative partnerships” with suppliers
3.6.4. Make into law previous cases that emerged under the previous procurement regime, for example the TECKAL judgement which sets the terms under which Councils can administer services through wholly owned companies.

3.7. In order to ensure the Council is compliant with the new law, it is necessary to make amendment to the Contract Standing Orders at this stage as attached at Appendix 2. However, as further Government guidance emerges it may prove necessary to undertake further amendment which may be presented to Council in due course.

4. Recommendation

4.1. It is recommended that Council:

4.1.1. Agrees the principle of the changes to the Officer Employment Rules as outlined in section 2.5 above, and authorises the Monitoring Officer to make any further changes to the rules necessary to ensure the rules are in line with the relevant Regulations and the principles outlined in this report;

4.1.2. Agrees the creation of the Hearing Panel and Appeals Panel in line with the Terms of Reference at Appendix 1;

4.1.3. Appoints the Vice-Chairman of the Development Management Committee and a substitute member of the Norfolk Duty to Co-operate Forum;

4.1.4. Authorise the Monitoring Officer to make the changes to the Policy Committee Terms of Reference as highlighted at section 3.3 above

4.1.5. Transfers the responsibility for the function of the undertaking of Community Governance Reviews as identified within s.79 to s.102 of the Local Government and Public Involvement in Health Act 2007 to the Electoral Arrangements Task Group, including the approval of all necessary orders and consents.
4.1.6. To agree the revised Contract Standing Orders, as included at Appendix 2.
STATUTORY OFFICER HEARING COMMITTEE

1. Terms of Reference

1.1. To advise and make recommendations to Council on matters relating to the dismissal of relevant statutory officers of the authority, namely the Head of Paid Service; the Monitoring Officer and the s.151 Officer;

1.2. Before reaching a determination on any matter before it, to ensure appropriate investigatory work has been undertaken on which a recommendation should be made;

2. Membership

2.1. The Committee shall consist of 5 persons, to be comprised 3 members to be drawn from amongst members of the Standards and Licensing Pool of members, and 2 Independent Persons.

2.2. One Independent Person shall ordinarily be the Council’s appointed Independent Person, unless they confirm they are unable to act in relation to the matter, in which case an Independent Person from another authority shall be appointed. The other Independent Person shall also be an Independent Person at another authority.

2.3. The Chairman of the meeting shall be an Independent Person, ordinarily the Council’s appointed Independent Person. The Vice-Chairman of the meeting shall be the other Independent Person.

3. Quorum

3.1. The minimum number of members to transact any business of the Committee shall be 3, which must include 2 Independent Persons.

4. Procedures, protocol and public speaking

4.1. The Chairman shall be responsible for maintaining order and the effective conduct of business at meetings of the Committee.

4.2. Proceedings upon matters brought before the Committee shall be by way of a hearing. The Committee shall settle its own procedure in accordance with the general law and relevant HR procedures.

4.3. Members of the press and public may attend the committee, but there shall be no public speaking. Sections 100 E/G/J/K of the Local Government Act 1972 apply.

5. Voting
5.1. The Committee shall, whenever possible come to a consensus view. Where this is not possible voting shall be on a simple majority by a show of hands.

5.2. In the event of an equality of votes, the Chairman shall have a second or casting vote.

STATUTORY OFFICER APPEALS COMMITTEE

1. Terms of Reference

1.1. To hear appeals against decisions of the Council to dismiss a statutory officer.

1.2. Before reaching a decision, the Committee must take into account all representations made to the Statutory Officer Hearing Committee and the Council meeting at which the decision to dismiss was made.

2. Membership

2.1. The Committee shall consist of 5 members of the Council, to be appointed from the members of the Standards and Licensing Pool of Members who were not present at the Statutory Officer Hearing Committee at which the original recommendation was made to Council.

2.2. The meeting shall ordinarily be chaired by the Chairman of the Standards Committee.

3. Quorum

3.1. The minimum number of members to transact any business of the Committee shall be 3 voting members.

4. Procedures, protocol and public speaking

4.1. The Chairman shall be responsible for maintaining order and the effective conduct of business at meetings of the Committee

4.2. Proceedings upon matters brought before the Committee shall be by way of a hearing. The Committee shall settle its own procedure in accordance with the general law and relevant HR procedures.

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5.2. In the event of an equality of votes, the Chairman shall have a second or casting vote.
Part 4 Rules of Procedure

4.5 Contract Standing Orders

1 Purpose and Status

1.1 These Standing Orders are made and approved by the Council to regulate and ensure probity in all its dealings with suppliers and contractors. In following these procedures, officers of the Council must:

- Ensure value for money is achieved
- Ensure fairness in allocating public contracts
- Comply with all legal requirements
- Be consistent with highest standards of integrity
- Support the Council’s aims and policies

1.2 Compliance with these Standing Orders is mandatory for all staff employed by or on behalf of South Norfolk Council, and failure to observe them without good and sufficient reason will be treated as a disciplinary issue. Staff letting or managing contracts must ensure that all contractors are aware of their provisions and comply with them.

1.3 When commissioning work through consultants or other forms of agent, the staff concerned must ensure that the said agents adhere strictly to these same Contract Standing Orders as if they were employees of the Council. Agents or consultants must not make any decision as to whether to award a contract, or whom a contract should be awarded to. Such decisions should only be made by a Council Officer with delegated authority. This applies to any agent and consultant commissioned by the Council, be they employed directly to provide advice, support and guidance on a specific contract, or employed to fulfil a more general role within the Council.

1.4 All staff and members involved in any way in dealing with suppliers or contractors on behalf of the Council must be aware of and pay full regard to the requirements in the Council’s Constitution to declare as provided for any interests, whether pecuniary or otherwise, that they may have in any such matter. Specific guidance is included separately in Codes of Conduct for members and officers.

1.5 These Standing Orders also apply to the appointment of Consultants as they constitute the provision of a service.

1.6 These Standing Orders are the minimum standards which should be followed. Further advice is available from the Finance Team.
2 The contract value

2.1 The first step is to identify what services/goods are required and to estimate the cost for these. A detailed cost estimate should be drawn up; for higher value contracts, professional estimators should be considered to ensure estimates and tenders subsequently received are realistic and provide value for money for the Council. The timeframes over which you should estimate costs apply as follows:

- If it is a construction project, the total costs over the full life-time of the project
- If it is a fixed-term service contract, the total costs over the full fixed-term of the service provided
- If it is an indefinite life service (e.g. something the Council intends to buy over a number of years, or you are not sure when it will end), the costs you would expect to pay over the first 4 years of that service being provided.

2.2 The total cost for the whole council should be considered, not just within the individual service. There are numerous permutations but they might include:

- A one off purchase
- A one off purchase which requires on-going costs such as servicing and maintenance
- A regular supply of a service
- An initial contract for particular goods / services, with options for future purchasing / add-on purchases within that same contract

2.3 Alternatively there could be more than one contract with different suppliers; the supply of the equipment, the installation and the on-going maintenance cost for four years. In this instance all three would need to be a separate contract, however each would have to stand up to independent scrutiny without any premeditated outcome on who the supplier will be. The breaking down of a supply cannot be used to justify the circumvention of the rules, however, to encourage SME’s to tender/quote for contracts, the Council would consider breaking the contract into Lots (e.g.; per geographical area).

3 Is a new contract required?

3.1 If an existing contract is in place under which the new supply of goods/services can be obtained then this should be used.

3.2 There is also the option of using a framework agreement. Frameworks are pre-tendered contracts, which the Council can use, providing we operate to the pre-approved terms. They have usually been commissioned by buying consortia such as ESPO or a Government department or agency, and are compliant with the EU rules of procurement. There are several types of these arrangements such as:

- One supplier who has won a specific tender for a specific contract. The Council has to continue to operate to the terms and conditions set out in that contract.
Several suppliers who have been invited to tender to meet specific terms. The Council can vary these terms, but should we do so, we must hold a “mini-competition” between the various suppliers.

3.3 The advantage of using such arrangements is to gain the benefits of bulk purchasing whilst avoiding the need to spend time setting up a tendering/quotation exercise. However there are several issues which must be considered:

- The framework still needs to provide good value for money
- The conditions of the framework agreement must allow use by the Council.
- The goods/services being requested must be covered in full by the framework.
- The life of the framework and its end date, i.e. six months before the end of a framework agreement, you may still be able to enter a contract for up to a period of 4 years, please check with the framework host.

4 Exceptions to tendering and quotation procedures

4.1 Where a Public Buying Organisation (framework) is utilised, then their framework guidelines must be adhered to, this is no requirement to complete an exemption form in this instance. However, the issues in 3.3 above must be considered.

4.2 It shall not be necessary to invite tenders/quotations if any of the below apply and, in this case, a Contract Standing Orders exemption form must be completed:

(a) Where effective competition is prevented by governmental control or market monopoly. The Officer must prove to the satisfaction of the Section 151 Officer or their Deputy that there are no alternative providers;

(b) Where purchase is made at public auction;

(c) Where procurement is in conjunction with a third party; i.e. a shared procurement exercise; it must be conducted to the satisfaction of the Council.

(d) Where it is in the business interests of the Council not to seek formal tenders (e.g. urgent action is required, or annual licences for Software is purchased where the system is essential to the day to day business of the Council)

(e) prior to commissioning works the following approval must be obtained:

- Value is below £20,000 agreement from the Section 151 Officer or their Deputy must be sought.
- Value is between £20,000 and below £100,000 agreement from SLT and the Section 151 Officer or their Deputy must be sought
- Value is above £100,000 agreement from SLT, and The Section 151 Officer or their Deputy, and the Leader of the Council must be sought. A retrospective report must be made to Cabinet.
5 **Tendering and Quotations**

5.1 Tenders and quotations are both offers to supply goods, works and services.

5.2 A quotation is a competitive written quotation of price and any other relevant matter. This is typically used for purchasing standard items e.g. IT equipment, which are available from different sources and prices may be expressed in terms of a discount on a standard price list.

5.3 A tender will normally be used for more complex circumstances where the goods/services need to be defined in detail as they are non-standard, with bidders entering their prices for work against a schedule of separate elements.

6 **Value of Contract is expected to be under £20,000**

6.1 A minimum of three “informal” quotations/tenders must be obtained.

6.2 These quotations/tenders can be obtained in a variety of ways which may include phone, internet, letter, face to face, however the information needs to be recorded. Where quotations / tenders are obtained via phone or face to face interaction, these should be confirmed in writing (e.g. send e-mail or through third party providing written quote).

6.3 Quotations/tenders will be received by the Officer commissioning the goods / services. They should ensure that any suppliers offering tenders of quotes to the Council are aware that the Council complies with the Government’s transparency agenda and in doing so will be required to publish data related to expenditure, contracts and invitations to tender.

6.4 Evaluation of quotations/tenders should take into account the whole life costing of the goods, works or services, including any maintenance requirement and their ultimate replacement where appropriate. Issues around quality, sustainability and social value should also be considered. The decision as to which offer should be accepted should be based on the best overall economic advantage to the Council, which does not always mean the lowest price.

6.5 Wherever possible suppliers should be advised of factors to be considered in selecting the successful informal quotation/ tender so that equal treatment is evident. This will protect the Council against challenge and generate good will for any future procurement.

6.6 In considering informal quotations or tenders the purchasing officer should pay due regard to the Council’s Health and Safety policy, particularly for operational type services which could expose members of the public or officers to the risk of injury or the property of third parties to the risk of potential damage. In the event of any concern the purchasing officer should consult the Council’s Health and Safety advisor.
6.7 Where any of the following circumstances prevail, a Director may, prior to the formal agreement of any contract, or instruction to commence works, carry out negotiations to clarify offers received or otherwise to agree the prices and other terms of the contract proposed:

(a) Where one or more offer is accompanied by alternative proposals;
(b) Where examination of offers reveals errors, discrepancies or misunderstandings which would affect the contract price;
(c) Where the relevant Director considers that the best offer presented does not represent the best Value For Money that can reasonably be obtained.

6.8 In all cases the following provisions shall apply:

- All bidders shall receive fair and equitable treatment and shall be given equal opportunity to clarify their offers or to submit alternative proposals;
- The relevant Director(s) shall ensure that all negotiations are fully documented and that this documentation and all other evidence of negotiations is collated and filed so as to be readily available for audit or other inspection as required. All such evidence shall be retained in accordance with the Council’s Document Retention Policy;
- At no time shall a bidder be informed of the detail of any other bid.

6.9 The decision on who to award the contract to shall be recorded in sufficient detail for the logic to be apparent to anyone who subsequently reviews the circumstances. Appropriate documentation for officers to use will be maintained by the Finance Team.

6.10 Formal contracts are not required but may be useful, depending on the circumstances. However, the Purchase Order will form the contract should no other documentation be provided. There should be a written record of the agreement, although a simple exchange of letters/emails may often suffice.

6.11 Where, during the process of tendering for the contract, it becomes clear that the nature, scope or timing of the specifications changes in such a way as to significantly alter the goods / service being tendered, the tendering process should immediately be halted. Discussion should be held with the Finance Team as to the process that should be followed, although it is anticipated that significant changes will require the entire tender process to be re-started. Suppliers should equally be kept informed.

7 Contract value is expected to be between £20,000 and £100,000

7.1 If the service which you are procuring is towards the top end of this financial envelope please ask for advice. The OJEU limit is subject to currency conversion rates and additional incidental items could inflate the cost of what you are procuring.

7.2 Where the contract value exceeds £60,000, the opportunity must be advertised externally, this includes Contracts Finder (via The Finance Team). This complies with UK legislation and Transparency Guidelines. Below £60,000 there is no requirement, however if a decision is made to advertise externally, it must also include Contracts Finder.
7.3 The electronic portal must be used for the procurement process.

7.4 A minimum of three “formal” quotations or tenders are required before placing orders or creating contracts of this value. Formal and detailed specifications should be produced to determine the nature, scope, and timing of the goods / services to be performed.

7.5 Tenders/quotations will be based on an individual specification, and need to be proportionate to the risks involved in awarding the contract. This also includes any amendment to the Council’s standard Terms and Conditions.

7.6 The Tenders/Quotations will be assessed as follows:

- The Health & Safety Officer will ensure compliance with Health & Safety requirements.
- Financial Services will be responsible for ensuring the viability of the organisation.
- The client service will be responsible for the quality and experience of the service/goods tendered for and compliance with the specification.
- Any IT requirements will be assessed by the IT Support Service.

Please be sure to include this information to bidders at the start of the process.

7.7 The relevant Director will be required to:

- Approve the specification
- Approve the list of parties invited to quote or tender for contracts below £60,000.

7.8 To enable well-considered bids to be submitted, there must be sufficient time allowed. All invitations to tender (ITT) or requests for quotation (RFQ) should include:

(a) A list of the criteria to be applied in bid evaluation (for example how price, quality, social value and sustainability might be scored);
(b) Details of the information required from bidders against each of the criteria;
(c) A full set of contract documentation, including where appropriate the conditions of contract, functional specification and any other document necessary to fully describe and specify the Council's requirements;
(d) Full details of the timescales and other conditions for return of bids;
(e) Details of the mechanism by which bidders may ask any clarifications of the council. Note: - some clarification answers may need to be shared with all bidders; some may need to be kept confidential. Please ask for advice on this point.
(f) A declaration form to sign stating that the Contractor will not collude with other companies during the bidding process (excepting joint / combined bids with other parties), which clearly states that whilst tenders will be treated in the strictest confidence, they will be made available to Trading Standards, the Office of Fair Trading and other regulators when undertaking any investigations, and that legal action will be taken against false declarations.
(g) A statement that the Council complies with the Government’s Transparency agenda, and, in so doing, will be required to publish data relating to expenditure, contracts and invitations to tender.

Further advice is always available from the Finance Team

7.9 Responses to tenders and quotations must be made via the Council’s e-procurement tool. Only in exceptional cases and where the Monitoring Officer and the Section 151 Officer or their Deputy agrees will any other form of response be considered and this decision must be recorded by the Monitoring Officer or their deputy. Any such arrangements must provide at least the same degree of anonymity, security and confidentiality. This provision is expressly designed to facilitate the use and development of electronic tendering procedures, where appropriate and to the benefit of the Council. Further advice and assistance is available from the Finance Team.

7.10 All tenders and quotations shall be uploaded to the Council’s e-procurement tool by the deadline specified: Bidders must email the Finance Team or Procurement Lead to notify the Council of technical difficulties before the deadline of the submission of bids.

7.11 No tender or quotation can be considered as valid if:
- Council’s e-procurement tool has not been used (Unless an exemption outlined in 7.9 has been agreed prior to the deadline)
- If it is received after the deadline for receipt set out in the Invitation to Tender (ITT) or Request for Quotations (RFQ);
- If the security of the e-procurement tool has been breached
- If for any reason the bidder has failed to comply with any of the instructions contained in the invitation.
- Where there is clear evidence of inappropriate behaviour during the bidding process (fraud, corruption, bribery) on the part of the organisation submitting the bid.
- The bid exceeds any affordability thresholds set

7.12 Tenders and quotations shall be opened in the presence of the Monitoring Officer or their deputy.

7.13 Evaluation of quotations/tenders should take into account:
- The whole life costing of the goods, works or services, including any maintenance requirement and their ultimate replacement where appropriate.
- The added social value and sustainability of the proposals made
- The extent to which the contractor has designed a safe system of work in discharge of its obligations under prevailing Health and Safety legislation (please ask for advice from the Health and Safety Officer on this point)
- The decision as to which offer should be accepted should be based on which is the most economically advantageous to the Council, which does not always mean the lowest price. Officers should design arrangements for the evaluation of the most economically advantageous tender before the documents are despatched to bidders and this marking scheme should be shared with
suppliers before they submit. Evaluation should be strictly in accordance with the published scheme
- Quotations and Tenders should be subject to critical evaluation to ensure that they are affordable. It is good practice to set an affordability threshold at the commencement of the procurement.
- Advice should be sought where any tender or quotation appears abnormally low
- Ensuring bid information contains sufficient detail upon which to determine that the contractor has appropriately costed all aspects of the bid. The Council has the option of asking clarification questions of bidders; but this has to be tightly managed so that it does not develop into an unplanned negotiation. Please ask for advice on this point and see 7.16 below. This should be done in accordance with the Procurement Regulations and a contemporaneous record maintained within the e-procurement tool.

7.14 Where any of the following circumstances prevail, a Director may, prior to the formal agreement of any contract, clarify offers received or otherwise to agree the prices and other terms of the contract proposed:

(a) Where examination of offers reveals errors, discrepancies or misunderstandings which would affect the contract price;

7.15 Where any of the following circumstances prevail, a Director may, prior to the formal agreement of any contract, carry out negotiations to agree the prices and other terms of the contract proposed

(a) Where one or more offer is accompanied by alternative proposals;
(b) Where the relevant Director considers that the best offer presented does not represent the best Value For Money that can reasonably be obtained

7.16 Prior to the Intention to Award the following provisions shall apply:

- All bidders shall receive fair and equitable treatment and shall be given equal opportunity to clarify their offers or to submit alternative proposals;
- The relevant Director(s) shall ensure that all negotiations are fully documented and that this documentation and all other evidence of negotiations is collated and filed so as to be readily available for audit or other inspection as required. All such evidence shall be retained in accordance with the Council’s Document Retention Policy;
- At no time shall a bidder be informed of the detail of any other bid.

7.17 Any such negotiations shall be conducted strictly in accordance to the following rules:

- They shall take place at predetermined times and places;
- The Monitoring Officer and the Section 151 Officer or their Deputy must be notified of the time and venue of all negotiations;
• More than one officer of the Council shall be present at all times, including the Monitoring Officer and the Section 151 Officer or their Deputy, or their senior representative.
• The signed record of all meetings shall be kept on file and a copy supplied to the Monitoring Officer, the Section 151 Officer or their Deputy and the bidder.
• In the event of a contract being awarded, the relevant signed records of meetings shall be bound into the contract.

7.18 Acceptance of tenders/quotations shall be by the relevant Director. Provided that:

• Adequate budget provision exists for both capital and revenue expenditure.
• A proper evaluation has been carried out in compliance with these Contract Standing Orders which clearly demonstrates that the tender/quotations in question constitutes the most economically advantageous for the Council, according to the pre-set evaluation criteria (quality, price, social value, sustainability etc)

7.19 Formal contracts will be required and may be executed under seal depending on the nature of the work and degree of protection required.

7.20 Where, during the process of tendering for the contract, it becomes clear that the nature, scope or timing of the specifications changes in such a way as to significantly alter the goods/service being tendered, the tendering process should immediately be halted. Generally a new procurement will be required. It is important that bidders are advised of the change in circumstances promptly and in such a manner as to maintain interest in bidding for the Council’s work. Please ask for advice from the Council’s Finance Team.

8 Contract value is expected to be between £100,001 and the OJEU limit. (See The Finance Team for details of the OJEU limit)

8.1 If the service which you are procuring is towards the top end of this financial envelope please ask for advice. The OJEU limit is subject to currency conversion rates and additional incidental items could inflate the cost of what you are procuring.

8.2 As the contract value exceeds £60,000, the opportunity must be advertised externally, this includes Contracts Finder (via The Finance Team). This complies with UK legislation and Transparency Guidelines.

8.3 The electronic portal must be used.

8.4 A minimum of five formal competitive tenders are required. Formal and detailed specifications should be produced to determine the nature, scope, and timing of the goods/services to be performed. If fewer than 3 quotes are received, please take advice from the Finance Team.

8.5 Tenders/quotations will be based on the specification and can be amended to reflect the requirements of the individual tender and need to be proportionate to the risks.
involved in awarding the contract. This also includes Terms and Conditions and Specification.

8.6 The Tender/Quotation will be assessed as follows:

- Compliance with current SNC IT systems, policies and compatibility.
- The Health & Safety Officer will ensure compliance with Health & Safety requirements.
- Financial Services will be responsible for ensuring the financial viability of the organisation.
- The client service will be responsible for the experience of the service/goods tendered for*
- Social Value (how the procurement may improve the economic, social and environmental well-being of the relevant area)
- Sustainability (measures to protect the environment in the delivery of the service) may be assessed if appropriate

*This information must be provided to bidders at the start of the process.

8.7 The relevant Director will be required to:

- Approve the specification of the works, including any specifications that may restrict those parties that are invited to tender (e.g. covenants which favour local organisations)
- Approve the list of parties invited to quote or tender, where this list is restricted to several named organisations.

8.8 To enable well-considered bids to be submitted, there must be sufficient time allowed. To ensure suppliers have sufficient time to submit quality bids and to be able to ask clarification questions, a minimum of 14 days should be allowed for responses, however, for more technical and complex tenders, this time frame should be extended appropriately. All invitations to tender (ITT) should include:

(a) A list of the criteria to be applied in bid evaluation (for example how price, quality, social value and sustainability might be scored);

(b) Details of the information required from bidders against each of the criteria;

(c) A full set of contract documentation, including where appropriate the conditions of contract, functional specification and any other document necessary to fully describe and specify the Council’s requirements;

(d) Full details of the timescales and other conditions for return of bids;

(e) Details of the mechanism by which bidders may ask any clarifications of the council. Note: - some clarification answers may need to be shared with all bidders; some may need to be kept confidential. Please ask for advice on this point.
(f) A declaration form to sign stating that the Contractor will not collude with other companies during the bidding process (excepting joint / combined bids with other parties), which clearly states that whilst tenders will be treated in the strictest confidence, they will be made available to Trading Standards, the Office of Fair Trading and other regulators when undertaking any investigations, and that legal action will be taken against false declarations.

(g) A statement that the Council complies with the Government’s Transparency agenda, and, in so doing, will be required to publish data relating to expenditure, contracts and invitations to tender.

Further advice is available from the Finance Team, including standard templates.

8.9 All tenders and quotations shall be uploaded to the Council’s e-procurement tool by the deadline specified: Bidders must email the Finance Team or Procurement Lead to notify the Council of technical difficulties before the deadline of the submission of bids.

8.10 Where any Director wishes invitations to tender, requests for quotations or submissions in response to be in any form other than electronic documents, that Director shall first in each case agree suitable arrangements with the Monitoring Officer and the Section 151 Officer or their Deputy. Any such arrangements must provide at least the same degree of anonymity, security and confidentiality until the scheduled time of opening as the arrangements specifically detailed in these Standing Orders.

Where tenders are received in the written format, all tenders and quotations shall be returned in sealed envelopes that shall be:

- Marked clearly to indicate that it contains a tender or quotation and have no means by which the bidder can be identified;
- Endorsed to identify the goods, services or works to which it relates;
- Addressed to the Monitoring Officer who shall keep them unopened in safe custody until the deadline for receipt has passed.

8.11 No tender or quotation can be considered as valid if:

- the Council’s e-procurement tool has not been used; unless by prior arrangement as per section 8.10 above. (If for any reason the envelope has been opened prior to the deadline).
- it is received after the deadline for receipt set out in the ITT or RFQ;
- the security of the e-procurement tool has been breached;
- for any reason the bidder has failed to comply with any of the instructions contained in the invitation.
- Where there is clear evidence of inappropriate behaviour during the bidding process (fraud, corruption, bribery) on the part of the organisation submitting the bid.
- the bid exceeds any affordability threshold set.
8.12 Tenders and quotations shall be opened at one time in the presence of the Procurement Officer and the Monitoring Officer, or their deputies.

8.13 Evaluation of quotations/tenders should take into account:

- The whole life costing of the goods, works or services, including any maintenance requirement and their ultimate replacement where appropriate.
- Social Value (how the procurement may improve the economic, social and environmental well-being of the relevant area)
- Sustainability of the proposals made
- The decision as to which offer should be accepted should be based on the best overall economic advantage to the Council, which does not always mean the lowest price.
- Quotations and Tenders should be subject to critical evaluation to ensure that they are affordable; this particularly applies where any quotations / tenders show any indication of being abnormally low costed
- Ensuring bid information contains sufficient detail upon which to determine that the contractor has appropriately costed all aspects of the bid

8.14 Where any of the following circumstances prevail, a Director may, prior to the formal agreement of any contract, carry out negotiations to clarify offers received or otherwise to agree the prices and other terms of the contract proposed:

- Where one or more offer is accompanied by alternative proposals;
- Where examination of offers reveals errors, discrepancies or misunderstandings which would affect the contract price;
- Where the relevant Director considers that the best offer presented does not represent the best Value for Money that can reasonably be obtained.

8.15 In all cases following provisions shall apply:

- All bidders shall receive fair and equitable treatment and shall be given equal opportunity to clarify their offers or to submit alternative proposals;
- The relevant Director(s) shall ensure that all negotiations are fully documented and that this documentation and all other evidence of negotiations is collated and filed so as to be readily available for audit or other inspection as required. All such evidence shall be retained in accordance with the Council's Document Retention Policy;
- At no time shall a bidder be informed of the detail of any other bid.

8.16 Any such negotiations shall be conducted strictly in accordance to the following rules:

- They shall take place at predetermined times and places;
- The Monitoring Officer and the Section 151 Officer or their Deputy must be notified of the time and venue of all negotiations;
- More than one officer of the Council shall be present at all times, including the Monitoring Officer and the Section 151 Officer or their Deputy, or their senior representative.
The Constitution of South Norfolk Council

Part 4 Rules of Procedure

(4.4 Contract Standing Orders)

- The signed record of all meetings shall be kept on file and a copy supplied to the Monitoring Officer, the Section 151 Officer or their Deputy and the bidder.
- In the event of a contract being awarded, the relevant signed records of meetings shall be bound into the contract.

8.17 Acceptance of tenders/quotations shall be by the Strategic Leadership Team (with a retrospective report to Cabinet for information). Provided that:

- Adequate budget provision exists for both capital and revenue expenditure.
- The tender accepted presents the most economically advantageous position for the Council.

The following table applies:

<table>
<thead>
<tr>
<th>Value</th>
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</tr>
</thead>
<tbody>
<tr>
<td>£100,001 - £172,514 (OJEU Limit Goods/Services)</td>
<td>SLT</td>
<td>Goods/Services</td>
<td>Retrospective report to Cabinet</td>
</tr>
<tr>
<td>£100,001 - £250,000</td>
<td>SLT</td>
<td>Works</td>
<td>Retrospective report to Cabinet</td>
</tr>
<tr>
<td>£250,000 - £4,320,120 (OJEU Limit Works)</td>
<td>Cabinet</td>
<td>Works</td>
<td></td>
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</tbody>
</table>

8.18 Formal contracts under seal are required.

8.19 All original copies of the contract are to be held by the Risk and Compliance Manager.

8.20 Where, during the process of tendering for the contract, it becomes clear that the nature, scope or timing of the specifications changes in such a way as to significantly alter the goods/service being tendered, the tendering process should immediately be halted. Discussion should be held with the Finance Team as to the process that should be followed, although it is anticipated that significant changes will require the entire tender process to be re-started.

9 Contract value is over the OJEU limit.

9.1 EU procurement rules stipulate that higher value contract opportunities should be subject to additional rules and controls. Any proposed purchase of goods or contract for services where the estimated value exceeds approximately £172,514 (as at Jan 2015) or for works where the value exceeds approximately £4,320,012 (as at Jan 2015), is caught by these provisions. (These monetary limits are subject to change as they are determined by exchange rates, if the tender is around these values you must contact the Finance Team to check the limits currently set.) The terms goods, works and services have precise definitions within the legislation but these broadly follow a common sense understanding. “Works” involves works of design, construction or maintenance to any land or buildings and specifically includes...
anything normally defined as building or civil engineering work. The detailed provisions are set out in Directives issued by the EU administration which have been incorporated into UK law and MUST be complied with. Further details are available in the CIPFA guidance. If in any doubt, be sure to consult with Nplaw or the Finance Team. The Finance Team will provide guidance at all stages of the process.

9.2 Contracts caught by the EU provisions as described above must first be advertised in the Official Journal of the European Union (OJEU). The procedures vary with the nature of the work involved and can sometimes require you to advertise for expressions of interest well in advance of actually inviting tenders (PIN).

9.3 Sufficient time must be set aside to ensure compliance with the European Tendering regulations.

9.4 Advice should be sought on the procurement route to be used. Briefly the choice is as follows:-

(a) Open Procedure – Bids received from anyone with no pre-qualification.
(b) Restricted Procedure - If the Council’s requirements are eminently clear, there are no issues of risk partition, and there is no need to discuss matters with suppliers then the restricted route (PQQ and tender) can be used
(c) Negotiated Procedure without notice – Limited use in very limited circumstances eg only one supplier can meet requirement for technical reasons, artistic or reasons connected with protecting exclusive rights such as patents. Legal advice must be obtained before using this route.
(d) Competitive dialogue or competitive with negotiation – assumes the open and restricted procedures not suitable and a note justifying the use of these routes must be retained. If the Council’s requirements are complex, there are areas of uncertainty, there are issues of risk partition, there are other partner Councils, there is a need to discuss matters with suppliers then the competitive dialogue route should be considered (early market engagement, PQQ, dialogue, selection, dialogue, tender for example)
(e) Innovation partnerships procedure (a new procedure) – allows the Council to encourage suppliers to develop works, supplies or services not currently available on the market through long term partnerships
(f) The Accelerated Procedure will no longer be available except for circumstances where a previous procurement has broken down.

9.5 Advice should be sought on how, what is evidently a major procurement, should be marketed. This might include for example the use of soft market testing or pre-market engagement to inform the council’s specification writing and catalyse greater interest from firms bidders

9.6 Procurements of this importance will require strong governance and the use of project management techniques. Dedicated project resources are very likely to be necessary and external advice (financial, legal and technical) may also be required.

9.7 All invitations to tender (ITT) must include as a minimum:

(a) A list of the criteria to be applied in bid evaluation (for example how price,
quality, social value, environmental issues, safeguarding and sustainability might be scored);

(b) Details of the information required from bidders against each of the criteria and where possible how much information;

(c) A full set of contract documentation, including where appropriate the conditions of contract, functional specification and any other document necessary to fully describe and specify the Council’s requirements;

(d) Full details of the timescales and other conditions for return of bids;

(e) Details of the mechanism by which bidders may ask any clarifications of the council. Note: - some clarification answers may need to be shared with all bidders; some may need to be kept confidential. Please ask for advice on this point.

(f) A declaration form to sign stating that the Contractor will not collude with other companies during the bidding process (excluding joint / combined bids with other parties), which clearly states that whilst tenders will be treated in the strictest confidence, they will be made available to Trading Standards, the Office of Fair Trading and other regulators when undertaking any investigations, and that legal action will be taken against false declarations.

(g) A statement that the Council complies with the Government’s Transparency agenda, and, in so doing, will be required to publish data relating to expenditure, contracts and invitations to tender.

Further advice is available from the Finance Team. In a competitive dialogue there will be evolution of these core documents and the Finance Team would be happy to discuss this further.

9.8 All tenders and quotations shall be uploaded to the Council’s e-procurement tool by the deadline specified: Bidders must email the Finance Team or Procurement Lead to notify the Council of technical difficulties before the deadline of the submission of bids.

9.9 Where any Director wishes invitations to tender, requests for quotations or submissions in response to be in any form other than electronic documents, that Director shall first in each case agree suitable arrangements with the Monitoring Officer and the Section 151 Officer or their Deputy. Any such arrangements must provide at least the same degree of anonymity, security and confidentiality until the scheduled time of opening as the arrangements specifically detailed in these Standing Orders.

Where tenders are received in the written format, all tenders and quotations shall be returned in sealed envelopes that shall be:

- Marked clearly to indicate that it contains a tender or quotation and have no means by which the bidder can be identified;
Endorsed to identify the goods, services or works to which it relates;
Addressed to the Monitoring Officer who shall keep them unopened in safe
custody until the deadline for receipt has passed.

9.10 No tender or quotation can be considered as valid if:

- the Council’s e-procurement tool has not been used; unless by prior
  arrangement as per section 8.10 above. (If for any reason the envelope has
  been opened prior to the deadline).
- it is received after the deadline for receipt set out in the ITT or RFQ;
- the security of the e-procurement tool has been breached;
- for any reason the bidder has failed to comply with any of the instructions
  contained in the invitation.
- Where there is clear evidence of inappropriate behaviour during the bidding
  process (fraud, corruption, bribery) on the part of the organisation submitting
  the bid.
- the bid exceeds any affordability threshold set.

9.11 Tenders and quotations shall be opened at one time in the presence of the
Procurement Officer and the Monitoring Officer, or their deputies.

9.12 Evaluation of quotations/tenders will be only as per the published criteria and these
should take into account:

- The whole life costing of the goods, works or services, including any
  maintenance requirement and their ultimate replacement where appropriate.
- Social Value (how the procurement may improve the economic, social and
  environmental well-being of the relevant area) is formally recorded.
- Sustainability of the proposals made.
- The decision as to which offer should be accepted should be based on the
  best overall economic advantage to the Council, which does not always mean
  the lowest price.
- Quotations and Tenders should be subject to critical evaluation to ensure that
  they are affordable; this particularly applies where any quotations / tenders
  show any indication of being abnormally low costed.
- Ensuring bid information contains sufficient detail upon which to determine
  that the contractor has appropriately costed all aspects of the bid.

9.13 Where the EU procedure by strictly defined exception (competition failure etc)
permits post-tender negotiations then a Director (or their delegated officer) may, prior
to the formal agreement of any contract, carry out negotiations to clarify offers
received or otherwise to agree the prices and other terms of the contract proposed:

(a) Where one or more offer is accompanied by alternative proposals;

(b) Where examination of offers reveals errors, discrepancies or
  misunderstandings which would affect the contract price;
For the avoidance of doubt negotiation is not normally permitted in a procurement above the OJEU limit

9.14 In all cases following provisions shall apply:

- All bidders shall receive fair and equitable treatment and shall be given equal opportunity to clarify their offers or to submit alternative proposals;
- The relevant Director(s) shall ensure that any (by exception) negotiations are fully documented and that this documentation and all other evidence of negotiations is collated and filed so as to be readily available for audit or other inspection as required. All such evidence shall be retained in accordance with the Council’s Document Retention Policy;
- Prior to the awarding of the contract, at no time shall a bidder be informed of the detail of any other bid

9.15 Any such negotiations shall be conducted strictly in accordance to the following rules:

- They shall take place at predetermined times and places;
- The Monitoring Officer and the Section 151 Officer or their Deputy, must be notified of the time and venue of all negotiations;
- More than one officer of the Council shall be present at all times, including the Monitoring Officer and the Section 151 Officer or their Deputy, or their senior representative.
- The signed record of all meetings shall be kept on file and a copy supplied to the Monitoring Officer, the Section 151 Officer or their Deputy and the bidder.
- In the event of a contract being awarded, the relevant signed records of meetings shall be bound into the contract.

9.16 Acceptance of tenders/quotations shall be by the Senior Leadership Team, in accordance with the table below

<table>
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<td>Goods/Services</td>
<td>Retrospective report to Cabinet</td>
</tr>
<tr>
<td>£250,000+</td>
<td>Cabinet</td>
<td>Goods/Services and Works</td>
<td>Cabinet</td>
</tr>
</tbody>
</table>

The above applies provided that:

- Adequate budget provision exists for both capital and revenue expenditure.
- A proper evaluation has been carried out which clearly demonstrates that the tender/quotations in question constitutes the best economic advantage to the Council, taking into account quality, price, social value and sustainability
- The tender accepted presents the most economically advantageous position for the Council
All candidates must be notified of the full reasons of the Contract award simultaneously and as soon as possible after the decision has been made (i.e. at the commencement of the standstill period, see below). This notification must be in writing, and to ensure speed in notifying should be made via e-mail. The information sent to the unsuccessful candidates must include characteristics and relative advantage of the successful tender; identity of successful tender; the score of the tender receiving the notice and the successful tender; a copy of the standstill notice. Although consideration should be given to disclosure of confidential information when notifying, the principle that the notification should include all the information that would be necessary for the unsuccessful bidder to determine whether or not a decision is well founded must apply. In giving feedback legal advice should be taken to protect the Council from the risk of challenge.

If yours is a multi stage procurement involving selection and de-selection of candidates as several points in the process please ask for advice

There is a statutory standstill period of 10 calendar days (The “Alcatel” period) which must be provided between the decision being made to appoint a contractor and the signing of the contract with the successful candidates. This is to allow the unsuccessful candidates’ time to ask for more information concerning the award decision. Should, at any stage of the contract or tendering process, legal challenge be made to the process, then the contracting or tendering process should immediately halt, and no further progress be made until on advice from the Compliance and Risk Manager.

9.17 Formal contracts under seal are required.

9.18 All original copies of the contract are to be held by the Compliance and Risk Manager.

9.19 Where, during the process of tendering for the contract, it becomes clear that the nature, scope or timing of the specifications changes in such a way as to significantly alter the goods / service being tendered, the tendering process should immediately be halted. Discussion should be held with the Finance Team as to the process that should be followed, although it is anticipated that significant changes will require the entire tender process to be re-started.

10 Forms of Contract

10.1 Exchange of Letters

The minimum formality required to record an agreement is an exchange of letters setting out the terms of that agreement. It can be a very simple note or a more substantial document, for example to accept a written quotation on agreed terms and conditions. Where no other specific terms and conditions have been agreed, the Council’s standard terms will apply. Details are available on e-link or from the Finance Team.
Any such exchange should set out clearly the nature and extent of the goods, works or services to be provided and the terms under which they are to be provided, including a clear statement of the price or other consideration to be paid. It should also include reference to the timescale involved and make it clear if time is to be of the essence of the contract.

10.2 Standard forms of contract

There are many different standard forms of contract, particularly in the construction and engineering industries and for professional services. When obtaining tenders or quotations for goods, works or services, be aware of and make sure you understand the terms and conditions involved. Some examples are those published by the Royal Institute of Chartered Surveyors or Institute of Civil Engineers and available on their respective websites. If in any doubt, be sure to consult Nplaw.

Council bespoke contract for work of value greater than the relevant OJEU limit

Procurements above the OJEU limit will have a specific contract made available to the bidders during the procurement process.

10.3 Suppliers terms and conditions

You should never accept without critical examination any terms and conditions offered by suppliers or contractors. These can contain provisions which might seriously compromise the Council’s rights should things not go as planned and you should always ensure that the Council’s interests are properly recognised in any terms and conditions you are offered. The Council’s Standard Terms and Conditions, available on e-link, provide the basic minimum default provisions. You should not agree anything less favourable without the specific authority of the Section 151 Officer or their Deputy, unless a framework agreement has been entered into. If in any doubt, be sure to consult with Nplaw.

10.4 Other Bespoke contracts

From time to time, you may be involved in work for which few or no precedents exist and a bespoke form of contract is required. In any such case, you should always consult with Nplaw and the Finance Team at the earliest possible opportunity and take their advice on the form of any contractual arrangements necessary.

10.5 Equalities, social value and sustainability

All forms of contract need to reflect the Council’s commitment to equalities and sustainability. Copies of the Equalities Framework for Local Government and guidance on sustainable procurement are all available on e-link and all officers involved in preparing contracts or otherwise commissioning the supply of goods, works and services should familiarise themselves with these documents and ensure that their proposals take their provisions into account. All contracts should include a clause requiring compliance with good equalities practice. Specific clauses for inclusion in Council contracts are being developed. Until they are available staff should consult with Nplaw.
The Public Services (Social Value) Act 2012, places a duty on the Council to consider social value ahead of commencing any procurement exercise. The Act applies to the provision of services, or the provision of services together with the purchase or hire of goods or the carrying out of works. The wording of the Act states that. The Council must consider:

(a) how a procurement may improve the economic, social and environmental well-being of the relevant area, and

(b) how, in conducting the process of procurement, it might act with a view to securing that improvement.

The Council should only consider matters that are relevant to what is proposed to be procured and, in doing so, must consider the extent to which it is proportionate to include them.

10.6 Legal Advice

If in any doubt, be sure to consult with Nplaw.

11 Contract Variations

11.1 In line with paragraphs 6.9, 7.16, 8.18 and 9.18 above, where a significant change occurs to a specification during the course of the contracting process, that process should be stopped and, ordinarily, it will be expected that the entire process should be restarted.

11.2 Contract variations during the term of the contract will be undertaken through evaluation of the terms and conditions of the variation, and approval as appropriate. Prior to any contract variation being approved, the full cost, timing and other implications should be identified, and agreed with the contractor.

11.3 Should it become clear that any contract variations would have led to the tendering process used being inappropriate (e.g. shortly after commencing the contract, additional terms are recognised which meant that an EU process should have been followed), guidance should be sought from the Section 151 Officer or their Deputy as to whether the contract should be halted and re-tendered.

11.4 All contract variations should be notified to all relevant parties in writing and subject to authorisation by both the Council and the Contractor. The contract should clearly identify appointed officers of both parties who have the authority to agree variations.

11.5 Council officer authority should be given in line with delegated authority levels as prescribed in the Rules of Financial Governance. Where the cost implications of a variation total between £100,000 and £250,000, then these should be approved by Senior Leadership Team, with subsequent notification to Cabinet. Where cost implications total more than £250,000, then these should be notified to Cabinet for approval.
12 **Novations to contracts**

12.1 Should one party wish to novate a contract to a third party, approval to do so should be given in line with delegated levels of authority. All novations between £100,000 and £250,000 should be approved to Strategic Leadership Team, with notification to Cabinet, and all above £250,000 notified to Cabinet for approval.

12.2 Where service managers become aware that a contract of value above £20,000 may be subject to novation, they should notify the Section 151 Officer or their Deputy and the Finance Team. The Finance Team will undertake a financial assessment on the party to whom the contract will transfer, to identify any particular risks that the novation may present to the Council, and take any necessary action as a result.
Report of the Leader of the Council

John Fuller, Leader of the Council

CONTACT
Claire White 01508 533669
cwhite@s-norfolk.gov.uk

Council
13 July 2015
Agenda Item No. 11a
1. **Derek Blake 1937 - 2015**

1.1. I think we have all been shocked and saddened by the sudden death of our colleague, Derek Blake, who passed away on 23 June 2015.

1.2. Derek was a real character, with public service at his very heart. He was a South Norfolk Council member for the Chedgrave and Thurton ward from 2003, served as Chairman on the Bergh Apton Parish Council since 2011, and had recently been elected to Norfolk County Council as the member for the Loddon Division.

1.3. Derek was a very active member of the Council, holding too many positions to mention here. He had a real interest in planning and design, serving on the East Area Planning Committee, the Main Planning Committee, the Cabinet (portfolio holder for Planning Housing and the Built Environment), and more recently as Vice-Chairman on the Development Management Committee. Derek was also Chairman of the Local Planning Steering Group, helping to shape future growth and development throughout the District. He will be particularly remembered for being instrumental in the production of the South Norfolk Place Making Guide, a document adopted by the Council in September 2013, which promotes locally distinctive design to protect and enhance the unique character of the District. He was a highly valued member of the Design Awards assessment panel, and a real Design Champion for the Council, providing leadership in generating enthusiasm and commitment for design quality.

1.4. He will be sadly missed by his friends and colleagues here at South Norfolk Council.
2. Newly Elected Members

2.1 We welcomed 15 newly elected members to the Council in May, who were provided with induction sessions held on 15th and 18th May. Officer buddies have been assigned to new members, to assist them as they settle in to life as district councillors here at South Norfolk.

2.2 The formal induction sessions included an overview of the Council’s key services, but also focused on the importance of our outward facing role in the community.

2.3 The year is to be a busy one, with numerous training sessions planned, which will benefit both new and returning members.

2.4 I hope all newly elected members will find their role rewarding, benefitting not only this Council, but the residents they serve.

3. Summary of items Discussed at the Cabinet Meeting held 15 June 2015

3.1 Review of Gypsies and Travellers Local Plan. Issues and options stage responses and consideration of the assessments criteria to be used for site assessments

3.1.1 Cabinet noted the responses received as part of the public consultation for the Gypsies and Travellers Local Plan (GTLP) (Issues and Options), held between 29 August and 24 October 2014, and considered the site assessment criteria that had evolved.

3.1.2 Members discussed the proposed criteria at some length, and concluded that it should be used to assess sites as part of the Preferred Options version of the GTLP document. Cabinet did however suggest that should on applying the agreed
criteria, too few sites be concluded as acceptable, that the Gypsy and Traveller Task and Finish Group should consider proposing evidenced based changes to the criteria for consideration by Cabinet.

3.2 Greater Norwich Growth Programme 2016/17 –South Norfolk Infrastructure Business Plan

3.2.1 Cabinet received a report which proposed an Annual Infrastructure Business Plan for 2016/17 for strategic infrastructure projects in the District, to support planned growth in the Joint Core Strategy and emerging Local Plan documents. This plan identified a number of infrastructure projects for delivery in 2016/17 and subsequent years.

3.2.2 Members agreed that the plan should be presented to the Greater Norwich Growth Board for inclusion on the 2016/17 Growth Programme and we were particularly pleased to note that the Long Stratton bypass and Hempnall Crossroads improvements were amongst those projects listed.

3.2.3 We also agreed to pool CIL payments for 2016/17, and agreed in principal to pool CIL in future years to ensure the delivery of NATS projects, to include the Norwich Northern Distributor Road and the Long Stratton bypass.

3.3 Performance, Opportunities/Risks and Revenue Budget Position for the Financial Year 2014/15

3.3.1 It was very pleasing to hear that high performance had been maintained throughout the year, with particularly strong performance in areas such as affordable housing and the Council’s commercial activities. No strategic performance indicators had fallen below acceptable performance levels.

3.3.2 There was a suggestion that some targets set were unrealistic, especially with regard to the cost of waste collection per household, and Cabinet suggested that this might be an area which the Environment and Regulation Policy Committee
could examine in more detail.

3.3.3 We noted that a new risk had been added to the risk register, “that an incident occurs at South Norfolk House resulting in the Council being unable to recover data”. This had been added following an audit that had highlighted a few issues with the provision of disaster recovery.

3.3.4 We noted the revenue surplus of nearly £2.5 million, which in the main was due to additional income that had been generated and made recommendations to Council (elsewhere on this agenda), with regard to budget virements, slippage requests and the movements in reserves.

3.4 Capital Programme Outturn Report 2014/15

3.4.1 Cabinet received a report which detailed the provisional outturn on the Council’s capital programme for the financial year 2014/15, and proposed an amended capital programme for the following five years.

3.4.2 Members noted that the capital outturn for 2014/15 was £4,439,643, against a budget of £9,407,813.

3.4.3 We considered a number of slippage requests totalling £3,501,826, and recommended these to Council (elsewhere on the today’s agenda), along with the financing of the amended capital programme for the next five years. It was pleasing to note that the programme is fully financed for four years and the likelihood of borrowing during that period is relatively low.

3.5 Treasury Management Annual Report 2014/15
3.5.1 Members considered a report which reviewed the treasury management activity during 2004/15, and reported on the performance against prudential indicators, as required under the Treasury Code of Practice.

3.5.2 It was pleasing to note that the Council was in the enviable position of having a cash balance of approximately £32 million.

3.5.3 Officers explained that there had been increased returns on investment property; however, despite an improvement in market conditions, the returns on cash were still very low.

3.5.4 As always, we recognised the need for a balanced portfolio, in terms of risk, rates and liquidity.

3.6 Information Sharing

3.6.1 Cabinet received a report from the Early Intervention Manager regarding developments around information sharing in Norfolk, its relevance to South Norfolk Council, and its importance in protecting vulnerable residents.

3.6.2 We noted that the Government was encouraging a culture change nationally in the sharing of information between organisations and Cabinet was confident that this was already ingrained within South Norfolk Council, and had been enhanced through the Early Help Hub.

3.6.3 We also noted that the Council played a fundamental role in ensuring that other organisations embraced this change in culture.

3.7 Cabinet Task and Finish Groups
3.7.1 Cabinet agreed to the formation of three Task and Finish Groups, regarding Broadband, Growth and Infrastructure, Leisure and Community Facilities, and the Gypsy and Traveller Local Plan. This will assist us in the detailed work required in considering and assessing options.

3.7.2 Group Leaders have already appointed members to each of these Groups, and the terms of reference for each will be presented to Cabinet for approval on 20 July 2015.
Report of the Chairman of the Licensing Appeals and Complaints Committee / Licensing and Gambling Acts Committee

1. Licensing Appeals and Complaints Committee
   1.1. There have been no meetings of the Licensing Appeals and Complaints Committee since my last report.

2. Licensing and Gambling Acts Committee
   2.1. There have been no meetings of the Licensing and Gambling Acts Committee since my last report.

3. Training
   3.1. Since my last report, training sessions have taken place for all members. I am pleased to report that most members of the Licensing and Standards Committee attended these sessions and are now fully accredited to attend hearings held for the Licensing Act 2003, Taxi Licensing, Scrap Metal and Homelessness cases. In order to remain accredited, members are required to attend at least one training event every two years, for each subject.

David Goldson
Chairman