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To: Cllr Robin Guest (Chairman)

Councillors: Alex Aldridge, Bernie Attridge, Glyn Banks, Haydn Bateman, Chris Bithell, Clive Carver, David Cox, Paul Cunningham, Glenys Diskin, Veronica Gay, George Hardcastle, Christine Jones, Dave Mackie, Neville Phillips, Aaron Shotton, Nigel Steele-Mortimer, David Williams, David Wisinger and Arnold Woolley
(+ 1 vacancy Independent Alliance Group)

29 September 2016

Dear Councillor

You are invited to attend a meeting of the Constitution Committee which will be held at 10.00 am on Wednesday, 5th October, 2016 in the Delyn Committee Room, County Hall, Mold CH7 6NA to consider the following items

A G E N D A

1 APOLOGIES

Purpose: To receive any apologies.

2 APPOINTMENT OF VICE-CHAIR

Nominations will be sought for a Vice-Chair for the Committee.

3 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Purpose: To receive any Declarations and advise Members accordingly.

4 MINUTES (Pages 3 - 6)

Purpose: To confirm as a correct record the minutes of the last meeting.

5 CONTRACT PROCEDURE RULES (Pages 7 - 68)

To approve revised contract procedure rules

6 **INTERNAL AUDIT CHARTER** (Pages 69 - 90)

To update the Internal Audit Charter contained in section 29.1 of the Constitution.

7 **REVIEW OF THE NEW REPORT FORMAT** (Pages 91 - 94)

To update the Committee following a year of using the new format.

8 **DRAFT OVERVIEW & SCRUTINY ANNUAL REPORT** (Pages 95 - 130)

To enable the Committee to consider the draft Overview & Scrutiny Annual Report for the 2015/16 municipal year.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter Evans', with a long horizontal stroke extending to the right.

Peter Evans
Democracy & Governance Manager

CONSTITUTION COMMITTEE **27 APRIL 2016**

Minutes of the meeting of the Constitution Committee of Flintshire County Council held in County Hall, Mold, on Wednesday, 27 April 2016.

PRESENT: Councillor Veronica Gay (Vice Chair in the Chair)

Councillors: Alex Aldridge, Bernie Attridge, Glyn Banks, Haydn Bateman, Chris Bithell, Clive Carver, Paul Cunningham, Glenys Diskin, George Hardcastle, Christine Jones, Dave Mackie, Tim Newhouse, Neville Phillips, Nigel Steele-Mortimer, David Williams and Arnold Woolley

SUBSTITUTIONS: Councillor Peter Curtis (for Aaron Shotton)

APOLOGIES: Councillors Robin Guest and David Wisinger

IN ATTENDANCE:

Chief Officer (Governance), Member Engagement Manager, and Committee Officer

24. DECLARATIONS OF INTEREST

There were no declarations of interest.

25. MINUTES

The minutes of the meeting of the Committee held on 27 January 2016, were submitted.

RESOLVED:

That the minutes be received, approved and signed by the Chairman as a correct record.

26. CHANGES TO THE NATIONAL MODEL CODE OF CONDUCT FOR COUNCILLORS

The Chief Officer (Governance) introduced a report on the changes to the National Model Code of Conduct for Councillors. He explained that rather than adopting the new national model itself, which did not include Flintshire's local amendments, it would be necessary to adopt the changes to the national model.

The Chief Officer provided background information and reported on the most significant changes to the national model which were detailed in the report.

Councillor Alex Aldridge welcomed the removal of the obligation to report suspected breaches of the code of conduct to the Public Services Ombudsman for Wales. Councillor Chris Bithell expressed concerns around this change and commented on the longstanding working relationship which many Members had with the Monitoring Officer and the 'risk' this might incur in the

obligation to report suspected breaches. He suggested that the obligation to report suspected breaches to the Ombudsman provided an additional safeguard. The Chief Officer responded to the concerns raised and advised that removing the obligation did not remove the opportunity for Members to report matters to the ombudsman if they wished, however, if Members reported to the ombudsman directly they also had an obligation to inform the Monitoring Officer.

Councillor Alex Aldridge referred to the upper level of gifts and hospitality which did not require registration which was currently set at £10.00 in Flintshire. He commented on the different limits set in other local authorities and proposed that there should be a unified position across all 22 authorities in Wales. The Monitoring Officer advised that £10.00 was the limit above which Members must register gifts and agreed to contact the Welsh principal councils to ascertain their upper level of gifts and hospitality not requiring registration.

During discussion the Chief Officer responded to the further comments and queries raised by Members and provided clarification around changes to paragraph 14 of the Members' Code of Conduct concerning prejudicial interest and participation by Members in business relating to the Authority. He explained that the change gave Members the same right as a member of the public but did not take away the right to express a personal and prejudicial interest. The Chief Officer commented that the written representation also provided an audit trail of what was said.

Councillor Chris Bithell commented on the need for transparency and asked if the procedures relating to matters requiring declaration of personal and prejudicial interest could be simplified. The Chief Officer commented that there was no such proposal at present but agreed to contact the Ombudsman to seek clarification. He agreed to report back to future meetings of the Standards Committee and the Constitution Committee.

The Chief Officer advised that changes to the Code of Conduct must be advertised as soon as reasonably practical. The advert must be placed in a local newspaper and advise where a copy of the Code could be inspected. He referred to the changes in paragraph 15 of the Code concerning Town and Community Councils and explained that to save Town and Community Councils the cost of advertising they had been invited to share the County Council's advert. Town and Community Councils were required to notify officers by 31 May 2016 that they had adopted the national model and revised their code.

RESOLVED:

- (a) That the Annual General Meeting of County Council is recommended to adopt the changes to the National Model Code of Conduct for councillors as part of the Flintshire County Council Code of Conduct with effect from the meeting;
- (b) That the Committee notes that the County Council will place a joint advert announcing changes to the code on behalf of town and community councils (subject to certain conditions); and

- (c) That the Monitoring Officer will contact the Welsh principal councils to ascertain the upper level of gifts and hospitality not requiring registration, which is currently set at £10.00 in Flintshire

27. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the press or public in attendance.

(The meeting commenced at 2.00 pm and finished at 2.48 pm.)

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Chairman

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CONSTITUTION COMMITTEE

Date of Meeting	Wednesday, 5 October 2016
Report Subject	Contract Procedure Rules
Cabinet Member	Cabinet Member for Corporate Management
Report Author	Chief Officer (Governance)
Type of Report	Strategic

EXECUTIVE SUMMARY

In 2015/16 the Council spent £150m procuring goods and services. Contract Procedure Rules (CPRs) set out how officers must advertise and award contracts, to ensure that they are let in a lawful, fair and open manner. The Council last revised its CPRs in September 2013. It is appropriate to review them again in light of changes in European procurement law, the introduction of the Well Being of Future Generations Act, the move to electronic procurement and the introduction of the new welsh language standards.

The Council shares its procurement service with Denbighshire County Council. The service has drafted revised CPRs which Denbighshire have already adopted. Ideally our rules would be the same or similar as those in Denbighshire to create consistency for suppliers and the service itself.

The proposed CPRs:

- update the rules to reflect the changes above
- present the rules more clearly to aid understanding and compliance
- increase member oversight of the procurement process; and
- encourage clear planning and upfront approval of the contracting process

RECOMMENDATIONS

1	<p>That Constitution Committee recommends Council:</p> <ul style="list-style-type: none"> • adopts the proposed CPRs • harmonises delegated authority levels for spending decisions within the Constitution with effect from 1 November 2016
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REPORT DETAILS

1.00	EXPLAINING THE PROPOSED NEW CONTRACT PROCEDURE RULES
1.01	<p>The Council spent in the region of £150 million in 2015/16 on the goods and services needed to deliver public services. With this level of spend it needs to:</p> <ul style="list-style-type: none"> • Achieve value for money for residents and businesses through properly planned and executed procurements, and • Understand and improve the impact which procurement spend has on the local economy
1.02	<p>CPRs set out the processes that officers must follow when advertising and awarding contracts. They ensure that contracts are procured in an open and consistent manner with controls on key decisions during the process, and proper records. The level of oversight rises with the contract value so that the level of formality is appropriate and not overly burdensome.</p>
1.03	<p>The current CPRs were adopted by the Council in September 2013. Since that time a number of key changes which need to be reflected in our processes have taken place:</p> <ul style="list-style-type: none"> • The EU procurement rules have changed • The Wellbeing of Future Generations (Wales) Act 2015 • New Welsh Language Standards have been introduced • The Council has software that can manage the procurement process from finding and selecting a supplier through to placing orders and pay invoices
1.04	<p>The proposed new CPRs are quite different in style and layout. As can be seen from the section headings below they are written in a logical order that flows a step by step from the considerations necessary before placing a contract, through sourcing of suppliers to award of contract and contract management. They put greater focus on planning the procurement route and early approval/authorisation which is an area of weakness at present.</p> <ul style="list-style-type: none"> • General Arrangements • Procurement Planning • Document preparation • Offer to Market • Evaluation & Contract Award • Contract Management
1.05	<p>The proposed CPRs use consistent thresholds based on the contract value to determine who will make key decisions such as:</p> <ul style="list-style-type: none"> • The method of procurement used • Authority to enter into the contract • Exemptions to some of the requirements of CPRs • Approval of any contract variation or early termination
1.06	<p>The values are listed below and the level at which the relevant decision must be taken is also shown. These levels increase the degree of oversight for</p>

	<p>members because under current CPRs member involvement is only required above £2m. Whilst in practice member approval is sought at lower values based on the perceived importance or significance of the contract the proposed CPRs formalise that requirement.</p>										
	<table border="1"> <thead> <tr> <th>Contract Value</th> <th>Authorisation Required from</th> </tr> </thead> <tbody> <tr> <td>Up to £250,000</td> <td>Manager of the service</td> </tr> <tr> <td>£250,001 to £1,000,000</td> <td>Chief Officer</td> </tr> <tr> <td>£1,000,001 to £2,000,000</td> <td>Delegated decision</td> </tr> <tr> <td>£2,000,001 and over</td> <td>Cabinet</td> </tr> </tbody> </table>	Contract Value	Authorisation Required from	Up to £250,000	Manager of the service	£250,001 to £1,000,000	Chief Officer	£1,000,001 to £2,000,000	Delegated decision	£2,000,001 and over	Cabinet
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£2,000,001 and over	Cabinet										
1.07	<p>Another of the key changes in the proposed CPRs is an up-front authorisation process, where the procurement strategy is approved prior to going to the market, rather than retrospectively based on the quotations/tenders received. The intention of this change is to:</p> <ul style="list-style-type: none"> • Encourage more thorough and rigorous planning of the procurement • Enable better resource planning to ensure that sufficient capacity is allocated to the procurement exercise • Place more emphasis on services to think through the requirement • Speed up the process at the critical quotation/tender receipt stage <p>The proposed CPRs introduce a “commissioning form” – basically a business case and forward plan which outlines matters such as the options considered, budget, proposed route to market, and award criteria.</p>										
1.08	<p>Community benefits are additional services or investment made by contractors in addition to the goods and services they are contracted to provide. Examples of community benefits already delivered in Flintshire include:</p> <ul style="list-style-type: none"> • An apprenticeship scheme as part of SHARP • The community benefit investment fund as part of the residual waste treatment project • Support for community groups through WHQS contracts <p>The threshold for mandatory inclusion of community benefits has dropped from £2 million to £1 million. This is not only in line with Welsh Government’s Procurement Policy Guidance, but also reflects the Council’s Improvement Plan where the aspiration is to include community benefit clauses in every contract.</p> <p>Work is being undertaken to:</p> <ul style="list-style-type: none"> • Develop a clearer strategy for the council’s requirements from community benefits; • Develop and implement a robust process for ensuring that community benefits are built-in from the outset, and the system for collecting evidence of delivery is robust; • Provide training and guidance for officers managing contracts delivering community benefits; • Creating a centralised “depository” of community benefits delivered 										

1.09	<p>The CPRs form part of the Constitution and it is important that the document as a whole is consistent. Delegated authority levels for spending decisions feature in the scheme of delegation for officers and the financial procedure rules. It is proposed that these are also brought into line with the above table in so far as is possible and practical (for example, the power to authorise payment of invoices over £1m will remain delegated to officers).</p> <p>There are other financial delegations within the Constitution (such as virements), and these will remain unchanged.</p>
1.10	Cabinet and Audit Committee have both endorsed the proposed CPRs.

2.00	RESOURCE IMPLICATIONS
2.01	There are no financial implication arising directly out of this report.
2.02	Following approval of the proposed CPRs there will be a programme of training for officers. This will commence with awareness sessions at portfolio DMTs with longer sessions for those actually undertaking day to day procurement.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	The proposed CPRs have been considered by a cross portfolio working group of officers from Audit, Finance, Housing, Legal, Properties & Valuations, and Streetscene.
3.02	The CPR's will be considered by Full Council (19 October 2016).

4.00	RISK MANAGEMENT
4.01	The proposed CPRs include a requirement as part of the procurement planning process to consider the Council's obligations under the Well Being of Future Generations (wales) Act 2015 as well as the public sector equality duty under the Equality Act 2010.

5.00	APPENDICES
5.01	Appendix 1 – proposed Contract Procedure Rules

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Current Contract Procedure Rules http://infonet.flintshire.gov.uk/en/Document-Repository/Governance/Democratic-Services/Constitution.pdf</p> <p>Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: Gareth.legal@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Delegated authority – the financial levels below which decisions can be made by officers without needing further formal approval from councillors.</p>

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Contract Procedure Rules

July 2016



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INTRODUCTION

Procurement is the process by which the council manages the acquisition of all its goods, services (including but not limited to consultants/consultancy services of any type) and works of all sorts. It includes the identification of need, consideration of options, the actual procurement process and the subsequent management and review of the contracts. These contract procedure rules (CPRs) apply to all areas of council activity and any type of sub-contracting, apart from contracts for the acquisition and sale of interests in land and the exempt contracts described in CPR [2.8 “Exempt contracts”](#).

These CPRs have the following key objectives:

1. To ensure that the council obtains value for money and achieves its duty of achieving best value as defined in section 3 of the Local Government Act 1999;
2. To ensure that the council complies with UK and European law that governs the procurement of goods, services and works;
3. To establish procurement procedures which, when followed, should protect members and officers of the council from any allegation of acting unfairly or unlawfully which may be made in connection with any procurement by the council relating to goods, services or works;
4. To ensure that any risks associated with commencing procurement processes and subsequently entering into contracts are assessed as part of the procurement process; and
5. To ensure that fairness and transparency remains at the forefront of all procurement activity undertaken by officers and approved by members on behalf of the council.

Procurement by the council is governed by detailed European and United Kingdom legislation, as are other areas of council contracting. The law requires all council procurement and contracting to be conducted transparently, fairly and in a non-discriminatory manner. In the event of statutory or other legal requirements exceeding the requirements contained within these CPRs, then statute shall take precedence over any provision within these CPRs.

Table 1

Procurement Thresholds

Contract Value	Minimum Competition Requirements	Other Requirements	CPR Section
Up to £10,000	1 verbal or written quote able to demonstrate value for money	<ul style="list-style-type: none"> Use of Quick Quotes function encouraged 	4.1
£10,001 to £25,000	4 quotations via the Council's electronic procurement system	<ul style="list-style-type: none"> Prepare a formal "request for quotation" (RFQ) Sell2Wales advertisement can be used in place of RFQ Quotations must be received via electronic procurement system 	4.2
£25,001 to OJEU threshold (Goods & Services)	Advertisement on Sell2Wales via the Council's electronic procurement system	<ul style="list-style-type: none"> Must be supported by a named officer from Corporate Procurement team A commissioning form must be completed Complete a corporate sustainability assessment Prepare all tender documents prior to placing advertisement Tenders must be received via electronic procurement system Community Benefits mandatory for contracts above £1m and encouraged for contracts below £1m 	4.3
£25,001 to OJEU threshold (Works)	<ul style="list-style-type: none"> Advertisement on Sell2Wales via the Council's electronic procurement system 4 quotations via the Council's electronic procurement system – for certain contracts below £25k (see CPR 4.4.3) 	<ul style="list-style-type: none"> Must be supported by a named officer from Corporate Procurement team A commissioning form must be completed Complete a corporate sustainability assessment Prepare all tender documents prior to placing advertisement Tenders must be received via electronic procurement system Community Benefits mandatory for contracts above £1m and encouraged for contracts below £1m 	4.4
Above the relevant OJEU threshold	Advertisement on both OJEU and Sell2Wales via the Council's electronic procurement system	<ul style="list-style-type: none"> Must be supported by a named officer from Corporate Procurement team A commissioning form must be completed Complete a corporate sustainability assessment Prepare all tender documents prior to placing advertisement Minimum OJEU time limits for tender submissions must be followed Tenders must be received via electronic procurement system Community Benefits mandatory for contracts above £1m and encouraged for 	4.5

		<p>contracts below £1m</p> <ul style="list-style-type: none"> OJEU requirements for notifying bidders must be followed (CPR 5.6) 	
Light-Touch Regime (below OJEU)	As above depending on the value of the contract	<ul style="list-style-type: none"> As above depending on the value of the contract A commissioning form must be completed if the contract is above £25k 	4.6, 4.1 4.2, 4.3
Light-Touch Regime (above OJEU)	Advertisement on both OJEU and Sell2Wales via the Council's electronic procurement system	<ul style="list-style-type: none"> Must be supported by a named officer from Corporate Procurement team A commissioning form must be completed Complete a corporate sustainability assessment Prepare all tender documents prior to placing advertisement Tenders must be received via electronic procurement system Community Benefits mandatory for contracts above £1m and encouraged for contracts below £1m 	4.6

Table 2

Authorisation thresholds for approving procurement strategy and inviting competitive bids

Value	Authorisation Required from	Documents Required
Up to £250,000	The Manager of the team where the procurement activity will be taking place, providing they have authority to approve spend to the estimated contract value. If they do not have authority to spend, then by the Chief Officer where the procurement activity is taking place.	<ul style="list-style-type: none"> No formal report required
£250,001 to £1,000,000	Chief Officer where the procurement activity is taking place, the Section 151 Officer, and the Monitoring Officer. (Any of these individuals can refer the decision to Cabinet for consideration under the Cabinet Members Scheme of Delegation)	<ul style="list-style-type: none"> Commissioning Form
£1,000,001 to £2,000,000	The relevant Cabinet Member (with agreement from Chief Officer where the procurement activity is taking place, the Section 151 Officer, and the Monitoring Officer). The Cabinet Member can refer the decision to Cabinet for consideration under the Cabinet Members Scheme of Delegation.	<ul style="list-style-type: none"> Commissioning Form Delegated decision report
£2,000,001 and above	Cabinet	<ul style="list-style-type: none"> Commissioning Form Cabinet report

SECTION 1

GENERAL ARRANGEMENTS

1.1 Over-riding principles

- 1.1.1 These CPRs are not intended to conflict with European Union and domestic law. Statutory legal obligations shall always take precedence over these CPRs.
- 1.1.2 These CPRs govern organisational behaviour in the conduct of procurement. It is a given that such behaviour is undertaken in support and delivery of the wider policies and objectives of the council.
- 1.1.3 Nothing in these CPRs shall relieve the council from its duty to spend public money wisely. Officers must always seek value for money.
- 1.1.4 The nature and extent of procurement activity must be appropriate and proportionate to the nature and value of the goods and services being procured. Procurement management must be optimised to make the most of council resources.
- 1.1.5 Utmost probity must be demonstrated at all times.
- 1.1.6 Transparency is key to demonstrating probity and so all stages of the procurement process must be open to scrutiny by councillors, especially the relevant cabinet member(s) who can ask to see or have demonstrated any documentation or electronic records associated with procurement activity for which they are responsible.
- 1.1.7 Arrangements for contracts made by schools shall not be subject to these CPRs but shall be subject to their own contract procedure rules.
- 1.1.8 Where there is any doubt about the interpretation or implementation of any of the CPRs, clarification and guidance should always be sought from the Corporate Procurement Team.
- 1.1.9 Whilst officers will be operationally responsible for conducting procurement they derive their authority from councillors who are jointly accountable for the council's actions. These CPRs and the authorisation levels specified within them do not override normal arrangements for briefing, discussion and agreement of proposed actions with councillors especially those within the Cabinet/Executive.

1.2 Compliance

- 1.2.1 Every contract entered into by the council shall be entered into pursuant to or in connection with the council's functions and shall comply with:
- i. All relevant statutory provisions
 - ii. Insofar as they apply, the relevant European procurement rules;
 - iii. The council's constitution, including these contract procedure rules, the council's financial regulations, schemes of delegation, the Officer Code of Conduct, the council's strategic objectives, procurement strategy and relevant council policies;

- 1.2.2 Any failure by officers to comply with any of the provisions of these CPRs may result in disciplinary action.

1.3 Welsh Language Standards

1.3.1 **All** advertisements in Sell2Wales and, where relevant, in the Office Journal of the European Union (OJEU), **must** be published bilingually in Welsh and English. The advertisement must state that quotations or tenders may be submitted in Welsh, and that a quotation or tender submitted in Welsh will be treated no less favourably than a quotation or tender submitted in English.

1.3.2 When requesting quotations or inviting tenders, **all** accompanying documentation (including criteria and evaluation methodology, draft contract/terms and conditions and specification) **must** be available in Welsh as well as English, and at the same time as the English Language versions are available, where:

- i. The subject matter of the contract suggests that it should be produced in Welsh; or
- ii. Where the anticipated audience, and their expectations, suggests that the documents should be produced in Welsh.

In all other circumstances it is acceptable to produce English only documents, notwithstanding the requirement for all advertisements to be bilingual as per CPR 1.3.1 above.

1.3.3 Where a quotation or tender has been submitted in Welsh, this must be treated no less favourably than a submission in English (including, amongst other matters, in relation to the closing date for receiving submissions, and in relation to time-scale for informing bidders of decisions).

1.3.4 If a quotation or tender has been submitted in Welsh, and it is necessary to interview the bidder as part of the assessment process, you must:

- i. Offer to provide a translation service from Welsh to English to enable the bidder to use the Welsh language at the interview; and
- ii. If the bidder wishes to use the Welsh language at interview, provide a simultaneous translation service for that purpose (unless you conduct the interview in Welsh without a translation service).

1.3.5 When informing a bidder of the decision in relation to a quotation or tender, you must do so in Welsh if the quotation or tender was submitted in Welsh.

1.4 Procurement by council staff

1.4.1 Any council officer can undertake procurement activity under the direction of their line manager, having had due consideration of:

- i. The capability of that officer in question i.e. do they have sufficient experience and/or have they had appropriate training to competently carry out the procurement activity, particularly when undertaking procurement at intermediate value or above (see CPRs [4.3](#) to [4.5](#)); and
- ii. The capacity of that officer i.e. do they have enough time to undertake the required tasks associated with the procurement activity, and can these requirements be balanced effectively with their other duties.

1.5 Procurement by consultants, agency staff or other non-council staff

- 1.5.1 Where the council uses consultants, agency staff and/or any other non-council officer to act on its behalf in relation to any procurement, then the head of service where the procurement activity is taking place shall ensure that they carry out any procurement in accordance with these CPRs and all statutory procurement obligations.
- 1.5.2 No consultant shall make any decision on whether to award a contract or who the contract should be awarded to. Determination of these decisions is detailed in [CPR 5.5](#).
- 1.5.3 Where the council uses consultants, agency staff and/or any other non-council officer to act on its behalf in relation to any procurement, they must declare any potential conflict of interest that may arise to the head of service prior to the commencement of the procurement process or at such time as the contractor becomes aware of such potential conflict of interest. Where the head of service considers that such a conflict of interest is significant the individual or company shall not be allowed to participate in the procurement process.
- 1.5.4 Note that it is the council, as the contracting authority, which is responsible for all actions and decisions of non-council staff in relation to the conduct of procurements, therefore there need to be proper governance procedures in place to manage and monitor non-council staff appropriately.

1.6 Declaration of interests

- 1.6.1 No member, officer or agent of the council shall knowingly use their position to improperly obtain any personal or private benefit from any contract entered into by the council.
- 1.6.2 Members and employees of the council shall comply with the requirements of section 117 of the Local Government Act 1972 and the officers and members code of conduct set out in the Constitution in respect of the declaration of interests in contracts with the council.
- 1.6.3 Such interests must be declared to the monitoring officer for inclusion in the appropriate registers, and a record of any conflict of interest pertaining to a contract should be placed on the contract file on the council's electronic procurement system, detailing how the conflict has been addressed.

1.7 Procurement of ICT requirements

- 1.7.1 All ICT procurement - including hardware, software and licences – shall be undertaken centrally by the **Council's ICT team** (or its successor). Any exception to this will need to be justified by the **Chief Officer** where the procurement activity is taking place and approved by the **Chief Officer with responsibility for ICT**, and a record of this justification and approval attached to the contract

file on the council's electronic procurement system.

1.8 Procurement of transport requirements

1.8.1 All transport procurement requirements – including vehicle hire, taxi and bus hire, rail tickets, school transport, etc – shall be undertaken centrally by the Council's Integrated Transport Unit (ITU) (or its successor). Any exception to this will need to be justified by the Chief Officer where the procurement activity is taking place and approved by the Chief Officer with responsibility for ITU, and a record of this justification and approval attached to the contract file on the council's electronic procurement system.

1.9 Procurement of consultants

1.9.1 Any procurement of consultants, as defined in the "Consultancy Appointment Procedure", for contracts up to £25,000 requires completion of a business case and prior authorisation from the appointing Chief Officer. Procurement of consultants above the £25,000 threshold require completion of the business case, approval by appointing Chief Officer and the additional prior authorisation of the Chief Executive Officer.

1.10 Procurement of property and works related requirements

1.10.1 All property and works related procurement projects shall be undertaken either by:

- i. **Property Design & Maintenance Team** (or its successor) for building construction, building maintenance and landscaping related works for council owned properties. Any exception to this will need to be justified by the **Chief Officer** where the procurement activity is taking place and approved by the **Chief Officer with responsibility for the Property design & Maintenance Team**, and a record of this justification and approval attached to the contract file on the council's electronic procurement system.
- ii. **Housing Area Renewal Team** (or its successor) for building construction and/or building maintenance works relating to private sector properties. Any exception to this will need to be justified by the **Chief Officer** where the procurement activity is taking place and approved by the **Chief Officer with responsibility for the Housing Area Renewal Team**, and a record of this justification and approval attached to the contract file on the council's electronic procurement system.
- iii. **Streetscene & Transportation Team** (or its successor) for highways construction and civil engineering projects. Any exception to this will need to be justified by the **Chief Officer** where the procurement activity is taking place and approved by the **Chief Officer with responsibility for the Streetscene & Transportation Team**, and a record of this justification and approval attached to the contract file on the council's electronic procurement system.
- iv. **Housing & Asset Management** (or its successor) for building construction and/or building maintenance works relating to the council's housing portfolio. Any exception to this will need to be justified by the **Chief Officer** where the procurement activity is taking place and approved by the **Chief Officer with responsibility for the Housing Area Renewal Team**, and a record of this justification and approval attached to the contract file on the council's electronic procurement system.

1.10.2 Where Services have existing frameworks that can be called upon without the need for the involvement of the teams listed in CPRs 1.10.1 then this should be allowed where it offers value

for money.

1.11 Approved lists

1.11.1 The council will seek to replace all of these approved lists with more formal procurement arrangements by 31st March 2017.

1.12 Land contracts and appointment of developers

1.12.1 All land transactions must comply with section 120 – 123 of the Local Government Act 1972.

1.12.2 Any land contracts are deemed to be Development Agreements where:

- i. The council requires or specifies works to be undertaken by the developer; and/or
- ii. The developer enters into an enforceable written obligation to carry out work; and/or
- iii. The developer may have some pecuniary interest – which need not necessarily be a cash payment – in carrying out the works.

Any land contracts which involve development agreements shall be notified to the Monitoring Officer and advice sought.

1.13 Electronic procurement

1.13.1 From 1st November 2016, requests for quotations above the value of £10,001 and **all** tenders must be conducted using the council's approved electronic system. It is the responsibility of the head of service to ensure that their staff comply with this regulation.

1.11.2 Any officer required to use the council's electronic procurement system in the course of their duties must obtain written line management approval and notify the corporate procurement team so that they can be registered on the system. Similarly, it is the responsibility of the relevant line manager to notify the Corporate Procurement Team of changes to any officer's eligibility for using the system (e.g. staff leaving or disciplinary measures) at earliest opportunity so that the user access can be deactivated.

1.14 Amendment and review of the CPRs

1.14.1 A full review of these CPRs will be undertaken following any substantive changes to EU or UK law, or within five years of adoption, whichever is the sooner. Any changes to these CPRs will require the approval of Council.

1.12.2 Amendments to the appendices associated with these CPRs can be updated and/or amended as necessary by the Corporate Procurement Team in agreement with the Monitoring Officer.

SECTION 2

PROCUREMENT PLANNING

GUIDANCE NOTE 1

Preparation and planning

This preparation and planning stage of the process is critical and will influence all future activity on the contract. If this part of the process is done correctly then the rest should flow without difficulty, but the reverse is also true. The key tasks at the planning stage include:

- **engagement with key stakeholders** in order to identify and assess needs – what is being procured and why? What is the key driver for the procurement? What are the critical success factors? What outcomes are being sought?
- **options appraisal** to look at different ways of meeting the identified needs (e.g. buy, lease or rent?)
- **budget and funding**, to define a realistic budget for the contract to achieve the desired results and then securing the funds to finance the contract
- **selection of the appropriate procedure** – open, restricted, negotiated/competitive dialogue or innovative (*see Guidance Note 4*)
- where a tender is to be awarded on both price and quality, the **criteria and evaluation methodology** need to be developed and finalised

The results of this planning stage should be properly documented in the commissioning form and attached to the contract document of the council's electronic procurement system. It is quite common to underestimate the planning stage or not carry it out at all. Depending on the size and complexity of the contract, this stage of the process might take months before a tender notice is published. The biggest (and potentially most costly) and most common errors on contracts result from inadequate planning.

2.1 Framework agreements and other corporate purchasing arrangements

2.1.1 In some instances the council has entered into corporate purchasing agreements for certain goods, services and works. The use of these corporate purchasing agreements is **mandatory** and correct use, as advised by the Corporate Procurement Team, is sufficient to ensure officers meet their responsibilities for compliance. Such arrangements include:

- i. Corporate purchasing agreements resulting from the National Procurement Service (NPS) or any other approved official purchasing consortiums;
- ii. Any other framework agreements and any subsequent call-off arrangements;
- iii. Any joint procurement arrangements with another council or public sector organisation;
- iv. Electronic catalogues endorsed for use by the council

GUIDANCE NOTE 2

What is a framework agreement?

Framework Agreements are agreements between the council and one, or three or more suppliers for the provision of goods, services or works on agreed terms for a specific period, for estimated quantities against which orders may be placed if and when required during the contract period. The Public Contract Regulations stipulate that framework agreements can be concluded with a single provider or with several providers, for the same goods, works or services. In the latter case, there must be at least three providers, as long as there are sufficient candidates satisfying the selection criteria and which have submitted compliant bids meeting the award criteria. The term of a Framework Agreement must not exceed four years and, while an agreement may be entered into with one provider, where an agreement is concluded with several organisations there must be at least three in number.

Where frameworks are awarded to several organisations, contracts based on framework agreements may be awarded in one of two ways:

1. Where the terms of the agreement are sufficiently precise to cover the particular call-off, by applying the terms laid down in the framework agreement without re-opening competition; or
2. Where the terms laid down in the framework agreement are not precise or complete enough for the particular call-off, by holding a further competition in accordance with the following procedure:
 - i. Inviting the organisations within the framework agreement, that are capable of executing the subject of the contract, to submit bids electronically via the “further competition” step on the council’s approved electronic procurement system, with an appropriate time limit for responses; or
 - ii. Awarding each contract to the bidding organisation who has submitted the best bid on the basis of the relevant award criteria set out in the framework agreement.

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- 2.1.2 It is the responsibility of the manager of the team where the procurement activity is taking place to ascertain whether there is a framework or other corporate purchasing agreement in place by checking the contracts register. If in any doubt the advice of the Corporate Procurement Team should be sought. The use of frameworks not on the contracts register is only permissible once they have been checked for compliance with procurement regulations by the Corporate Procurement Team.
 - 2.1.3 Any joint procurement arrangements with other local authorities and/or public sector bodies, including membership or use of any consortia, must be approved in writing by the Corporate Procurement Team.
 - 2.1.4 When using frameworks the assessment criteria, weightings and any special conditions detailed in that framework agreement must be fully complied with.

2.1.5 In exceptional circumstances alternatives to using corporate purchasing agreements may be considered appropriate. In such cases the **Chief Officer** where the procurement activity is taking place shall consult with the Corporate Procurement Team. Where an alternative approach is proposed, a report must be provided by the **Chief Officer** setting out the detail and the justification for the alternative arrangements and attached to the relevant contract file on the council's electronic procurement system.

2.2 Estimating the contract value

2.2.1 The value of the contract means the estimated total monetary value over its full duration (not the annual value), including any extensions or other options, but **not** including VAT. Where the duration of the contract is indeterminate or is longer than four years, this should be taken to be the estimated value of the contract over a period of four years. No procurement may be artificially split to avoid compliance with these CPRs and European Union procurement directives.

2.2.2 Where the same goods, services or works are purchased regularly by the Council it is the aggregated value of these purchases that determines the total contract value. It is the responsibility of the Corporate Procurement Team to monitor such aggregations to ensure the correct procedures are followed.

2.2.3 Where the value is, or may be, equal to or greater than the relevant OJEU threshold, there must be regard to the valuation rules in the [Public Contracts Regulations 2015](#) which are similar to the above, but more detailed.

2.3 Pre-quotation/tender market testing and consultation

2.3.1 It is permissible to consult in general terms with potential suppliers, prior to a request for quotation or invitation to tender, about the nature, level and standard of supply, price range and other relevant matters, and/or whether particular suppliers wish to be invited to quote or tender.

2.3.2 Officers may review the market for a proposed procurement through discussions with suppliers and other research but may not:

- i. Base any specification on one contractor's offering such as to distort competition. Bidders may be excluded from the procurement in circumstances where their prior involvement would distort competition (and there are no other means of ensuring equal treatment which can be applied);
- ii. Make any indication or commitment to contractors that their offer may be preferred by the council;
- iii. Suggest any procurement route which is not consistent with these rules;
- iv. Enter into negotiations about price where a competitive procurement process has yet to take place.

2.3.3 A written record, including notes of any meetings held, the responses and the names of all individuals present shall be attached to the contract file on the council's electronic procurement system. It is the responsibility of the manager of the team where the procurement activity is taking place to ensure this is actioned.

2.4 Community benefits

- 2.4.1 It is a requirement that all contracts exceeding £1,000,000 in value should include the delivery of community benefits as a contractual obligation on the successful bidder. Any contract funded or part-funded by European or Welsh Government grant is also likely to require the inclusion of community benefits as a contractual obligation, regardless of the value of the contract.

GUIDANCE NOTE 3

What are community benefits?

Community Benefit clauses are contractual clauses which can be used to build a range of economic, social, or environmental conditions into the delivery of public contracts. They allow organisations to contribute to the achievement of outcomes which benefit their local communities by specifying contractual requirements which seek to deliver such wider social benefit. Examples of community benefits which can potentially be included as contractual clauses include:

- training and recruitment opportunities for the economically inactive;
- retention and training for the existing workforce;
- contributions to education
- promotion of social enterprises and supported businesses;
- promoting environmental benefits; and
- supply chain initiatives

There are two approaches to community benefits:

1. The “**Core**” approach – where the community benefits being sought **must** relate to the subject matter of the contract and **must** be included and scored as part of the evaluation procedure and subsequently included in the contract; and
2. The “**Non-Core**” approach – where bidders are asked to provide details of the community benefits they would deliver through the contract (which the council may have specified or may be suggested by the contractor), but these benefits **are not** included and scored as part of the evaluation procedure. These non-core benefits should still be included as contractual requirements and their delivery monitored as part of the normal contract management process.

Many contracts will offer the opportunity to apply both core and non-core community benefits.

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- 2.4.2 For all contracts below £1,000,000 in value the inclusion of community benefits as a contractual obligation is optional (unless required as a condition of grant funding – see [CPR 2.4.1](#)), but encouraged wherever practical.
- 2.4.3 Core community benefits (see Guidance Note 3) must relate to the subject matter of the contract, and must be included as part of the evaluation criteria at quotation/tender stage (see [CPR 3.7.6](#)) and fully evaluated as part of the award selection process. Officers are encouraged to seek the advice of the Corporate Procurement Team when considering how to accommodate community benefits criteria in evaluation criteria and contracts.
- 2.4.4 Non-core community benefits (see Guidance Note 3) **do not** have to relate to the subject matter

of the contract, and are **not** included as part of the evaluation criteria at quotation/tender stage (see [CPR 3.7](#)). However, where they have been offered they should subsequently be included as contractual requirements.

- 2.4.5 In **all** cases where community benefits are being delivered, completion of the Welsh Government's Community Benefit Toolkit (or any successor tool provided by or on behalf of the Welsh Government) must be a contractual requirement for the successful contractor, which places an obligation on contractors to provide monitoring information on the community benefits they are delivering. More generally, the delivery of community benefits should be monitored by the named contract manager (see [CPR 6.1](#)) as part of the normal contract management process (see [CPR 6.3.3](#)).

GUIDANCE NOTE 4

Selecting the appropriate procedure

At intermediate value procurement (see [CPR 4.3](#)) we move from requesting quotations to the more formal approach of inviting tenders of which there are a number of options. The decision on which procedure to use is a critical one affecting the whole procurement process. The decision should be made and fully justified at the planning stage. The options are:

- **Open:** is a process where all providers interested in the contract and who have responded to an advertisement can submit tenders. All such tenders must be considered without any prior selection process. The selection and evaluation is carried out after the submission of the tenders.
- **Restricted:** is a two-stage process where only those providers who have been invited may submit tenders. The selection and shortlisting are usually carried out on the basis of a Pre-Qualification Questionnaire (PQQ).
- **Negotiated/Competitive Dialogue:** used only in exceptional circumstances (and under guidance of a named officer from the Corporate Procurement Team), this procedure is where the council may, in certain circumstances, negotiate the terms of the contract with one or more suppliers of its choice. Ordinarily negotiation/dialogue should be with not less than 3 candidates provided that there are a sufficient number of candidates available. The candidates with which to hold a competitive dialogue may be selected through a restricted procedure.
- **Innovation Partnerships:** used only in very exceptional circumstances (and under guidance of a named officer from the Corporate Procurement Team), this procedure is where the council can select partners on a competitive basis and have them develop an innovative solution tailored to the requirements.

2.5 Planning the procurement process

- 2.5.1 Whilst the following regulations outline key considerations for the planning stage of any procurement activity, the planning process must end with an approval to procure and commence any required document preparation and subsequently invite offers from the market. The authorisation thresholds and process are detailed later in [CPR's 2.7](#), but note that for any procurement activity where the value of the contract is estimated to be greater than £25,000 a commissioning form must be completed by the service area undertaking the procurement activity in order that the proposed route to market can be assessed and duly agreed/signed off.

2.5.2 The purpose of the commissioning form is to ensure that the procurement activity proposed has been properly considered and thought through by the relevant service area, and subsequently for the Corporate Procurement Team to assess whether the proposed route to market is compliant with the law and these CPRs. To enable this assessment the form includes:

- i. Justification of the need to buy;
- ii. Options appraisal outlining what options were considered and why the preferred option has been selected;
- iii. Detail of the estimated contract cost and confirmation of which budget the cost will be met from;
- iv. Details of any exemptions or exceptions are being sought (refer to CPRs [2.8](#) to [2.10](#));
- v. Confirmation of the procurement route to market proposed (e.g. Framework or competitive route); and
- vi. Confirmation of what form of contract is to be used.

2.5.3 The commissioning form will be completed by the service area undertaking the procurement activity and then forwarded to the Corporate Procurement Team. The relevant **Chief Officer** will receive feedback from the Corporate Procurement Team on the commissioning form within five working days of its submission, providing all necessary details have been provided in the form.

2.5.4 Once the commissioning form has been returned to the relevant **Chief Officer** by the Corporate Procurement Team, the **Chief Officer** may make adjustment to the proposal based on any comments and/or recommendations made by the Corporate Procurement Team and record these on the relevant section of the Commissioning Form. The **Chief Officer** must then secure the authorisation to progress – i.e. preparing the tender documentation and inviting bids – in line with the authorisation process detailed in CPR 2.7.

2.6 Sustainability Assessment

2.6.1 In addition to the commissioning form, for any procurement activity where the value of the contract is estimated to be greater than £25,000, the corporate sustainability assessment tool (or any equivalent corporate assessment that may be required) needs to be applied, and a record of this assessment appended to the commissioning form.

2.7 Authority to decide procurement strategy and invite competitive bids

2.7.1 For procurement activity where the value of the contract is estimated to be less than **£250,000**, the authority to decide the appropriate procurement strategy and invite competitive bids is as follows:

- i. By the manager of the team where the procurement activity will be taking place, providing they have authority to approve spend to the estimated contract value. If they do not have authority to spend, then:
- ii. By the **Chief Officer** where the procurement activity is taking place

DELETE - No formal report is required to record the agreed approach.

2.7.2 For procurement activity where the value of the contract is estimated to be greater than **£250,000**, the authority to decide the appropriate procurement strategy and invite competitive bids is as follows:

- i. **£250,001 to £1,000,000:** By agreement in writing from **Chief Officer** where the procurement activity is taking place, the Section 151 Officer, and the Monitoring Officer – recorded on the Procurement Commissioning Form detailed in CPR 2.5. Any of these individuals can refer the decision to Cabinet where they consider there are relevant issues pertaining to the procurement activity such that it should be considered as a key decision under the Cabinet Members scheme of delegation;
- ii. **£1,000,001 to £2,000,000:** by the relevant Cabinet Member through the scheme of delegation detailed in the Council’s constitution, which will also require the agreement from the **Chief Officer** where the procurement activity is taking place, the Section 151 Officer, and the Monitoring Officer – recorded on a delegated decision report with an accompanying completed Procurement Commissioning Form detailed in CPR 2.5. The Cabinet Member, or any of the other offices detailed above, can refer the decision to Cabinet where they consider there are relevant issues pertaining to the procurement activity such that it should be considered as a key decision under the Cabinet Members scheme of delegation;
- iii. **£2,000.001 and over:** by Cabinet – recorded on a Cabinet Report with an accompanying Procurement Commissioning Form detailed in CPR 2.5.

Once the decision has been made, it is the responsibility of the manager of the team where the procurement activity is taking place to ensure that all duly signed decision reports, and the Procurement Commissioning Form, are uploaded onto the electronic procurement system.

2.7.3 Where authority is given to invite competitive bids under CPR 2.7.2 iii the decision is subject to the five day Cabinet call-in period. The offer should not go to the market until either this call-in period has elapsed or, in the event that the decision is called-in, the result of any review is known.

2.8 Exempt contracts

2.8.1 Exemptions are where the CPRs are suspended entirely. The following contracts are exempt from the requirements of these CPRs:

- i. Internal purchases or service provision
- ii. Contracts relating solely to the disposal or acquisition of an interest in land (with the exception of development agreements – see [CPR 1.10](#))
- iii. Individual agency contracts for the provision of temporary staff;
- iv. Employment contracts;
- v. Grant aid by the council to voluntary sector bodies **for contribution to core funding only**
- vi. Contracts for the engagement of expert witnesses.

2.9 Exceptions

- 2.9.1 Exceptions are where the CPRs are partly suspended to enable a particular course of action. This can include the requirement to seek market competition by obtaining a quotation or tendering. This does not remove the need to ensure that adequate and robust process is undertaken in accordance with these CPRs. The council's rules and guidance will still apply.
- 2.9.2 Where an exception is sought under CPR 2.9.3 there is a requirement to complete an exception form (see [CPR 2.11.4](#)).
- 2.9.3 An exception can be sought, including consent to seek only a single quotation or tender, where one or more of the following criteria are met:
- i. where an offer has been made to the market by the Council using the open, restricted, negotiated, competitive dialogue or innovation procedure, but where no quotations or tenders have been submitted, or where those that have been submitted are disqualified through the evaluation procedure (see section 5). In this circumstance an exception can only be granted where the original terms of the proposed contract are not substantially altered;
 - ii. the goods, services or works can only be provided by a particular contractor for reasons that are technical, artistic, or connected with the protection of exclusive rights. This should normally be evidenced through publishing a Prior Information Notice (PIN) on Sell2Wales, or through some other means agreed with the Corporate Procurement Team;
 - iii. extreme urgency brought about by events unforeseeable by the council and in accordance with the strict conditions stated in the Public Contract Regulations 2015 (see also CPRs [2.11.2](#) and [5.12.5](#));
 - iv. Where the products involved are manufactured purely for the purpose of research, experimentation, study or development:
 - v. For supplies quoted and purchased on a commodity market;
 - vi. Where a design competition is run where the rules of that competition require the contract to be awarded to one or more of the successful candidates, provided that all successful candidates are invited to negotiate;
 - vii. with an organisation which has won a contract for an earlier phase of work via a competitive process, where such work forms part of a serial programme previously identified as such in the original offer to market (which should also include the cumulative value of all potential phases) and providing that subsequent phases commence within three years of the original contract;
 - viii. with an organisation already engaged by the Council, where the additional requirement was not included in the original contract but has arisen through unforeseen circumstances, and the requirement cannot be carried out separately for technical or economic reasons;
 - ix. that goods are required as a partial replacement or addition to existing goods or installations and obtaining them from another contractor would result in incompatibility or disproportionate technical difficulties in operation or maintenance. Any contract based on this exception shall not exceed the duration of three years save in exceptional circumstances;

- x. for supplies purchased which are second hand and/or sold in a public market or auction;
- xi. for the engagement of actors or performers;
- xii. in relation to time limited grant funding from an external body, where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this;
- xiii. for the purchase of supplies on particularly advantageous terms from a supplier that is definitely winding up its business activities, or from the receivers or liquidators of a bankruptcy, an arrangement with creditors or similar procedure;
- xiv. where delay attributable to the quotation or tendering process would, in the estimation of the **Chief Officer** concerned, result in the Council incurring net expenditure or forfeiting net income in excess of the savings on the contract sum that might reasonably be expected to accrue from competitive tendering;
- xv. where delay attributable to the quotation or tendering process would, in the estimation of the **Chief Officer** concerned, create or increase danger to life or limb;
- xvi. where delay attributable to the quotation or tendering process would, in the estimation of the **Chief Officer** concerned, result in or continue an unacceptable level or standard of service; or
- xvii. where relevant UK or EU legislation not otherwise referred to in these CPRs permits.

2.10 Additional exceptions for the Light-Touch Regime

- 2.10.1 Where an exception is sought under CPR 2.10.2 there is a requirement to complete an exception form (see [CPR 2.11.4](#)), **retrospectively where the exception has been sought under urgent circumstances.**
- 2.10.2 For contracts that are covered by the Light-Touch Regime under the Public Contracts Regulations 2015 (see [CPR 4.6](#)) there are additional circumstances under which an exception can be sought. These can be considered where there is a clear continuation of specific services under an existing contract, and where a decision to award a new contract to an existing contractor without seeking quotations or tendering can be justified as reasonable in terms of the extent to which the new requirement meets one or more of the following criteria;
 - i. Evidence demonstrates that obtaining quotations or tendering for the required services is unlikely to secure significant improvements in value for money, or else is unlikely to secure sufficient improvement in value for money to justify the cost of obtaining quotations or tendering, or else any likely improvement in value for money will be outweighed by the potential cost of changing contractor;
 - ii. The specification for the new requirement does not differ substantially from that of the existing contract;
 - iii. The contract terms and conditions of the new requirement do not differ from those of the existing contract except where required by changes to the council's Financial Regulations and/or these Contract Procedure Rules or relevant standard contracting practices;

- iv. The equivalent annual value of the contract for the new requirement does not differ from that of the existing contract by more than 10%, unless required by law;
- v. The services required have previously been subject to competitive quotations or tendered no more than five years prior to the end of the original contract, having regard to the term of the contract to be offered and the volatility of prices and quality in the relevant sector;
- vi. No more than two previous contracts for the required services have been exempted from obtaining quotations or tendering;
- vii. The performance of the existing contractor in delivering the required services under the existing contract has been monitored and assessed as satisfactory or better;
- viii. The quality of the required services as required by the existing contractor under the existing contract has been assessed as satisfactory or better;
- ix. Improvements in value for money in respect of contract specification, contract price or service quality have already been secured or else will be secured under the terms of the new contract for the required services;
- x. The required services, where applicable, are necessarily delivered in specific accommodation and there is a significant risk that a change in contractor would result in the loss of that accommodation to the require service or service user(s), and that there is also a significant risk that alternative accommodation will not be secured within a reasonable and practical timescale;
- xi. There is a reasonable probability that obtaining quotations or tendering the required services would result in significant distress or other detriment to the welfare of the service user(s) or would reverse or undermine the attainment of successful outcomes for the service user(s); and
- xii. Any other valid and relevant considerations which may be identified by the manager of the team requiring the services, subject to the approval procedure detailed in CPR 2.12 below.

2.11 Authority to approve exceptions

2.11.1 An exception based on one or more of the reasons listed in CPR [2.9](#) or [2.10](#) may be granted in the following manner:

- i. **Up to £250,000:** By the manager of the team where the procurement activity is taking place, providing they have authority to approve spend to the estimated contract value. If they do not have authority to spend then by the **Chief Officer** where the procurement activity is taking place;
- ii. **£250,001 to £1,000,000:** By agreement in writing from **Chief Officer** where the procurement activity is taking place, the Section 151 Officer, and the Monitoring Officer – recorded on the Procurement Exceptions Report detailed in CPR 2.11.4. Any of these individuals can refer the decision to Cabinet where they consider there are relevant issues pertaining to the procurement activity such that it should be considered as a key decision under the Cabinet Members scheme of delegation;

- iii. **£1,000,001 to £2,000,000:** by the relevant Cabinet Member through the scheme of delegation detailed in the Council's constitution, which will also require the agreement from the **Chief Officer** where the procurement activity is taking place, the Section 151 Officer, and the Monitoring Officer – recorded on a delegated decision report with an accompanying completed Procurement Exceptions Report detailed in CPR 2.11.4. The Cabinet Member, or any of the other offices detailed above, can refer the decision to Cabinet where they consider there are relevant issues pertaining to the procurement activity such that it should be considered as a key decision under the Cabinet Members scheme of delegation;
 - iv. **£2,000.001 and over:** by Cabinet – recorded on a Cabinet Report with an accompanying Procurement Exceptions Report detailed in CPR 2.11.4.
- 2.11.2 Such authority to approve shall not apply in cases of extreme urgency (CPR [2.9.3 \(iii\)](#) and [2.9.3 \(xv\)](#)). In this circumstance the relevant **Chief Officer** can approve the exception.
- 2.11.3 Exceptions based on any reason not listed in CPR [2.9](#) or [2.10](#) can only be obtained from cabinet.
- 2.11.4 In **all** cases where an exception is being sought, a report must be attached on the contract file in the council's electronic procurement system setting out the reason for requiring the exception and the specific contract procedure rule (from this document) from which the exception is required. The report shall highlight any future commitments (whether or not of a financial character) which the proposed contract might entail.
- 2.11.5 In cases where an exception to proceed with a single tender procurement exercise has been authorised, the exercise is still required to be undertaken on the Council's electronic procurement system.

SECTION 3

PROCUREMENT DOCUMENT PREPARATION

3.1 Preparing documentation

3.1.1 It is a requirement to produce all required documentation associated with the procurement activity prior to making any offer to the market. This should include:

- i. The **specification**, which should contain precise details of the requirements, be easily understood by the bidders, have clearly defined, achievable and measurable inputs, outputs or outcomes;

And where appropriate for contracts under £25,000, and for all contracts over £25,000:

- ii. A draft of the **contract**, including any bespoke terms and conditions that may be required over and above the standard terms and conditions of the form of contract used;
- iii. The **criteria and evaluation methodology** (including any weightings) for selection and award of the contract;
- iv. Details of any requirements for **community benefits**;
- v. Where tendering under the Restricted (and Competitive or Negotiated) Procedures, a **Pre-Qualification Questionnaire (PQQ)** to enable a fair and transparent means of creating a shortlist of bidders; and
- vi. The **tender invitation** clearly stating the requirement to submit bids electronically, the time and date it needs to be submitted by, along with any other relevant instructions and a clear statement that no bids will be considered that have been delivered other than as instructed;

Standard forms and templates are available from the Corporate Procurement Team, and where appropriate embedded in the Council's electronic procurement system. Any deviation from the standard forms and templates must be agreed in writing with the Corporate Procurement Team.

3.2 Tender specifications – Standards

3.2.1 Relevant EU, British, and International standards which apply to the subject matter of the contract and which are necessary to properly describe the required quality must be included in the tender specification.

3.3 Tender specifications - Nominated products

3.3.1 All goods and services should be specified by reference to objective, non-product specific descriptions. Equivalent goods or services are nearly always capable of being specified. If this is not possible for genuine technical reasons, and a particular type of product or service or method of production or delivery has to be stated, then the words "or equivalent" should always be added.

3.4 Tender specifications - Nominated suppliers and sub-contractors

3.4.1 Nomination of suppliers, contractors or sub-contractors amounts to the same as single-tender action and so must not be used (except where permitted by the [Public Contracts Regulations 2015](#) for contracts equal to or greater than the relevant OJEU threshold, or the CPRs below the relevant OJEU threshold).

3.4.2 It is permissible to provide potential main or principal contractors with lists of council-approved suppliers or sub-contractors provided that it is made clear to the main/principal contractors that they are completely free to sub-contract to whoever they wish (subject to meeting the council's reasonable requirements, such as technical standards, financial standing or insurance levels).

3.5 Contract terms and conditions (see also [CPR 5.12](#))

3.5.1 Wherever possible, the council's standard terms and conditions, or industry standard national terms and conditions, shall be used with additional information added to specify:

- i. The work, materials, services or things to be furnished, had, done or disposed of (i.e. the specification);
- ii. The price to be paid (or, as appropriate, the sums to be received), with a statement of discounts or other deductions, and where not known, committed estimated price, or the basis upon which the final contract sum is to be calculated;
- iii. The time or times within which the contract is to be performed, together with a termination date of the contract; and
- iv. Any additional bespoke terms and conditions that relate specifically to the contract in question (Which will need to be agreed with Legal Services).

3.5.2 Note that at contract award stage the following information may also need to be included in the contract documentation;

- i. Any other relevant documents received as part of the successful bid which need to be appended as a schedule to the contract (e.g. pricing schedule, Freedom of Information declarations, etc.)
- ii. Where community benefits have been requested or offered by the contractor, these should be specifically included in the contract (see CPRs [2.4](#) and [6.3.3](#)).

3.6 Sub-contracting (see also CPRs [5.15](#) and [6.4](#))

3.6.1 In the procurement documents the Council may ask the bidder to indicate in its quotation or tender any share of the contract that it intends to sub-contract to third parties and any proposed sub-contractors.

3.6.2 Where sub-contractors will be used, the contract should include a clause expressly requiring the main contractor to abide by the fair payment requirements and ensure sub-contractors receive payment within 30 days of presenting a valid invoice.

3.7 Evaluation criteria

- 3.7.1 At the procurement planning stage a decision **must** have been made about which evaluation method will be followed – lowest price or most economically advantageous tender (MEAT) (see [CPR 2.7](#) for authorisation procedures).
- 3.7.2 The lowest price method of evaluation may only be used on contracts of a value less than £25,000, unless an exception is made as detailed in CPR 3.7.3 below. Even for contracts at this level, it is still recommended that the most economically advantageous tender method is applied where appropriate.
- 3.7.3 The most economically advantageous tender (MEAT) should be applied to all contracts of a value greater than £25,000. **Exceptions to this can only be approved in line with the authorisation thresholds and process set out in CPR 2.11.**
- 3.7.4 For MEAT, the criteria used must be linked to the subject matter of the contract to determine that an offer is the most economically advantageous, for example: price, quality, technical merit, aesthetic and functional characteristics, environmental characteristics, running costs, cost effectiveness, after-sales service, technical assistance, delivery date, delivery period and period of completion. Whichever criteria are used, they must be objectively quantifiable and non-discriminatory, and they must be listed **in order of importance** in the tender documentation.
- 3.7.5 Where a procurement procedure has both selection and award stages, the criteria used at the selection stage should not be used again at the award stage. Selection criteria will typically be those that cover suppliers' capability and experience, whilst award criteria will assess which tender is the most economically advantageous.
- 3.7.6 Where core community benefits are being requested (see CPR [2.4](#) and [6.3.3](#)), they must relate to the subject matter of the contract and must be included as part of the evaluation criteria and scored accordingly.
- 3.7.7 Issues that are of importance to the council in terms of meeting its corporate priorities and objectives can also be used to as criteria evaluate bids. The bidding organisations approaches to continuous improvement and setting targets for service improvement or future savings could also be included. If such criteria are used there is still a requirement that they must relate to the subject matter of the contract and must be objectively quantifiable and non-discriminatory.
- 3.7.8 The procurement documentation should clearly explain the basis of the decision to bidding organisations, making clear how the evaluation criteria specified in the process will be applied, the overall weightings to be attached to each of the high-level criteria, how the high-level criteria are divided into any sub-criteria and the weightings attached to each of those sub-criteria.

3.8 Variant bids

- 3.8.1 A variant bid is an option within the offer to market for suppliers to come forward with an alternative approach to delivering the required output of the procurement exercise, where they consider this will offer better value for money. Requesting variant bids is encouraged whenever practical as they have the potential to deliver significant cost savings, but these can only be submitted **in addition** to a standard bid that is compliant with the published specification. Whenever variant bids are submitted they **must** be evaluated using the same evaluation criteria as all other submissions (see CPR [3.7](#) and [5.2](#)).

SECTION 4

OFFER TO MARKET

GUIDANCE NOTE 5

What is the difference between a quotation and a tender?

There are broadly two competitive approaches used by the council to achieve best value in procurement:

1. A **request for quotation** (RFQ) is a less formal approach than a tender, and used for lower value, lower risk procurement. The council will provide a basic technical specification for the goods, services or works it requires, and bidders will quote their price, and in some cases outline how they intend to undertake the supply of good, services or works.
2. An **invitation to tender** (ITT) is a more formal approach where the council provides up-front documents laying down the terms and conditions of the offer; the work required to be undertaken and the quality that is expected. The invitation to tender is issued to all suppliers on the same day. They are not allowed to canvass or collude with us, other than to seek clarity. All tenders must be returned before a specified time and date.

4.1 Buying

Up to £10,000 (Goods, Services & Works)

- 4.1.1 The minimum requirement is **one** verbal or written quotation, although where practical competition is required. Where only one quote is requested, the **manager** still has a responsibility to ensure and be able to demonstrate that value for money has been obtained.
- 4.1.2 The council's electronic procurement system has a Quick Quotes facility which is ideally suited to obtaining price only quotations at this threshold level, and will bring greater transparency, fairness and could achieve better value for money. Therefore the use of the Quick Quotes facility is encouraged for this level of spend.
- 4.1.3 It is acceptable to use petty cash or corporate credit cards when buying goods, services or works at this threshold limit.
- 4.1.4 There is no requirement to openly advertise.
- 4.1.5 There is no prescribed timescale for receiving a request for quotation.
- 4.1.6 Following acceptance of the quotation (verbal, written or electronic) a purchase order **must** be sent via the Purchase-to-Pay (P2P) system.
- 4.1.7 Quotes, regardless of whether one or more has been invited, can be accepted – verbally, in writing (including email) or via the council's approved electronic procurement system – at the time of submission.

4.2 Lower Value Procurement

£10,001 to £25,000 (Goods, Services & Works)

- 4.2.1 At least **four** quotations to be requested using the council's electronic procurement system. The system will enable two suppliers of the requested goods, services or works to be selected manually, and then will automatically select at random a further two suppliers. **DEL: If more than two suppliers are manually selected, the system will automatically select at random the same number again (i.e. if three suppliers are selected, the system will randomly select a further three, and so on).**
- 4.2.2 In the circumstance where not all suppliers respond to the request for quotation with a submission, it is acceptable to evaluate and award the contract based on whatever submissions have been made, even where there is only one submission.
- 4.2.3 Where there are less than four suppliers (but more than one) of the requested goods, services or works on the council's electronic procurement system, it is acceptable to request quotations from the number (less than four) of the suppliers registered.
- 4.2.4 Where there is only one supplier of the requested goods, services or works on the council's electronic procurement system, it is a requirement to follow the exception authorisation procedures set out in [CPR 2.11](#).
- 4.2.5 Any request for quotation (RFQ) shall include as a minimum a technical specification, pricing schedule and terms and conditions.
- 4.2.6 As an alternative to selection of suppliers, the requirement may also be openly advertised on Sell2Wales and on the council's approved electronic system, but this is not a mandatory requirement at this level. Note that when the requirement is openly advertised in this way there is no restriction on the number of suppliers that may respond.
- 4.2.7 There is no prescribed timescale for receiving a request for quotation, but consideration should be made of the complexity of the requirement being requested and sufficient time allowed for suppliers to provide suitable bids.
- 4.2.8 The quotation must be received electronically using the council's approved system, and will automatically be endorsed with the time and date of receipt and "locked" by the system until the closing time and date prescribed in the request for quotation has elapsed.
- 4.2.9 All quotations received will be automatically "unlocked" and available for evaluation in the electronic system at the same time within one hour of the closing time and date prescribed in the request for quotation.
- 4.2.10 Following evaluation of the submissions and acceptance of the quotation on the electronic system, a purchase order **must** be sent via the Purchase-to-Pay (P2P) system.

4.3 Intermediate Value Procurement

£25,001 to the OJEU threshold (Goods and Services)

- 4.3.1 Where a competitive procedure with negotiation, competitive dialogue or innovation partnership procedure has been approved under [CPR 2.7](#), then the offer to market should only be undertaken under the supervision and guidance of a named officer from the Corporate Procurement Team.
- 4.3.2 Prior to inviting tenders, it is a **mandatory** requirement to undertake the corporate Sustainability

Assessment, or any equivalent corporate assessment that may be required. It is the responsibility of the manager where the procurement activity is taking place to ensure that this is undertaken, and that the results of this exercise is uploaded to the council's electronic procurement system.

- 4.3.3 All requirements **must** be openly advertised on Sell2Wales and on the council's electronic procurement system.
- 4.3.4 Whilst it is not a mandatory requirement at this procurement threshold, the inclusion of community benefits as a contractual requirement is still encouraged (see CPR [2.4](#) and [6.3.3](#)).
- 4.3.5 At the time of inviting tenders the documents detailed in [CPR 3.1](#) should have been prepared and be accessible to view on the council's electronic procurement system.
- 4.3.6 There is no prescribed timescale for receiving an invitation to tender, but consideration should be made of the complexity of the requirement being requested and sufficient time allowed for suppliers to provide suitable bids.
- 4.3.7 The tenders must be received electronically using the council's approved system, and will automatically be endorsed with the time and date of receipt and "locked" by the system until the closing time and date prescribed in the invitation to tender has elapsed.
- 4.3.8 All tenders received will be automatically "unlocked" and available for evaluation in the electronic system at the same time within one hour of the closing time and date prescribed in the invitation to tender.
- 4.3.9 Following evaluation of the submissions and acceptance of the tender on the electronic system, a purchase order **must** be sent via the Purchase-to-Pay (P2P) system.

4.4 Intermediate Value Procurement £25,001 to the OJEU threshold (Works)

- 4.4.1 Where a negotiated, competitive dialogue or innovation partnership procedure has been approved under [CPR 2.7](#), then the offer to market should only be undertaken under the supervision and guidance of a named officer from the Corporate Procurement Team.
- 4.4.2 Prior to inviting tenders, it is a **mandatory** requirement to undertake the corporate Sustainability Assessment, or any equivalent corporate assessment that may be required. It is the responsibility of the manager where the procurement activity is taking place to ensure that this is undertaken, and that the results of this exercise is uploaded to the council's electronic procurement system.
- 4.4.3 In cases where the works are of a general nature and thus it is reasonably considered that the interest from the market may result in a high number of submissions, in the interests of efficiency it is permissible not to openly advertise contracts with an estimated value below £250,000 (for works **only**). In this circumstance at least **four** tenders must be requested using the council's electronic procurement system. The system will enable two suppliers of the requested works to be selected manually, and then will automatically select at random a further two suppliers. **DEL: If more than two suppliers are manually selected, the system will automatically select at random the same number again (i.e. if three suppliers are selected, the system will randomly select a further three, and so on).**
- 4.4.4 If the works being procured are grant funded and the conditions of grant require contracts to be advertised then CPR 4.4.3 cannot be used.

- 4.4.5 In the circumstance where not all suppliers respond to the invitation to tender with a submission, it is acceptable to evaluate and award the contract based on whatever submissions have been made, even where there is only one submission.
- 4.4.6 In all other circumstances, and for **all** contracts with an estimated value of between £250,001 and to the OJEU threshold (see appendix C), all requirements **must** be openly advertised on Sell2Wales and on the council's electronic procurement system.
- 4.4.7 Where the contract value is greater than £1,000,000 the inclusion of community benefits as a contractual requirement is a **mandatory** requirement. Below this value, whilst it is not a mandatory requirement, the inclusion of community benefits as a contractual requirement is still encouraged (see CPRs [2.4](#) and [6.3.3](#)).
- 4.4.8 At the time of inviting tenders the documents detailed in [CPR 3.1](#) should have been prepared and be accessible to view on the council's electronic procurement system.
- 4.4.9 There is no prescribed timescale for receiving an invitation to tender, but consideration should be made of the complexity of the requirement being requested and sufficient time allowed for suppliers to provide suitable bids.
- 4.4.10 The tenders must be received electronically using the council's approved system, and will automatically be endorsed with the time and date of receipt and "locked" by the system until the closing time and date prescribed in the invitation to tender has elapsed.
- 4.4.11 All tenders received will be automatically "unlocked" and available for evaluation in the electronic system at the same time within one hour of the closing time and date prescribed in the invitation to tender.
- 4.4.12 Following evaluation of the submissions and acceptance of the tender on the electronic system, a purchase order **must** be sent via the Purchase-to-Pay (P2P) system.

4.5 High Value Procurement ([OJEU threshold](#)) Above the relevant OJEU threshold (Goods, Services & Works)

- 4.5.1 At this threshold level it is critical that the offer to market is conducted in full compliance with the requirements of the [Public Contracts Regulations 2015](#). For this reason, adequate time must be allowed for the proper planning of the procurement activity, and this planning and the subsequent offer to market must be undertaken under the supervision and guidance of a named officer from the Corporate Procurement Team.
- 4.5.2 Prior to inviting tenders, it is a **mandatory** requirement to undertake the corporate Sustainability Assessment, or any equivalent corporate assessment that may be required. It is the responsibility of the manager where the procurement activity is taking place to ensure that this is undertaken, and that the results of this exercise is uploaded to the council's electronic procurement system.
- 4.5.3 Above these EU contract thresholds all requirements **must** be openly advertised on Sell2Wales, the council's electronic procurement system **and in the official journal of the European Union (OJEU)**, with no exceptions (see [CPR 4.9](#) for details).
- 4.5.4 Where the contract value is greater than £1,000,000 the inclusion of community benefits as a contractual requirement is a **mandatory** requirement. Below this value, whilst it is not a mandatory requirement, the inclusion of community benefits as a contractual requirement is still

encouraged (see CPRs [2.4](#) and [6.3.3](#)).

- 4.5.5 At the time of inviting tenders the documents detailed in [CPR 3.1](#) should have been prepared and be accessible to view on the council's electronic procurement system.
- 4.5.6 The [Public Contracts Regulations 2015](#) prescribe minimum time limits for submissions following advert. These vary depending on the procurement procedure being followed and whether a Prior Information Notice (PIN) has been issued (see [CPR 4.9](#)), but are significant and **non-negotiable**. Officers conducting any procurement activity at this threshold **must** inform the Corporate Procurement Team at the earliest opportunity to ensure the prescribed time limits can be met.
- 4.5.7 The tenders must be received electronically using the council's approved system, and will automatically be endorsed with the time and date of receipt and "locked" by the system until the closing time and date prescribed in the invitation to tender has elapsed.
- 4.5.8 All tenders received will be automatically "unlocked" and available for evaluation in the electronic system at the same time within one hour of the closing time and date prescribed in the invitation to tender.
- 4.5.9 Following evaluation of the submissions and acceptance of the tender on the electronic system, a purchase order **must** be sent via the Purchase-to-Pay (P2P) system.

4.6 Light-Touch Regime (see Regulations 74 – 77 of the [Public Contracts Regulations 2015](#))

- 4.6.1 The new light-touch regime (LTR) is a specific set of rules for certain contracts that tend to be of lower interest to cross-border competition. Those service contracts include certain social, health and education services, defined by Common Procurement Vocabulary (CPV) codes. The list of services to which the Light-Touch Regime applies is set out in Schedule 3 of the Public Contracts Regulations 2015 (Annex A): this can be found in [Appendix D](#) of these CPRs. The procurement process for the LTR is described briefly below, but any officer undertaking procurement activity under this regime should do so in association with the Corporate Procurement Team and should always refer directly to the relevant sections of the Public Contracts Regulations 2015 and any associated government guidance.
- 4.6.2 Below the threshold given in [Appendix C](#) CPRs [4.3.1](#) to [4.3.9](#) should be followed.
- 4.6.3 The OJEU threshold values for the Light Touch Regime are detailed in [Appendix C](#). At and above the threshold level the mandatory requirements, in addition to CPR 4.6.2, are:
 - i. OJEU Advertising – the publication of a contract notice (CN) or prior information notice (PIN), except where the grounds for using the negotiated procedure without a call for competition could have been used;
 - ii. The publication of a contract award notice (CAN) following each individual procurement, or if preferred, group such notices on a quarterly basis;
 - iii. Compliance with Treaty principles of transparency and equal treatment;
 - iv. Conduct the procurement in conformance with the information provided in the OJEU advert (CN or PIN) regarding any conditions for participation, time limits for contacting/responding to the authority, and the award procedure to be applied; and

- v. Time limits imposed by authorities on suppliers, such as responding to adverts or tenders, must be reasonable and proportionate.

The council has the flexibility to use any process or procedure when procuring under the LTR, as long as it respects these obligations above. There is no requirement to use the standard EU procurement procedures (open, restricted and so on) that are available for other (non-LTR) contracts. The council can use those procedures if helpful, or alternatively tailor those procedures or design new procedures.

- 4.6.4 The Public Contracts Regulations 2015, [Regulation 77](#), permit certain contracts to be “reserved” for organisations meeting certain criteria e.g. public service mutual and social enterprises.
- 4.6.5 For contracts that are covered by the Light-Touch Regime there are additional circumstances under which an exception can be sought. These are detailed in [CPR 2.10](#).

4.7 Electronic arrangements

- 4.7.1 Above the £10,000 threshold detailed in [CPR 4.1](#) all requests for quotations and invitations to tender, along with all associated procurement documentation, must be issued via the council’s approved electronic procurement system.
- 4.7.2 Above the £10,000 threshold detailed in [CPR 4.1](#) all submissions from bidding organisations, including all supporting documentation, must be received via the council’s approved electronic procurement system.
- 4.7.3 In some exceptional circumstances, and only by agreement between the head of service where the procurement activity is taking place and the Corporate Procurement Team, hard copy quotations or tenders may be accepted. In this event the procedures detailed in CPR 4.8 below must be followed.

4.8 Hard copy arrangements

- 4.8.1 In the event that hard copy quotations or tenders are to be accepted (see CPR 4.7.3 above), these must be submitted, sealed, in the envelope provided with the procurement documents and addressed to a named officer within the service where the procurement activity is taking place. The submitted envelope should not have any mark that would reveal the bidding organisation’s identity and should clearly marked “Quotation for....” followed by a description of the goods, services or works being procured.
- 4.8.2 The named officer (see CPR 4.8.1 above) is responsible for recording the time and date of receipt, and for the safe custody of the submissions until the specified bid opening time.
- 4.8.3 All hard copy quotations or tenders for the same contract will be opened at the same time within 24 hours of the official return time/date having passed. This opening should be undertaken in the presence of at least two officers of the council, one of whom **must** be an officer who has had no previous involvement in pre-tender enquiries, the invitation to tender or preparation of associated documentation. It is the responsibility of the manager of the team where the procurement activity is taking place to ensure this is the case.
- 4.8.4 The designated officers present at the opening shall record the following details of each submission:

- i. The time and date for the receipt of the bids;
- ii. The name of each bidder and the amount of each bid; and
- iii. The date the bids were opened.

This record shall be signed by all officers present at the opening.

- 4.8.5 If a hard copy submission is opened in error prior to the specified bid opening time, no attempt shall be made to ascertain any contents of the bid or its origin, and the matter must be immediately reported to the **Chief Officer** where the procurement activity is taking place. The envelope shall be re-sealed and signed by the officer who opened the envelope and the **Chief Officer**. If the **Chief Officer** has reason to suspect a breach of confidentiality or irregularity has occurred, they shall report the matter immediately to the Corporate Procurement Team and internal audit.

4.9 Advertising

- 4.9.1 Where the opportunity is going to be advertised on Sell2Wales, there are two options:

- i. The **Prior Information Notice (PIN)** alerts the market to future contracts, and should be placed on Sell2Wales and – for tenders over the OJEU thresholds – in the Office Journal of European Union (OJEU). The publication of a PIN is not mandatory but by publishing it is possible to take advantage of reduced time limits for submission of bids later in the process.
- ii. The **Contract Notice (CN)** which launches a specific procurement, and should be placed on Sell2Wales, the council's electronic procurement system and – for tenders over the OJEU thresholds – in the Office Journal of European Union (OJEU).

- 4.9.2 As per [CPR 1.3.1](#), **all** advertisement in Sell2Wales and, where relevant, in the Office Journal of the European Union (OJEU), **must** be published bilingually in Welsh and English. The advertisement must state that quotations or tenders may be submitted in Welsh, and that a quotation or tender submitted in Welsh will be treated no less favourably than a quotation or tender submitted in English.

- 4.9.3 Adverts can also be placed in relevant trade journals or other suitable publications.

SECTION 5

EVALUATION & CONTRACT AWARD

5.1 Late submissions

- 5.1.1 There is a one hour “grace” period built into the electronic procurement system after the prescribed closing time/date to allow for any problems that may arise with suppliers uploading their submissions. Submissions received within this one hour grace period can be accepted. The electronic procurement system will not accept any submissions after this “grace” period.

5.2 The evaluation process

- 5.2.1 Submitted quotations or tenders must be evaluated in accordance with the predetermined evaluation criteria ([see CPR 3.7](#)) and awarded on the basis of the submission that best meets these criteria. The criteria **must** be strictly observed and not altered or adjusted in any way.

5.3 Errors and omissions in submitted bids

- 5.3.1 As a general rule, no adjustment or qualification to any submitted bid is permitted. Errors or omissions found during the evaluation process shall be dealt with in one of the following ways:
- i. Where there is an error of clerical or arithmetical transcription or computation which would affect the quotation or tender figure in an otherwise successful submission, the bidding organisation will be given details of such errors via the council’s electronic procurement system and shall be allowed the opportunity of correcting those errors and confirming the correct details.
 - ii. Where there are errors or omissions other than those detailed above which would affect the quotation or tender figure or other elements of the submission, the bidding organisation will be given details of such errors via the council’s electronic procurement system and shall be allowed the opportunity of correcting those errors or withdrawing its submission.
- 5.3.2 Any corrections must be submitted within a defined timescale of the notification to the bidder of the error or omission. Corrections received after this timescale will not be accepted and the submission considered withdrawn and not further evaluated. This must be clearly stated to the bidder at the time of notification of the error or omission.

5.4 Post-quotation/tender negotiations and clarification

- 5.4.1 Generally:
- i. no post-tender negotiations are permitted under an open or restricted procedure;
 - ii. In some instances it may be acceptable to seek clarification from bidding organisations, but this should only happen in exceptional circumstances and following consultation with the Corporate Procurement Team; and

- iii. Negotiations on price are never permissible except where the negotiated procedure is used. The negotiated procedure should only be used in those exceptional cases where it is lawful to do so under the 2015 Regulations, and should **always** be undertaken under the supervision of a named officer from the Corporate Procurement Team.

5.4.2 Where procurements are at intermediate value or below (i.e. sub-OJEU level) the **Chief Officer** where the procurement activity is taking place may authorise negotiations, having first consulted with the Corporate Procurement Team, if he/she considers that it is in the council's interest to do so. Such actions must not distort competition and that the core principles of transparency, non-discrimination and equal treatment apply, therefore negotiations should be kept to a minimum. It is the head of service's responsibility to ensure a written record of all negotiations are kept as part on the contract file on the council's electronic procurement system.

5.5 Awarding the contract

5.5.1 No contract can be awarded without an approved, associated budget which is sufficient to meet the financial obligations of the contract over its lifetime.

5.5.2 Where the contract award is within the cost and quality parameters established at the earlier procurement strategy approval stage (see [CPR 2.7](#)), the award can be made by:

- i. By the manager of the team where the procurement activity will be taking place, providing they have authority to approve spend to the contract value. If they do not have authority to spend, then:
- ii. By the **Chief Officer** where the procurement activity is taking place, providing they have authority to approve spend to the contract value or that the procurement activity has prior authorisation under [CPR 2.7](#).

5.5.3 For contracts of less than **£250,000**, where the contract award will be of greater cost than that which was approved at the procurement strategy stage (see [CPR 2.7](#)), the award can be made by the **Chief Officer** where the procurement activity is taking place, regardless of the percentage of increase but notwithstanding the responsibility to ensure and be able to demonstrate that value for money has been obtained.

5.5.4 For contracts of more than **£250,000**, where the contract award will be of greater cost than that which was approved under [CPR 2.7](#) (regardless of the percentage of increase), award approvals must be undertaken in the following manner:

- i. **£250,001 to £1,000,000**: By agreement in writing from **Chief Officer** where the procurement activity is taking place, the Section 151 Officer, and the Monitoring Officer. Any of these individuals can refer the decision to Cabinet where they consider there are relevant issues pertaining to the contract award such that it should be considered as a key decision under the Cabinet Members scheme of delegation;
- ii. **£1,000,001 to £2,000,000**: by the relevant Cabinet Member through the scheme of delegation detailed in the Council's constitution, which will also require the agreement from the **Chief Officer** where the procurement activity is taking place, the Section 151 Officer, and the Monitoring Officer. The Cabinet Member, or any of the other offices detailed above, can refer the decision to Cabinet where they consider there are relevant issues pertaining to the contract award such that it should be considered as a key decision under the Cabinet Members scheme of delegation;

iii. **£2,000.001 and over:** by Cabinet.

5.5.5 When awarding contracts on lowest price, award approvals must be made to the bidding organisation submitting the lowest price, unless the quote or tender is deemed to be an abnormally low bid which cannot be justified by the bidder to be sufficient to deliver the contract. In this circumstance it should be treated as an error and the procedure detailed in [CPR 5.3](#) followed.

5.5.6 For all contracts over the £10,000 threshold an award approval report must be completed (available on request from the Corporate Procurement Team) and uploaded to the electronic procurement system. It is the responsibility of the **Chief Officer** where the procurement activity is taking place to ensure this happens.

5.6 Notifying candidates

5.6.1 When a contract is awarded in line with [CPR 5.5.4 ii](#) and iii that decision is subject to the five day Cabinet call-in period. Bidders should not be notified until either this call-in period has elapsed or, in the event that the decision is called-in, the result of any review is known.

5.6.2 Where the contract value is less than the high value, OJEU threshold, the manager of the team where the procurement activity is taking place shall ensure that within 15 days of the date on which the council receives a request from any supplier who was unsuccessful (at either quotation, pre-qualification or tender stage) he/she informs that supplier of the reasons for being unsuccessful and, if the supplier was unsuccessful at quotation/tender stage they must also be informed of the characteristics and relative advantages of the successful quotation/tender as well as the name of the bidder winning the contract.

5.6.3 Where the contract value is at high level (OJEU threshold), the manager of the team where the procurement activity is taking place must ensure that the council complies with the requirements of the [Public Contracts Regulations 2015](#) regarding giving standstill letters and reasons. Additionally, contract award notices need to be published in the OJEU not later than 30 days after contract award and the form of notice is prescribed in the relevant regulations.

5.6.4 Where the procurement activity is at high level (OJEU threshold), there must be a standstill period between communicating the award decision to all tenders and conclusion of the contract. This standstill period shall be 10 calendar days when sent electronically (or 15 days for notices sent by other methods). Where the last day of the standstill period is not a working day, the standstill period is extended to midnight at the end of the next working day.

5.7 Contract award notice

5.7.1 Where the contract has been advertised on Sell2Wales, the council must subsequently publish a bilingual contract award notice on Sell2Wales.

5.7.2 Where the value of the contract is equal to or greater than the relevant OJEU threshold (high-value procurement), the council must publish a bilingual contract award notice on Sell2Wales for inclusion in the OJEU as well.

5.7.3 In either case, the contract award notice should be actioned as soon as possible after the decision to award the contract has been taken, and in any event no later than 30 days after the date of award of contract. It is the responsibility of the manager of the team where the procurement activity is taking place to ensure this happens.

5.8 Letters of intent

- 5.8.1 A letter of intent is not an appropriate substitute for a formal contract but in exceptional circumstances can be issued as an interim measure until a formal contract has been signed. Letters of intent can only be issued by an officer of the council with the prior approval in writing of the Monitoring Officer.
- 5.8.2 In the case of works contracts, a letter of intent in a form approved by the Monitoring Officer is acceptable in order to allow work to commence, although the issue of a formal contract must follow without delay.

5.9 Bonds, Securities, Liquidated and other damages

- 5.9.1 The manager where the procurement activity is taking place is responsible for ensuring that a risk assessment is undertaken to determine whether some form of performance bond or performance guarantee is required.
- 5.9.2 All contracts should include a provision for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed, save where the Monitoring Officer approves another type of remedy.

5.10 Parent Company Guarantee

- 5.10.1 The manager where the procurement activity is taking place is responsible for seeking a Parent Company Guarantee where:
- i. A contractor is a subsidiary of a parent company; and/or
 - ii. The award is based on evaluation of the parent company; and/or
 - iii. There is some concern over the stability of the contractor.

5.11 Non-concluded terms and conditions

- 5.11.1 Before any award of contract it is the responsibility of the manager of the team where the procurement activity is taking place to ensure that the terms and conditions of the contract are fully agreed between the council and the successful bidder.
- 5.11.2 Where terms and conditions of contract are not fully agreed, no contractor shall be allowed to commence delivery of goods, services or works.
- 5.11.3 The council should under normal circumstances **never**:
- i. enter into a contract on the contractors own standard terms and conditions; or
 - ii. negotiate terms and conditions which are significantly different to those included or referred to at quotation or tender stage.

Any deviation from these principles can only be undertaken with the prior approval of the Monitoring Officer.

5.12 Contract documents (see also [CPR 3.5](#))

- 5.12.1 Where the procurement is up to a total value of £25,000 the use of a Purchase Order is an acceptable form of contract, which must make reference to the successful quotation and the council's terms and conditions of purchase. In some circumstances, particularly where there is a risk of contractual disputes, it may still be appropriate to have a signed contract in place.
- 5.12.2 Where the procurement is greater than £25,000, all contracts for goods, services and works must be concluded in writing using the appropriate standard contract, or other bespoke contract as approved by the Monitoring Officer, before the contract commences. In this circumstance there is still a requirement to also raise a purchase order.
- 5.12.3 Two copies of the contract will be sent to the successful tenderer to duly sign. After signing and returning both copies to the council, they will both be signed on behalf of the council. One copy will be scanned and placed on the contract file in the council's electronic procurement system, and the original retained by the relevant service area. The second copy will be returned to the successful tenderer for its retention. It is the responsibility of the manager where the procurement activity is taking place to ensure that the contracts are sent out, duly signed, returned and recorded on the electronic procurement system.
- 5.12.4 Contract documents, along with all associated related documents, must be retained for a minimum of six years from the contract end date and, if under seal, for a period of twelve years from the contract end date. Where the contract was funded, or partly funded, through some form of external grant further conditions with regard to retention of documents may apply and **must** be adhered to.
- 5.12.5 Emergency contracts awarded under CPRs [2.9.3 iii](#) and [2.9.3 xv](#) need not be in writing before commencement but must be confirmed in writing within four weeks. It is the responsibility of the manager where the procurement activity is taking place to ensure this is the case.

5.13 Contract signatures

- 5.13.1 Contracts not under seal can be signed on behalf of the Council by:
- i. By the manager of the team where the procurement activity will be taking place, providing they have authority to approve spend to the estimated contract value. If they do not have authority to spend, then:
 - ii. By the **Chief Officer** where the procurement activity is taking place

However, regardless of who signs there should be consideration in terms of separation of duties and the person who signs the contract on behalf of the council should not be the same officer who led the offer to market.

5.14 Sealing of contracts

- 5.14.1 A contract must be sealed where:
- i. The council wishes to enforce the contract for more than six years after its end (e.g. for land or construction works); or

- ii. The price paid or received under the contract is a nominal price or there is no consideration and does not reflect the value of the goods or services; or
- iii. Where there is any doubt about the authority of the person signing for the other contracting party; or
- iv. Where it is required by law; or
- v. The total value of the goods, services or works exceeds £250,000.

5.14.2 Where contracts are completed by each side adding their common seal, the affixing must be attested by or on behalf of Legal Services. Legal Services are responsible for the process of sealing contracts on behalf of the Monitoring Officer.

5.15 **Sub-contracting notification** (see also CPR [3.6](#) and [6.4](#))

5.15.1 Main contractors must notify the council of the name, contact details and legal representatives of its sub-contractors in so far as known at the time. This should take place after the award of the contract or, at the very latest, when the performance of the contract commences.

5.15.2 The Council may verify whether there are grounds for exclusion of sub-contractors, and must require the main contractor to replace a sub-contractor if there are mandatory grounds for exclusion and may require replacement where there are discretionary grounds (Regulation 57 of the Public Contract Regulations 2015 refer for contracts at the OJEU threshold).

5.15.3 Where sub-contractors will be used, the contract should include a clause expressly requiring the main contractor to abide by the fair payment requirements and ensure sub-contractors receive payment within 30 days of presenting a valid invoice.

5.16 **Contracts Register**

5.16.1 From 1st April 2016, the following contracts shall be recorded on a central contracts register hosted on the council's approved electronic system:

- i. all new contracts over the value of £25,000 (intermediate value procurement and above);
- ii. all contracts above the £25,000 threshold that were entered into prior to 1st April 2016 but are still current;
- iii. all contracts **of any value** that need to be renewed; and
- iv. frameworks or other corporate purchasing arrangements currently being used by the council.

5.16.2 It is the responsibility of the **Chief Officer** to ensure that their staff comply with CPR 5.16.1 above, and that the information provided in relation to the contracts register includes as a minimum:

- i. **DEL - The nominated council Contract Manager**
- ii. The contractor;

- iii. The value of the contract;
- iv. The start and expiry date of the contract;
- v. Details of whether the contract is a one-off or expected to be renewed

SECTION 6

CONTRACT MANAGEMENT

6.1 Managing contracts

- 6.1.1 All contracts **must** have a named contract manager for the entirety of the contract, and that this individual has sufficient capability and capacity (see [CPR 1.4](#) for guidance) to undertake this role effectively. It is the responsibility of the head of service where the procurement activity is taking place to ensure that this is the case.
- 6.1.2 All contract management activities should seek to ensure that the contract is delivered in compliance with the terms and conditions of the contract, and shall be undertaken via the council's electronic procurement system.

6.2 Risk assessment and contingency planning

- 6.2.1 It is the responsibility of the contract manager (see CPR 6.1.1) to ensure that a risk assessment is undertaken to determine whether a contract should be categorised as high, medium or low risk (different contract management arrangements will apply depending on the risk category of the contract). Related documentation and assistance with undertaking the risk assessment is available from the Corporate Procurement Team.
- 6.2.2 It is the responsibility of the contract manager to ensure that for all contracts categorised as medium or high risk:
- i. A risk register is maintained throughout the contract period;
 - ii. Risk assessments are undertaken regularly; and
 - iii. For identified risks, appropriate and adequate contingency measures are in place

6.3 Contract performance

- 6.3.1 It is the responsibility of the contract manager (see CPR 6.1.1) to ensure that regular performance reviews are undertaken for categorised as medium or high risk. Such reviews should be undertaken at regular intervals depending on the complexity and length of the contract – at the discretion of the Contract Manager, but **must** be undertaken at the end of each contract. The review should cover good and bad performance, complaints, issues and defects arising under the contract, and a record of all reviews must be kept on the contract file on the council's electronic procurement system.
- 6.3.2 For all contracts it is the responsibility of the contract manager to raise any incidents of poor performance immediately with the contractor and seek rectification. In instances of particularly poor performance, or persistent poor performance, the Contract Manager can consider whether to recommend:
- i. early termination of the contract (see [CPR 6.6](#)); or
 - ii. where the contract has been awarded under a Framework Agreement, suspension of the contractor from that framework.

6.3.3 Where community benefits have been included as contractual requirements (see [CPR 2.4](#)) they should be regularly monitored and actively managed as part of the overall contract management process. It is the responsibility of the contract manager to ensure that the Welsh Government's Community Benefit Toolkit (or any successor tool provided by or on behalf of the Welsh Government) is duly completed and submitted as required.

6.3.4 At the end of each contract the contract manager will issue the contractor with a feedback form (available from the Corporate Procurement Team) in order for them to express their views and opinions on the management and delivery of the contract, and a record of this feedback must be kept on the contract file on the council's electronic procurement system.

6.4 Change in sub-contractors (see also CPRs [3.6](#) and [5.15](#))

6.4.1 Where sub-contractors are involved in the delivery of the contract in the course of the normal contract management arrangements the contract manager is required to check whether there has been any change in sub-contractors, and record any changes in the electronic procurement system.

6.5 Assignments and novation

6.5.1 Any contracts subject to potential assignment and novation must be referred to the Monitoring Officer at the earliest possible instance.

6.6 Termination of contract

6.6.1 Contracts may be terminated in line with the terms and conditions of the contract. Authorisation levels for contract termination are set out in [CPR 6.8](#). In all cases a report must be provided and attached to the contract file on the council's electronic procurement system detailing the reasons for the termination.

6.6.2 Where a contract has been terminated early, it is the responsibility of the contract manager to ensure that the corporate contracts register (see [CPR 5.16](#)) is updated accordingly.

6.7 Contract variations and extensions

6.7.1 Contract and framework agreements may be varied without a new procurement procedure where:

- i. The variations have been provided for in the relevant contract documents in clear unequivocal terms (i.e. price variation, fluctuation clauses or options) and these do not alter the overall nature of the contract; and/or
- ii. Additional goods, services or works which were not included in the original quotation or tender have become necessary, where a change of contractor cannot be made for economic or technical reasons or where it would cause serious inconvenience or duplication and the price does not exceed 20% of the original contract value and that it does not extend the contract period by more than 50%; and/or

- iii. The circumstances causing the need for variation were unforeseen, the variation does not alter the overall nature of the contract and the price does not exceed 20% of the original contract value and that it does not extend the contract period by more than 50%; and/or
- iv. There is a change in contractor that was provided for in the quotation or tender, or as a result of a merger, acquisition, insolvency or similar of the original contractor, that fulfils the original criteria for qualitative selection, provided this does not lead to other substantial variations; and/or
- v. The variations, irrespective of their value, are not substantial (as defined in CPR 6.7.2 below).

6.7.2 In the circumstances detailed in CPR 6.7.1 above, the contract variation shall be authorised by the Contract Manager, provided that the variation cost can be met within budget. Such variation shall be entered on the electronic procurement system and the Contracts Register, and an amendment made to the original Purchase Order. Note that substantial contract variations, as detailed in CPR 6.7.3 below, shall be subject to the authorisation requirements detailed in CPR 6.8.1.

6.7.3 A variation shall be deemed substantial if:

- i. The cost of the variation would exceed 20% of the original contract value or would extend the contract period by more than 50%; and/or
- ii. It makes the contract or framework materially different in character; and/or
- iii. The variation introduces new conditions which, had they been part of the initial procurement, would have allowed for the admission of other candidates than those initially accepted; allowed for the acceptance of a tender other than that originally accepted; and/or attracted additional participants in the procurement procedure; and/or
- iv. It changes the economic balance in favour of the contractor; and/or
- v. It extends the scope of the contract or framework considerably.
- vi. The revised total contract value requires a different level of authorisation, as specified in CPR 6.8.1, than that used for the original contract award.

6.7.4 Any decision to extend the contract period (term) may only be made before the original expiry date, where it is in accordance with the terms and conditions of the original contract.

6.7.5 In all cases of contract variation, careful consideration must be made of the impact of the increased value of the contract on the procurement threshold levels, particularly whether the increase in value will move a contract from intermediate, sub-OJEU value into high value, OJEU level. In this circumstance the variation or extension should not normally be granted.

6.8 Authority to decide contract terminations and substantial variations

6.8.1 Every contract termination or substantial variation (as detailed in CPR 6.7.3) must be authorised in writing and issued before the termination or variation is actioned. Authorisation levels are as follows:

- i. **Up to £250,000:** By the manager of the team where the procurement activity is taking place, providing they have authority to approve spend to the estimated contract value. If they do not have authority to spend then by the **Chief Officer** where the procurement activity is taking place;
- ii. **£250,001 to £1,000,000:** By agreement in writing from **Chief Officer** where the procurement activity is taking place, the Section 151 Officer, and the Monitoring Officer. Any of these individuals can refer the decision to Cabinet where they consider there are relevant issues pertaining to the contract variation such that it should be considered as a key decision under the Cabinet Members scheme of delegation;
- iii. **£1,000,001 to £2,000,000:** by the relevant Cabinet Member through the scheme of delegation detailed in the Council's constitution, which will also require the agreement from the **Chief Officer** where the procurement activity is taking place, the Section 151 Officer, and the Monitoring Officer. The Cabinet Member, or any of the other offices detailed above, can refer the decision to Cabinet where they consider there are relevant issues pertaining to the contract variation such that it should be considered as a key decision under the Cabinet Members scheme of delegation;
- iv. **£2,000,001 and over:** by Cabinet.

Contract values should be based on the cumulative total (i.e. including any previous variations or extensions) and in all cases, a report must be provided and attached to the contract file on the council's electronic procurement system detailing the reasons for the variation or extension.

6.9 Contract end

6.9.1 At an appropriate point, but generally at least three months prior to the contract end date, the contract manager should review whether or not the contract needs to be renewed, either in its current or an amended form. This should involve consideration of the contract management information collected throughout the life of the contract, which should help inform whether, or how, the requirement may be delivered in future.

6.9.2 If there is no further requirement for the contract, the existing contract may be allowed to lapse. However, some contracts may require more active decommissioning, for example where it involves disposal or reallocation of resources or where consultation is required. It is the responsibility of the contract manager to ensure that contracts are appropriately decommissioned and that sufficient time is allowed to do this.

6.9.3 If there is an ongoing requirement beyond the end of the existing contract, the contract manager is required to:

- i. consider whether there is an alternative approach to delivering the outcome without the need for the council to spend at all, or at least to reduce the spend;
- ii. have due consideration of our duties under the Well-Being of Future Generations (Wales) Act 2015 to take into account the impact of any decisions we make;

- iii. have due regard to the impact a renewed contract or approach may have on local economic prosperity; and
 - iv. Determine whether some form of corporate purchasing arrangement has been established since awarding the original contract.
- 6.9.4 If the contract is to be renewed, in its existing or amended form, then the contract manager (or other officer as directed by management) shall commence the planning process as set out in [Section 2](#) of these CPR's.
- 6.9.5 The contract manager must also ensure that a contract review questionnaire is completed, recording the overall performance of the supplier over the duration of the contract. Once completed, this should be uploaded to the contract file on electronic procurement system.
- 6.9.6 The contract manager shall also send a questionnaire to the supplier for them to complete (available on request from the Corporate Procurement Team), which will record the supplier's perspective on the council's management of the contract. Again, once completed, this should be uploaded to the contract file on electronic procurement system.

APPENDIX A

Glossary of Terms

Term	Definition
Chief Officer	Chief Officer of the relevant Council Service Area
Code of conduct	The Code regulating the conduct of officers and members as set out in the Constitution
Community Benefits	Clauses which can be used to build a range of economic, social, or environmental conditions into the delivery of public contracts. Mandatory on all contracts with a value greater than £1m and optional, but encouraged, on contracts below £1m
Contract	An agreement for the supply of goods, or services, or concessions or the execution of works
Contract award notice	Formal notice placed on Sell2Wales and, if appropriate, OJEU giving particulars on the date the contract was awarded, the award criteria, the number of offers received, the name and address of the successful tenderer(s), and the price or price ranges paid. Contract award notices must be sent not later than 48 days after the contract in question has been awarded
Contract file	A record of all matters relating to the contract
Contract notice	Formal advert placed on Sell2Wales and, if appropriate, OJEU notifying potential suppliers about a contract opportunity
Contracting Authority	A defined term in the Public Contracts Regulations 2015, meaning a public body that is subject to the procurement Regulations
Contractor	A supplier of goods or services or concessions or Works to the Council
Contracts register	From 1st April 2016, all contracts over the value of £25,000 shall be recorded on a central contracts register hosted on the council's approved electronic system
Corporate purchasing agreement	A contract or framework agreement which has been endorsed and approved for corporate use by the Strategic Procurement Manager and its use shall be mandatory
CPRs	These Contract Procedure Rules
Day	A calendar day unless otherwise specified

Electronic procurement	The procurement of all goods, services and works conducted using the council's approved electronic system
EU	European Union
Framework agreement	An agreement which allows an officer to call off or undertake a mini competition to provide goods, services or works in accordance with the terms of the agreement. The Framework Agreement usually constitutes a non-binding offer with no obligations to call off from the contractor. If the Council calls off from the contractor a binding contract comes into being.
Goods	Items that are tangible in nature i.e. they are of physical property
High value procurement	Procurement of goods, services and works where the value is at or above the OJEU thresholds as detailed in Appendix C of these CPRs
Intermediate value procurement	Procurement of goods, services and works where the value is between £25,001 and the OJEU thresholds as detailed in Appendix C of these CPRs
Invitation to tender	Invitation to tender documents in the form required by these CPRs
Light-Touch Regime	A specific set of rules for certain contracts that tend to be of lower interest to cross-border competition. These rules can only be used in conjunction with services listed in Schedule 3 of the Public Contract Regulations, 2015
Lower value procurement	Procurement of goods, services and works where the value is between £10,001 and £25,000
Monitoring Officer	The officer designated by the Council as its Statutory Monitoring Officer as required under Section 5 of the Local Government and Housing Act 1989
Most economically advantageous tender (MEAT)	A tender evaluated on the basis of qualitative, technical and sustainable aspects of the tender submission as well as price when reaching an award decision
OJEU	The Official Journal of the European Union
OJEU threshold	The values that are determined by the European Union every two years, which are shown in Appendix C of these CPRs
Prior Information Notice (PIN)	A notice place on Sell2Wales and/or OJEU alerting the market of upcoming requirements and allowing suppliers to respond, expressing an interest in bidding for the contract. This supplier feedback can be used to inform the development of the specification as well as the selection process prior to the invitation to tender stage

Procurement	The process by which the council manages the acquisition of all its goods, services and works of all sorts
Purchase order	An electronic order raised and authorised via the Council Proactis P2P system
Quotation	A quotation of price and any other relevant matter made without the formal issue of an invitation to tender
Section 151 Officer	The officer designated by the Council as its Statutory Section 151 Officer as required under Section 151 of the Local Government Act 1972
Services	Intangible commodities i.e. they are non-physical in nature
Statutory Procurement Obligations	The EU Regulations and UK legislation governing the procurement of contracts by Contracting Authorities
Sub-procurement (buying)	Purchasing of goods, services and works up to a value of £10,000
Tender	A Contractor's formal proposal submitted in response to an invitation to tender
Value for money	The optimum combination of whole life costs, quality and benefits to meet the Council's requirement. Such term equates to the EU procurement requirement of "most economically advantageous offer"
Working day	Any day other than a Saturday or a Sunday or a day which is a bank or a public holiday throughout Wales
Works	Activities listed in Schedule 2 of the Public Contract Regulations, 2015

APPENDIX B

Roles and Responsibilities of Officers

Officer	Duty	C.P.R.
Built Environment Team / Manager	Property and works related procurement	1.8.1 (ii)
Cabinet / Cabinet Portfolio Holder	Authority to decide procurement strategy and invite competitive bids	2.7.2
	Authority to approve exceptions from part or all of the CPRs	2.11.1
		2.11.3
	Contract award approvals	5.5.4
	Authority to decide contract terminations, variations and extensions	6.8.1
Contract Managers	Monitoring the delivery of community benefits	2.4.5
	All contracts must have a named Contract Manager	6.1.1
	Ensure that all risks are recorded, monitored and have appropriate measures in place	6.2
	Ensure that regular performance reviews are undertaken	6.3.1
	Raise any incidents of poor performance immediately with the contractor and seek rectification	6.3.2
	Ensure that the Welsh Government's Community Benefit Toolkit is duly completed and submitted as required	6.3.3
	Issue the contractor with a feedback form at the end of each contract	6.3.4
	Check for and record any changes to sub-contractors involved with the delivery of a contract	6.4.1
	Ensure that the corporate contracts register (see CPR 4.1) is updated where a contract has been terminated early	6.6.2
	Actions required around contract end	6.9
Corporate Procurement Team	Guidance and clarification of over-riding principles	1.1.7
	Receive notifications of officers' requirements to use the ePortal and register officers on the system	1.11.2
	Amendments to the Appendices of the CPRs	1.12.2
	Framework agreements and other corporate purchasing arrangements	2.1.1
		2.1.2
		2.1.3
		2.1.5
	Estimating the contract value	2.2.2
	Advice on community benefits	2.4.3
	Commissioning forms	2.5.2
		2.5.3
		2.5.4
	Deciding the appropriate procurement procedure	GN4
Advice on exceptions	2.9.3 (ii)	

	Use of standard forms and templates	3.1.1
	Exceptions to "Most economically advantageous" selection criteria	3.7.3
	Guidance on the use of negotiated, competitive dialogue or innovation partnership procedures in intermediate value procurement	4.3.1
		4.4.1
	Provision of a named officer to provide supervision and guidance on high value (i.e. above OJEU threshold) procurement	4.5.1
	Ensuring prescribed advertising time limits are met	4.5.6
	Guidance on Light-touch Regime procurement	4.6.1
	Agreement to the acceptance of hard copy submissions	4.7.3
	Breaches of confidentiality or irregularities around hard copy submissions	4.8.5
	Post-quotation/tender negotiations and clarification	5.4.1
		5.4.2
	Provision of award approval report template	5.5.4
		5.5.6
	Assistance with undertaking risk assessments and provision of related documentation	6.2.1
	Provision of contractor feedback form	6.3.4
	Provision of contract end questionnaire	6.9.6
Chief Officers	Procurement carried out by consultants, agency staff, or other non-DCC staff	1.5.1
		1.5.3
	Exceptions to ICT procurement	1.7.1
	Property and works related procurement	1.8.1 (i) (ii)
	Electronic procurement	1.11.1
	Alternatives to using frameworks and corporate purchasing agreements	2.1.5
	Commissioning forms	2.5.3
		2.5.4
	Authority to decide procurement strategy and invite competitive bids	2.7.1 (ii)
		2.7.2
	Authority to seek an exception from part or all of the CPRs	2.9.3 (xiv-xvi)
	Authority to approve exceptions from part or all of the CPRs	2.11.1
		2.11.2
	Exceptions to "Most economically advantageous" selection criteria	3.7.3
	Demonstration of value for money on buying below £10,000 threshold	4.1.1
	Exceptions to electronic tendering to allow hard copy submissions	4.7.3
	Opening of hard copy submissions	4.8.5
	Post quotation/tender negotiations	5.4.2

	Awarding contracts	5.5.2 (ii)
		5.5.3
		5.5.4 (i) (ii)
		5.5.6
	Signing of contracts not under seal	5.13.1 (ii)
	Recording of contracts on the Contracts Register	5.16.2
	Establishing a named contract manager	6.1.1
	Authority to decide contract terminations, variations and extensions	6.8.1
Legal Services	Bespoke contract terms and conditions	3.5.1 (iv)
	Affixation of Council seal to contracts where appropriate	5.14.2
Monitoring Officer	Declaration and recording of conflicts of interests by Members and employees	1.6.3
	Land contracts and appointment of developers	1.10.2
	Amendments to the Appendices of the CPRs	1.12.2
	Authority to decide procurement strategy and invite competitive bids	2.7.2 (ii)
	Authority to approve exceptions from part or all of the CPRs	2.11.1 (iii)
	Awarding contracts greater than £25,000 where the value of the award is greater than at approval stage	5.5.4 (ii)
	Letters of intent	5.8.1
		5.8.2
	Approval of alternative remedies to liquidated damages when contract terms are not duly performed by the contractor	5.9.2
	Non-concluded terms and conditions	5.11.3
	Approval of bespoke contract documents	5.12.2
	Sealing of contracts	5.14.2
	Assignments and novation of contracts	6.5.1
	Authority to decide contract terminations, variations and extensions	6.8.1 (iii)
	Section 151 Officer	Authority to decide procurement strategy and invite competitive bids
Authority to approve exceptions from part or all of the CPRs		2.11.1 (iii)
Exceptions to "Most economically advantageous" selection criteria		3.7.3
Contract award approvals		5.5.4 (ii)
Authority to decide contract terminations, variations and extensions		6.8.1 (iii)
Team Managers	Provide direction to all team members engaged in procurement activity	1.4
	Approval and notification to Corporate Procurement Team of Officers requirements to have access to the eProcurement system	1.11.2
	Requirement to check whether a relevant framework or corporate purchasing agreement is in place	2.1.2
	Pre-quotation/tender market testing and consultation	2.3.3

Approval of appropriate procurement strategy and invitation of competitive bids	2.7.1 (i)
Ensure that the completed and signed documents are uploaded to the electronic system	2.7.2
Consideration of exceptions from CPRs in connection with the Light-touch Regime	2.10.1 (xii)
Ensure Corporate Sustainability Assessment, or its equivalent, has been carried out for Intermediate and High Value (i.e. above OJEU threshold) procurement	4.3.2
	4.4.2
	4.5.2
Ensure appropriate Officers are present for the opening of hard copy quotations/tenders	4.8.3
Awarding contracts	5.5.2 (i)
	5.5.4
Notifying candidates	5.6.2
	5.6.3
Ensure contract award notice is actioned	5.7.3
Ensure that a risk assessment is undertaken to determine whether some form of performance bond or performance guarantee is required	5.9.1
Parent company guarantee	5.10.1
Ensure contract terms and conditions are agreed between the Council and the successful bidder before any contract is awarded	5.11.1
Ensure that contracts are sent out, duly signed, returned and recorded on the electronic procurement system	5.12.3
Ensure confirmation of emergency contracts is given in writing within four weeks of the commencement of the contract	5.12.5
Signing of contracts not under seal	5.13.1 (i)

APPENDIX C

OJEU and LTR thresholds

Details of the Sterling thresholds applicable from 1st January 2016 are given below. Thresholds are net of VAT.

Sterling values are re-calculated every two years.

	GOODS	SERVICES	WORKS	NOTE
General Contracts	164,176	164,176	4,104,394	1
Contracts subject to the Light Touch Regime	N/A	589,148	N/A	2

Notes

- 1 Thresholds relevant to "Other public sector" (i.e. non-Central Government) contracting authorities
- 2 For services listed in Schedule 3 of the Public Contract Regulations 2015 ([See Appendix D](#))

APPENDIX D

List of services covered by the Light Touch Regime

Schedule 3 of the Public Contract Regulations 2015
Regulations 5(1) (d) and 74
Social and other specific services

CPV Code	Description
75200000-8; 75231200-6; 75231240-8; 79611000-0; 79622000-0 (Supply services of domestic help personnel); 79624000-4 (Supply services of nursing personnel) and 79625000-1 (Supply services of medical personnel) from 85000000-9 to 85323000-9; 98133100-5, 98133000-4; 98200000-5; 98500000-8 (Private households with employed persons) and 98513000-2 to 98514000-9 (Manpower services for households, Agency staff services for households, Clerical staff services for households, Temporary staff for households, Home-help services and Domestic services)	Health, social and related services
85321000-5 and 85322000-2, 75000000-6 (Administration, defence and social security services), 75121000-0, 75122000-7, 75124000-1; from 79995000-5 to 79995200-7; from 80000000-4 Education and training services to 80660000-8; from 92000000-1 to 92700000-8; 79950000-8 (Exhibition, fair and congress organisation services), 79951000-5 (Seminar organisation services), 79952000-2 (Event services), 79952100-3 (Cultural event organisation services), 79953000-9 (Festival organisation services), 79954000-6 (Party organisation services), 79955000-3 (Fashion shows organisation services), 79956000-0 (Fair and exhibition organisation services)	Administrative social, educational, healthcare and cultural services
75300000-9	Compulsory social security services
75310000-2, 75311000-9, 75312000-6, 75313000-3, 75313100-4, 75314000-0, 75320000-5, 75330000-8, 75340000-1	Benefit services
98000000-3; 98120000-0; 98132000-7; 98133110-8 and 98130000-3	Other community, social and personal services including services furnished by trade unions, political organisations, youth associations and other membership organisation services
98131000-0	Religious services
55100000-1 to 55410000-7; 55521000-8 to 55521200-0 (55521000-8 Catering services for private households, 55521100-9 Meals-on wheels services, 55521200-0 Meal delivery service) 55520000-1 Catering services, 55522000-5 Catering	Hotel and restaurant services

services for transport enterprises, 55523000-2 Catering services for other enterprises or other institutions, 55524000-9 School catering services 55510000-8 Canteen services, 55511000-5 Canteen and other restricted-clientele cafeteria services, 55512000-2 Canteen management services, 55523100-3 School-meal services	
79100000-5 to 79140000-7; 75231100-5	Legal services, to the extent not excluded by regulation 10(1)(d)
75100000-7 to 75120000-3; 75123000-4; 75125000-8 to 75131000-3	Other administrative services and government services
75200000-8 to 75231000-4	Provision of services to the community
75231210-9 to 75231230-5; 75240000-0 to 75252000-7; 79430000-7; 98113100-9	Prison related services, public security and rescue services to the extent not excluded by regulation 10(1)(h)
79700000-1 to 79721000-4 (Investigation and security services, Security services, Alarm-monitoring services, Guard services, Surveillance services, Tracing system services, Absconder-tracing services, Patrol services, Identification badge release services, Investigation services and Detective agency services) 79722000-1(Graphology services), 79723000-8 (Waste analysis services)	Investigation and security services
98900000-2 (Services provided by extraterritorial organisations and bodies) and 98910000-5 (Services specific to international organisations and bodies)	International services
64000000-6 (Postal and telecommunications services), 64100000-7 (Post and courier services), 64110000-0 (Postal services), 64111000-7 (Postal services related to newspapers and periodicals), 64112000-4 (Postal services related to letters), 64113000-1 (Postal services related to parcels), 64114000-8 (Post office counter services), 64115000-5 (Mailbox rental), 64116000-2 (Post-restante services), 64122000-7 (Internal office mail and messenger services)	Postal services
50116510-9 (Tyre-remoulding services), 71550000-8 (Blacksmith services)	Miscellaneous services

Regulation 77

Reserved contracts for certain services

77.—(1) Contracting authorities may reserve to qualifying organisations the right to participate in procedures for the award of reservable public contracts.

(2) For that purpose, a contract is a reservable public contract only if it is exclusively for one or more of the services which are covered by CPV codes 75121000-0, 75122000-7, 75123000-4, 79622000-0, 79624000-4, 79625000-1, 80110000-8, 80300000-7, 80420000-4, 80430000-7, 80511000-9, 80520000-5, 80590000-6, from 85000000-9 to 85323000-9, 92500000-6, 92600000-7, 98133000-4, and 98133110-8.

(3) In this regulation, “qualifying organisation” means an organisation which fulfils **all** of the following conditions:—

(a) its objective is the pursuit of a public service mission linked to the delivery of services referred to in paragraph (2);

(b) profits are reinvested with a view to achieving the organisation’s objective, and any distribution of profits is based on participatory considerations;

(c) the structures of management or ownership of the organisation are (or will be, if and when it performs the contract) —

(i) based on employee ownership or participatory principles, or

(ii) require the active participation of employees, users or stakeholders; and

(d) the organisation has not been awarded, pursuant to this regulation, a contract for the services concerned by the contracting authority concerned within the past 3 years.

(4) The maximum duration of a contract awarded under this regulation shall not be longer than 3 years.

(5) Where a contracting authority exercises the power of reservation conferred by paragraph (1), the call for competition shall make reference to Article 77 of the Public Contracts Directive.

(6) This regulation does not apply in relation to the procurement of health care services for the purposes of the NHS within the meaning and scope of the National Health Service (Procurement, Patient Choice and Competition) (No. 2) Regulations 2013.

APPENDIX E

Useful Websites

National Procurement Service:

<http://nps.gov.wales>

Sell2Wales:

<http://www.sell2wales.gov.uk>

Value Wales:

<http://gov.wales/topics/improvingservices/bettervm/>

Public Contract Regulations 2015:

<http://www.legislation.gov.uk/uksi/2015/102/contents/made>

EU Procurement Directive:

http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.094.01.0065.01.ENG

European Commission Guidance:

<http://gov.wales/funding/eu-funds/2014-2020/looking/procurement/?lang=en>

Community Benefits:

<http://prp.gov.wales/planners/general/strategy/procstrat/communitybenefits/>



CONSTITUTION COMMITTEE

Date of Meeting	Wednesday, 5 th October 2016
Report Subject	Internal Audit Charter
Report Author	Internal Audit Manager

EXECUTIVE SUMMARY

Public Sector Internal Audit Standards (PSIAS) require that the role, scope, independence, authority and responsibility of Internal Audit be formally defined in a charter. The charter must be reviewed periodically and approved by the Audit Committee. The current charter has been reviewed to ensure the charter meets all legal and regulatory requirements. This paper shows the results of that review. It was approved by the Audit Committee on 26th September 2016. The charter is included in the Constitution, section 29.1, and is presented for agreement to update the Constitution.

RECOMMENDATIONS

1	The committee is requested to consider and approve the updated Internal Audit Charter as approved by the Audit Committee.
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REPORT DETAILS

1.00	EXPLAINING THE INTERNAL AUDIT CHARTER
1.01	<p>Internal Audit has had a charter since 2002. It was last updated in 2013 just after the publication of the PSIAS, which replaced the previous Code of Practice. It was approved by the Audit Committee and Constitution Committee at that time. Since then the PSIAS have been updated, and the Accounts and Audit (Wales) Regulations 2014 and 2015 have been published, all of which relate to Internal Audit. The current review takes into account the requirements of the acts and the recent changes to the PSIAS.</p>
1.02	<p>It is a requirement of the standards that Internal Audit must have a charter, and they state what should be included within it. It must:-</p> <ul style="list-style-type: none"> • define the activity’s purpose, authority and responsibility; • establish the activity’s position within the organisation and the reporting lines for the Internal Audit Manager; • authorise access to records, personnel and physical properties relevant to the performance of engagements; • define the scope of internal audit activities; • define the nature of assurance and consulting services provided to the organisation; • define the terms ‘board’ and senior management for the purposes of internal audit activity; • cover the arrangements for appropriate resourcing; • define the role of internal audit in any fraud-related work; • include arrangements to avoid conflicts of interest if undertaking non-audit work; and • recognise the mandatory nature of the Standards, Definition and Code of Ethics. <p>The Charter must be approved by the ‘board’.</p>
1.03	<p>The Accounts and Audit (Wales) Regulations reinforce the need for Internal Audit and the rights of access, stating that “ A relevant authority must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal audit standards or guidance”, and “Any officer or member of a relevant authority must, if required to do so for the purposes of the internal audit make available such documents and records and supply such information and explanations as are considered necessary by those conducting the internal audit”.</p>
1.04	<p>The Charter meets the requirements of the standards. It gives the legal background to Internal Audit, and the mission and definition from the standards. It shows the code of ethics that auditors must comply with. It shows the independence and authority of internal audit; the role, scope and responsibility of the activity including fraud-related work. It also</p>

	outlines the resources of the team, training requirements and reporting requirements.
1.05	Within Flintshire, the Charter is part of the Constitution. The update has been approved by the Audit Committee, and is now presented to the Constitution Committee for approval to amend the Constitution.
1.06	The draft Charter is attached as Appendix A. Also attached for information is the existing Charter, as Appendix B.

2.00	RESOURCE IMPLICATIONS
2.01	None as a result of this report.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Draft Charter reviewed by Chief Executive, Monitoring Officer and s151 Officer. Considered and approved by the Audit Committee on 26 th September 2016.

4.00	RISK MANAGEMENT
4.01	Internal Audit provides an independent, objective assurance to the Council by evaluating the effectiveness of risk management, control and governance processes. To do so it needs to be independent and have the necessary authority to fulfil that role, which helps reduce the overall risk to the Council. The Charter ensures that independence and authority within the Council.

5.00	APPENDICES
5.01	App A – update to Internal Audit Charter. App B – current Internal Audit Charter.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None. Contact Officer: David Webster. Internal Audit Manager. Telephone: 01352 702248 E-mail: david.webster@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	None

INTERNAL AUDIT CHARTER

Introduction

The internal audit charter is a formal document that defines the internal audit activity's purpose, authority and responsibility. The internal audit charter establishes the internal audit activity's position within the organisation, including the nature of the Internal Audit Manager's functional reporting relationship with the 'board'; authorises access to records, personnel and physical properties relevant to the performance of engagements; and defines the scope of internal audit activities. Final approval of the internal audit charter resides with the 'board'.

Internal Audit is a statutory requirement for local authorities. The two pieces of legislation that impact upon internal audit in local authorities are:

- Section 5 of the Accounts and Audit (Wales) Regulations 2015 states that "a relevant authority must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance".
- Section 151 of the Local Government Act 1972 requires every authority to make arrangements for the administration of its financial affairs and to ensure that one of the officers has responsibility for the administration of those affairs. CIPFA has defined 'proper administration' in that it should include 'compliance with the statutory requirements for accounting and internal audit'.

Public Sector Internal Audit Standards (PSIAS) published in 2013 and updated in 2016 provide a definition, mission and core principles for internal audit and the activity and standards that must be met. They include a Code of Ethics which Internal Auditors must conform to, covering integrity, objectivity, confidentiality and competency. They are mandatory for all internal audit departments in the UK public sector.

PSIAS state that the charter must:

- Define the terms ‘board’ and ‘senior management’ for the purposes of internal audit activity;
- Cover the arrangements for appropriate resourcing;
- Define the role of internal audit in any fraud related work; and
- Include arrangements for avoiding conflicts of interest if internal audit undertakes non-audit activities.

Mission and Definition of Internal Audit

The PSIAS state that the Mission of Internal Audit is ‘To enhance and protect organisational value by providing risk-based and objective assurance, advice and insight’. Internal auditing is defined as ‘an independent, objective assurance and consulting activity designed to add value and improve an organisation’s operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.’

It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources. It may also undertake consulting services at the request of the organisation, subject to there being no impact on the core assurance work and the availability of skills and resources.

Code of Ethics

Anyone delivering internal audit work for the Council must comply with the PSIAS Code of Ethics. This covers:

Integrity	The integrity of internal auditors establishes trust and thus provides the basis for reliance on their judgement. Internal Auditors: <ul style="list-style-type: none">- Shall perform their work with honesty, diligence and responsibility- Shall observe the law and make disclosures expected by the law and the profession- Shall not knowingly be a party to any illegal activity, or engage in acts that are discreditable to the profession of internal auditing or to the organisation- Shall respect and contribute to the legitimate and ethical objectives of the organisation
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Objectivity	<p>Internal auditors exhibit the highest level of professional objectivity in gathering, evaluating, and communicating information about the activity or process being examined. Internal auditors make a balanced assessment of all the relevant circumstances and are not unduly influenced by their own interests or by others in forming judgements.</p> <p>Internal Auditors:</p> <ul style="list-style-type: none"> - Shall not participate in any activity or relationship that may impair or be presumed to impair their unbiased assessment. This participation includes those activities or relationships that may be in conflict with the interests of the organisation - Shall not accept anything that may impair or be presumed to impair their professional judgement - Shall disclose all material facts known to them that, if not disclosed, may distort the reporting of activities under review
Confidentiality	<p>Internal auditors respect the value and ownership of information they receive and do not disclose information without appropriate authority unless there is a legal or professional obligation to do so.</p> <p>Internal Auditors:</p> <ul style="list-style-type: none"> - Shall be prudent in the use and protection of information acquired in the course of their duties - Shall not use information for any personal gain or in any manner that would be contrary to the law or detrimental to the legitimate and ethical objectives of the organisation
Competency	<p>Internal auditors apply the knowledge, skills and experience needed in the performance of internal auditing services.</p> <p>Internal Auditors:</p> <ul style="list-style-type: none"> - Shall engage only in those services for which they have the necessary knowledge, skills and experience - Shall perform internal auditing services in accordance with the International Standards for the Professional Practice of Internal Auditing - Shall continually improve their proficiency and effectiveness and quality of their services

Independence and Authority

PSIAS state that 'Organisational independence is effectively achieved when the Internal Audit Manager reports functionally to the board.' Within Flintshire the Audit Committee fulfils most of the roles of the 'board'. It is responsible for:

- approving the internal audit charter;
- approving the internal audit Strategic and Operational plans;
- receiving reports from the Internal Audit Manager on the departments performance relative to its plan and other matters; and
- making appropriate enquiries of management and the Internal Audit Manager to determine whether there are inappropriate scope or resource limitations

The department's budget is approved annually as part of the Council's overall budget. Remuneration and arrangements for the appointment and removal of the Internal Audit Manager are managed in accordance with the Council's adopted HR policies.

The Internal Audit department is part of the Governance Portfolio. The Internal Audit Manager reports administratively to the Chief Officer Governance (the Monitoring Officer).

To further ensure the independence of the Internal Audit Manager, the Chief Executive and Chair of the Audit Committee provide feedback into his annual appraisal.

Internal Audit is independent of the activities that it audits to ensure the unbiased judgements essential to its proper conduct and impartial advice to management.

To ensure independence, Internal Audit operates within a framework that gives it the authority to:

- have unrestricted access to all activities undertaken in the Council;
- have unrestricted access to all functions, records and property, including those of partner organisations. In very exceptional circumstances if the "responsible officer" (Section 151 Officer) and Monitoring Officer believe this would constitute a breach of the laws of confidentiality, or the provisions of the Human Rights Act or the Data Protection Act the matter will be referred to the Audit Committee for consideration;
- have full and free access to the Audit Committee via the Internal Audit Manager, and an annual private meeting with the committee;

- have full and free access to the Chief Executive, Head of Finance, Monitoring Officer, Chair and Vice Chair of the Audit Committee and External Auditors via the Internal Audit Manager;
- have unrestricted access to senior management, members and all employees;
- require any employee or Member to provide any information and explanation considered necessary concerning any matter under consideration;
- require any employee or Member to produce or account for cash, stores or any other Council asset or asset of a third party under his or her control;
- allocate resources, set timeframes, define review areas, develop scopes of work and apply techniques to accomplish the overall audit objectives; and
- issue audit reports in its own name.

Every effort is made to preserve objectivity by ensuring that all members of internal audit staff are free from any conflicts of interest and do not undertake any non-audit duties. Internal Audit has complete segregation from Council operations and is not responsible for the management of areas that are audited. The Internal Audit Manager and internal audit staff are not authorised to:

- perform any operational duties associated with the Authority;
- initiate or approve accounting transactions on behalf of the Authority; and
- direct the activities of any employee unless specifically seconded to Internal Audit.

However, in strict emergency situations only, audit personnel may be called upon to carry out non-audit work on a temporary basis. If a request is made the decision to allocate resources will be the Internal Audit Manager's, who will agree clear terms of reference. The Audit Committee Chair or Vice Chair, the Chief Officer Governance and the s.151 officer will be advised.

Role and Scope of Internal Audit

Internal Audit must provide the Authority, through the Audit Committee, with an annual independent and objective opinion on the adequacy and effectiveness of internal control, risk management and governance arrangements. To that end the department reviews, appraises and reports on:

- The adequacy and effectiveness of the systems of financial, operational and management control and their operation in practice in relation to the

business risks to be addressed;

- The extent of compliance with and relevance of, policies, standards, plans and procedures established by the County Council and the extent of compliance with external laws and regulations, including reporting requirements of regulatory bodies;
- The extent to which the assets and interests are acquired economically, used efficiently, accounted for and safeguarded from losses of all kinds arising from waste, extravagance, inefficient administration, poor value for money, fraud or other cause, and that adequate business continuity plans exist;
- The suitability, accuracy, reliability and integrity of financial and other management information and the means used to identify, measure, clarify and report such information;
- The integrity of processes and systems, including those under development, to ensure that controls offer adequate protection against error, fraud and loss of all kinds; and that the process aligns with the Council's strategic goals;
- The follow-up action taken to remedy weaknesses identified by Internal Audit review, ensuring that good practice is identified and communicated widely;
- The operation of the Council's corporate governance arrangements;
- The potential within the Council for fraud and other violations through the analysis of systems of control in high-risk operations.

The Internal Audit department completes advisory / consultancy work in agreement with Chief Officers and Senior Managers by responding to requests for audit reviews and by contributing to projects and working groups throughout the Authority.

Where the Authority has entered into a partnership with other organisations the partnership arrangement will be subject to review. In addition, where Flintshire County Council is the lead authority of a partnership or collaboration, the work undertaken will be subject to review by Flintshire Internal Audit.

Fraud and Irregularity

All managers are responsible for applying controls to reasonably prevent and detect fraud. Furthermore, internal audit is not responsible for identifying fraud, however it will assess the risk of fraud and be aware of the risk of fraud when planning and undertaking any internal audit work. All actual or suspected incidents of fraud, corruption or impropriety should be reported without delay to Internal Audit. The internal audit department investigates fraud and irregularity in terms of:

- The undertaking of investigations into reports of violations of the Council's regulations or criminal activities i.e. fraud against the Council; and
- The undertaking of investigations of reports from staff, other persons engaged in activities on behalf of the Council and members of the public, reporting perceived cases of possible violations of rules or regulations, mismanagement, misconduct, or fraudulent abuse of authority.

Referrals to the police are made if there is suspected criminal activity, in accordance with the Anti-Fraud and Corruption Policy and the Fraud and Irregularity Response Plan, following consultation with the Monitoring Officer or Human Resources where appropriate.

Internal Audit is responsible for maintaining the Anti-Fraud and Corruption Policy, the Fraud and Irregularity Response Plan and the Whistleblowing Policy. They also administer the National Fraud Initiative. The Internal Audit Manager is a named contact within the Whistleblowing Policy.

Audit Responsibility

The existence of Internal Audit does not diminish the responsibility of management to establish systems of internal control to ensure that activities are conducted in a secure, efficient and well-ordered manner.

The primary task of Internal Audit is to review the systems of internal control operating throughout the authority, and in doing this it will adopt a predominantly risk-based approach to audit.

The Internal Audit Manager is required to manage the provision of a complete audit service to the Council that will include systems, regularity, computer and advisory audit in addition to the investigation of potential fraud and irregularity. In discharge of this duty, the Internal Audit Manager has a responsibility to:

- prepare a rolling strategic risk-based audit plan after consultation with senior management and the Chief Officer Team, for formal approval by the Audit Committee. This strategic plan is regarded as flexible rather than as an immutable expression of audit policy;
- translate the strategic plan into annual plans for Chief Officers and the Audit Committee;
- implement the audit plan as approved, including any additional work requested by management and the Audit Committee;
- ensure that the scopes of individual audit assignments are agreed with

departmental management;

- prepare and maintain an Audit Manual detailing departmental procedures and standards;
- ensure a system of close supervision of audit work, and maintain a Quality Assurance and Improvement Programme including annual internal assessments and external assessments at least every five years;
- Report the results of assessments to the Audit Committee, and state that the department conforms with the standards or disclose any non-conformance;
- maintain knowledge, skills and expertise within the section specifically for the investigation of fraud and irregularity;
- bring a systematic disciplined approach to evaluate and report on the effectiveness of risk management, internal control and governance processes;
- highlight control weaknesses and required associated improvements together with corrective action recommended to management based on an acceptable and practicable timeframe;
- undertake follow up reviews and action tracking to ensure management has implemented agreed internal control improvements within specified and agreed timeframes;
- liaise with the external auditor for the purpose of providing optimal audit coverage to the Authority;
- work with the external auditor to provide consistent advice to management and the Audit Committee; and
- prepare annual reports on audit and special investigation activities for presentation to the Audit Committee, and such other reports on audit issues as may be required by the Chief Officer Governance or the Audit Committee.

Audit Resources

The staffing structure of the section will comprise qualified Internal Auditors, Accounting Technicians and part qualified Accountants with a mix of professional specialisms to reflect the varied functions of the section.

Each year the departmental resources are assessed against the needs of the plan, in order to ensure there is sufficient coverage to arrive at the annual audit opinion.

The Internal Audit Manager, Audit Committee and s151 Officer all have a responsibility to ensure Internal Audit has sufficient resources to enable it to fulfil its mandate. Significant matters that jeopardise the delivery of the plan or require

changes to the plan will be identified, addressed and reported to the Audit Committee.

Upon request from the Head of Finance, appropriate specialists from other Directorates and departments should be made available to take part in any audit review requiring specialist knowledge.

Audit Training

Internal auditors must enhance their knowledge, skills and other competencies through continuing professional development. The Internal Audit Manager carries out a continuous review of the development and training needs of all audit employees through the Authority's appraisal system and will arrange, within budget provision, in-service training covering both internal and external courses.

Specific resources are devoted to specialised training in relation to computer audit, contract audit and fraud investigation to keep abreast of developments.

Audit Reporting

All standard audit assignments are the subject of formal reports. Discussion draft reports are issued to the manager of the area under review. Debrief meetings are then held for agreement to the factual accuracy of findings and the necessary actions. After agreement, final reports are issued. The Internal Audit Manager considers the release of special investigations audit reports for disciplinary purposes on a case-by-case basis. Access to audit files is restricted to the Chief Officer Governance (Monitoring Officer) and External Auditor.

The Internal Audit Manager issues progress reports to the Audit Committee and management summarising outcomes of audit activities, including follow up reviews and the tracking of audit recommendations. These are presented at every Audit Committee meeting.

He reports to the Committee on the progress of investigations into possible fraud and irregularity and also briefs the Audit Chair on any high profile investigations.

The assignment opinions that audit provides during the year are part of the framework of assurances that assist the Authority to prepare an informed Annual Governance Statement.

Internal Audit provides the Authority with an opinion on the adequacy and effectiveness of the Authority's governance, risk management and control arrangements in support of the Annual Governance Statement. In giving the opinion it should be noted that assurance can never be absolute, the most that can be provided is a reasonable assurance that there are no major weaknesses in governance, risk management and control processes. The annual opinion is provided in the Annual Report after the year end.

Performance Reporting

Performance Indicators for Internal Audit are reported to each Audit Committee meeting.

The department participates in benchmarking within the Wales Chief Auditors Group. Results are reported to the Audit Committee.

Related Documents

This document is one of a series that, together, constitute the policies of the Council in relation to anti-fraud and corruption measures. The other documents are:

- Financial Procedure Rules and Contract Procedure Rules;
- Anti-Fraud and Corruption Policy;
- Fraud and Irregularity Response Plan;
- Whistleblowing Policy; and
- Disciplinary Procedure

INTERNAL AUDIT CHARTER

Introduction

Internal Audit is a statutory independent review function, covered by the Accounts and Audit Regulations 2005 (Wales). It is set up within the Finance Division as a service to the Council and all levels of management. It supports the Head of Finance, the “responsible officer” (Section 151 officer under the Local Government Act 1972), in meeting her statutory responsibilities for the proper administration of financial affairs.

Public Sector Internal Audit Standards (PSIAS) published in 2013 define the activity and standards that must be met. They are mandatory for all internal audit departments in the UK public sector.

They include a Code of Ethics which Internal Auditors must conform to, covering integrity, objectivity, confidentiality and competency.

The existence of Internal Audit does not diminish the responsibility of management to establish systems of internal control to ensure that activities are conducted in a secure, efficient and well-ordered manner.

Definition of Internal Audit

The PSIAS state that ‘Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation’s operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.’

It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.

It may also undertake consulting services at the request of the organisation, subject to there being no impact on the core assurance work and the availability of skills and resources.

Role and Scope of Internal Audit

The role of Internal Audit is to provide the Authority, through the Audit Committee with an independent and objective opinion on the adequacy and effectiveness of internal control, risk management and governance arrangements. The department

reviews, appraises and reports on:

- The adequacy and effectiveness of the systems of financial, operational and management control and their operation in practice in relation to the business risks to be addressed;
- The extent of compliance with and relevance of, policies, standards, plans and procedures established by the County Council and the extent of compliance with external laws and regulations, including reporting requirements of regulatory bodies;
- The extent to which the assets and interests are acquired economically, used efficiently, accounted for and safeguarded from losses of all kinds arising from waste, extravagance, inefficient administration, poor value for money, fraud or other cause, and that adequate business continuity plans exist;
- The suitability, accuracy, reliability and integrity of financial and other management information and the means used to identify, measure, clarify and report such information;
- The integrity of processes and systems, including those under development, to ensure that controls offer adequate protection against error, fraud and loss of all kinds; and that the process aligns with the Council's strategic goals;
- The follow-up action taken to remedy weaknesses identified by Internal Audit review, ensuring that good practice is identified and communicated widely;
- The operation of the Council's corporate governance arrangements;
- The potential within the Council for fraud and other violations through the analysis of systems of control in high-risk operations.

The Internal Audit department completes advisory / consultancy work in agreement with Directors, Heads of Service and Senior Managers by responding to requests for audit reviews and by contributing to projects and working groups throughout the Authority.

Where the Authority has entered into a partnership with other organisations the partnership arrangement will be subject to review. In addition, where Flintshire County Council is the lead authority of a partnership or collaboration, the work undertaken will be subject to review by Flintshire Internal Audit.

All managers are responsible for applying controls to reasonably prevent and detect fraud. Furthermore, internal audit is not responsible for identifying fraud, however it will assess the risk of fraud and be aware of the risk of fraud when planning and undertaking any internal audit work. All actual or suspected incidents of fraud,

corruption or impropriety should be reported without delay to Internal Audit in accordance with Financial Procedure Rules (ref 11.17e). The internal audit department investigates fraud and irregularity in terms of:

- The undertaking of investigations into reports of violations of the Council's regulations or criminal activities i.e. fraud against the Council
- The undertaking of investigations of reports from staff, other persons engaged in activities on behalf of the Council and members of the public, reporting perceived cases of possible violations of rules or regulations, mismanagement, misconduct, or fraudulent abuse of authority.

Referrals to the police are made if there is suspected criminal activity, in accordance with the Corporate Anti-Fraud and Corruption Strategy and the Fraud and Irregularity Response Plan, following consultation with the Monitoring Officer or Human Resources where appropriate.

The investigation of Housing and Council Tax Benefit fraud is undertaken by the Benefits Fraud Team, however Internal Audit will overview these procedures.

Where it is thought necessary, External Audit may conduct investigations, either in liaison with Internal Audit or independently.

Independence and Authority

Internal Audit is independent of the activities that it audits to ensure the unbiased judgements essential to its proper conduct and impartial advice to management.

To ensure independence, Internal Audit operates within a framework that gives it the authority to:

- have unrestricted access to all activities undertaken in the Council.
- have unrestricted access to all functions, records and property, including those of partner organisations. In very exceptional circumstances if the "responsible officer" (Section 151 Officer) and Monitoring Officer believe this would constitute a breach of the laws of confidentiality, or the provisions of the Human Rights Act or the Data Protection Act the matter will be referred to the Audit Committee for consideration.
- have full and free access to the Audit Committee via the Internal Audit Manager, and an annual private meeting with the committee;
- have full and free access to the Chief Executive, Head of Finance, Monitoring Officer, Chair and Vice Chair of the Audit Committee and External Auditors via the Internal Audit Manager;
- have unrestricted access to senior management, members and all employees;

- receive any information and explanation considered necessary concerning any matter under consideration from all Members and Officers;
- require any employee of the Council to produce or account for cash, stores or any other Council asset or asset of a third party under his or her control;
- allocate resources, set timeframes, define review areas, develop ,scopes of work and apply techniques to accomplish the overall audit objectives;
- issue audit reports in its own name.

The Internal Audit department is part of the Finance Division within Corporate Services. The Internal Audit Manager reports to the Head of Finance and through her to the Corporate Management Team.

He also reports to the Audit Committee, which is responsible for

- approving the internal audit charter
- approving the internal audit Strategic and Operational plans
- receiving reports from the Internal Audit Manager on the departments performance relative to its plan and other matters
- making appropriate enquiries of management and the Internal Audit Manager to determine whether there are inappropriate scope or resource limitations

The department's budget is approved annually as part of the Council's overall budget. Remuneration and arrangements for the appointment and removal of the Internal Audit Manager are managed in accordance with the Council's adopted HR policies.

Every effort is made to preserve objectivity by ensuring that all members of internal audit staff are free from any conflicts of interest and do not undertake any non-audit duties. Internal Audit has complete segregation from Council operations and is not responsible for the management of areas that are audited. The Internal Audit Manager and internal audit staff are not authorised to:

- perform any operational duties associated with the Authority;
- initiate or approve accounting transactions on behalf of the Authority
- direct the activities of any employee unless specifically seconded to Internal Audit

Audit Responsibility

The primary task of Internal Audit is to review the systems of internal control operating throughout the authority, and in doing this it will adopt a predominantly risk-based approach to audit.

The Internal Audit Manager is required to manage the provision of a complete audit service to the Council that will include systems, regularity, computer and advisory audit in addition to the investigation of potential fraud and irregularity. In discharge of this duty, the Internal Audit Manager has a responsibility to:

- prepare a rolling strategic risk-based audit plan in consultation with Directorate senior management and the Corporate Management Team, for formal approval by the Audit Committee. This strategic plan is regarded as flexible rather than as an immutable expression of audit policy;
- translate the strategic plan into annual plans for formal agreement with the Head of Finance, Corporate Management Team and Audit Committee;
- implement the audit plan as approved, including any additional work requested by management and the Audit Committee;
- ensure that the scopes of individual audit assignments are agreed with departmental management;
- prepare and maintain an Audit Manual detailing departmental procedures and standards;
- ensure a system of close supervision of audit work, and maintain a Quality Assurance and Improvement Programme of internal and external assessments;
- maintain knowledge, skills and expertise within the section specifically for the investigation of fraud and irregularity;
- bring a systematic disciplined approach to evaluate and report on the effectiveness of risk management, internal control and governance processes;
- highlight control weaknesses and required associated improvements together with corrective action recommended to management based on an acceptable and practicable timeframe;
- undertake follow up reviews and recommendation tracking to ensure management has implemented agreed internal control improvements within specified and agreed timeframes;
- liaise with the external auditor for the purpose of providing optimal audit coverage to the Authority;
- work with the external auditor to provide consistent advice to management and the Audit Committee;

- prepare, for agreement with the Head of Finance, annual reports on audit and special investigation activities for presentation to the Audit Committee, and such other reports on audit issues as may be required by the Head of Finance or the Audit Committee.

All audit work contributes to the overall review of effectiveness of the control environment. The Internal Audit Manager is also a member of the Corporate Governance Working Group which undertakes this review and prepares the draft Annual Governance Statement for consideration by the Audit Committee and Council.

All Internal Audit activity is carried out in accordance with Financial Procedure Rules and PSIAS requirements. In order to maintain an audit presence and sound, informal lines of communication, as much audit work as possible will be done on location. Internal Audit testing may go beyond the records and involve observations and interviews.

Audit Resources

The staffing structure of the section will comprise qualified Internal Auditors, Accountants and Accounting Technicians with a mix of professional specialisms to reflect the varied functions of the section.

Internal Audit will not participate in the day-to-day operation of any systems of internal financial control. However, in strict emergency situations only, audit personnel may be called upon to carry out non-audit work on a temporary basis. If a request is made the decision to allocate resources will be the Internal Audit Manager's. The Audit Committee Chair or Vice Chair and the s.151 officer will be advised.

Upon request from the Head of Finance, appropriate specialists from other Directorates and departments should be made available to take part in any audit review requiring specialist knowledge.

Audit Training

The Internal Audit Manager carries out a continuous review of the development and training needs of all audit personnel through the Authority's appraisal system and will arrange, within budget provision, in-service training covering both internal and external courses.

Specific resources are devoted to specialised training in relation to computer audit, contract audit and fraud investigation to keep abreast of developments.

Audit Reporting

All audit assignments are the subject of formal reports. Debrief meetings are held with the managers responsible for the area under review for agreement to the factual accuracy of findings. After agreement, draft reports are issued to the manager and director of the department under review. Once the recommendations and action points have been agreed, final reports are issued. The Internal Audit Manager considers the release of special investigations audit reports for disciplinary purposes on a case-by-case basis. Access to audit files is restricted to the Head of Finance and External Auditor, and the Monitoring Officer where it is within his remit.

The Internal Audit Manager issues progress reports to the Audit Committee and management summarising outcomes of audit activities, including follow up reviews and the tracking of audit recommendations. These are presented at every Audit Committee meeting.

He reports to the Committee on the progress of investigations into possible fraud and irregularity and also briefs the Audit Chair on any high profile investigations.

The assignment opinions that audit provides during the year are part of the framework of assurances that assist the Authority to prepare an informed Annual Governance Statement.

Internal Audit provides the Head of Finance with an opinion on the adequacy and effectiveness of the Authority's governance, risk management and control arrangements. In giving the opinion it should be noted that assurance can never be absolute, the most that can be provided is a reasonable assurance that there are no major weaknesses in governance, risk management and control processes. The annual opinion is provided in the Annual Report after the year end.

Performance Reporting

Performance Indicators for Internal Audit are reported to each Audit Committee meeting and to the Head of Finance.

The department participates in benchmarking within the Wales Chief Auditors Group. Results are reported to the Audit Committee.

Related Documents

This document is one of a series that, together, constitute the policies of the Council in relation to anti-fraud and corruption measures. The other documents are:

- Financial Procedure Rules and Contract Procedure Rules;
- Anti Fraud and Corruption Strategy;
- Fraud and Irregularity Response Plan;
- Whistle-blowing Policy;
- Disciplinary Procedure



CONSTITUTION COMMITTEE

Date of Meeting	Wednesday, 5 th October 2016
Report Subject	Review of the New Report Format
Cabinet Member	Cabinet Member for Corporate Management
Report Author	Member Engagement Manager
Type of Report	Operational

EXECUTIVE SUMMARY

During the spring and summer of 2015, we carried out a review of our report format, which resulted in a new format being recommended for adoption from the autumn. This was the subject of a report to this committee at its 7th October 2015 meeting. The purpose of this report is to update the committee following a year of using the new format. The feedback received from Members and Officers has been very positive and so only a slight change is required at present. The change will be to the guidance on completion of the Risk Management section. It is suggested that the report format will be reviewed on a regular basis to ensure that it is still as effective as possible.

RECOMMENDATIONS

1	That we continue to use the new report format, but evaluate it on an annual basis, reporting back to the Constitution Committee as necessary.
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REPORT DETAILS

1.00	EXPLAINING THE REVIEW
1.01	The report format which we had used for several years had ceased to be as effective as we needed it to be. With a greater workload for Members than we have ever had before, it was vital that we made our reporting more accessible and both easier and quicker to read.
1.02	The new report format was piloted at the September 2015 meeting of the Cabinet and rolled out across Council and all committees during the autumn. As part of this process, a report was submitted to this committee on 7 th October and the new format supported.
1.03	The new format benefits the reader by having an executive summary and the recommendations on the front page. Another innovation which has been very well received is the glossary of terms at the end of each report.
1.04	During the last year, whilst we have made some slight adjustments to the format and guidance notes, resulting in a two page 'help sheet' for report authors being prepared before recess.
1.05	As part of the review process, we felt that it would be beneficial to canvass Members to gauge their opinion of the new format one year on. We did this by seeking the views of Members at Overview & Scrutiny committees held during September.
1.06	As a result of that informal feedback, it was pleasing to note that Members were very supportive of the new format. One member felt that too many acronyms were being used, but acknowledged that these were terms which used in full when first mentioned and also defined within the glossary. Following the recent Equalities Workshops, Members have suggested that it is important to demonstrate what Equalities Impact Assessments (EIA) have been undertaken. The current guidance is that this will be reflected in the Risk Management Section. However in the previous format, there was an Equalities Impact section which encouraged officers to ensure that EIAs were undertaken. This can be addressed by revising the guidance on completion of the Risk Management Section.
1.07	On the basis of that degree of support, it is recommended that we continue to use the new report format, but evaluate it on an annual basis, reporting back to the Constitution Committee as necessary.
2.00	RESOURCE IMPLICATIONS
2.01	The new report format has had a positive impact in reducing both Member and Officer time in preparing and reading reports.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Publication of this report is part of the consultation on this issue.

4.00	RISK MANAGEMENT
4.01	Reports in the new format have been found to be easier to use.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Report of the Member Engagement Manager to the Constitution Committee 7th October 2015 and the resultant minute,</p> <p>Contact Officer: Robert Robins, Member Engagement Manager Telephone: (01352) 702320 E-mail: Robert.robins@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	EIA Equalities Impact Assessment

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CONSTITUTION COMMITTEE

Date of Meeting	Wednesday, 5 th October 2016
Report Subject	Draft Overview & Scrutiny Annual Report
Report Author	Member Engagement Manager

EXECUTIVE SUMMARY

The Overview & Scrutiny Annual report is drafted on an annual basis by the officer team in consultation with the relevant committee chairs. The draft for 2015/16 includes an article on the use of call in, as requested at Council on 20th October 2015, when the last Annual Report was considered and approved. The draft report is attached for comment and approval.

RECOMMENDATIONS

1	That the committee consider and comment on the draft Overview & Scrutiny Annual Report for 2015/16, which will be used to provide a foreword to the Annual Report (paragraph 1.05 refers).
2	That if the committee is minded to approve the report that it be forwarded to the Council at its next meeting.

REPORT DETAILS

1.00	THE OVERVIEW & SCRUTINY ANNUAL REPORT
1.01	Under section 7.4.5 of the Constitution, 'the Overview & Scrutiny Committees must report annually to the Full Council on their workings with recommendations for their future work programme and amended working methods if appropriate'.
1.02	Membership of the six Overview & Scrutiny committees is open to all 62 non- executive members of the council. In addition, the education & Youth Overview & Scrutiny committee has five statutory co-optees as voting members. These are (a) One representative of the Church in Wales (b) One representative of the Roman Catholic Church (c) Three representatives of parent governors.
1.03	The work programmes for Overview & Scrutiny committees are considered and amended where necessary at each ordinary meeting of each of the committees. Any updates are then included in the corporate forward work programme which is published with the agenda for the monthly meeting of the Cabinet.
1.04	When the previous Annual Report was considered by Council (20 th October 2015 a request was made for details of the call in process. An appropriate article has been included in the draft annual report now submitted.
1.05	In a departure from our previous practice, the foreword has not been drafted: it is suggested that this be done to reflect the committee's consideration of the Annual Report and be inserted before submission to Council.
2.00	RESOURCE IMPLICATIONS
2.01	There are no resource implication arising specifically from this report.
3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	The Overview & Scrutiny Chairs for the 2015/16 municipal year have been consulted on aspects of the report which relate to their respective committees.

4.00	RISK MANAGEMENT
4.01	No risks were identified during the preparation of the report. Production of the report fulfils a constitutional requirement. No specific anti-poverty, environment and equalities issues were identified.

5.00	APPENDICES
5.01	Draft Overview & Scrutiny Annual Report for 2015/16.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Overview & Scrutiny Annual Report for 2014/15 together with relevant minutes of the Constitution Committee on 5th October 2015 and Council on 20th October 2015</p> <p>Contact Officer: Robert Robins, Member Engagement Manager Telephone: 01352 702320 E-mail: Robert.robins@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	None of the terms used within this report are 'technical' in nature and so no acronyms have been used.

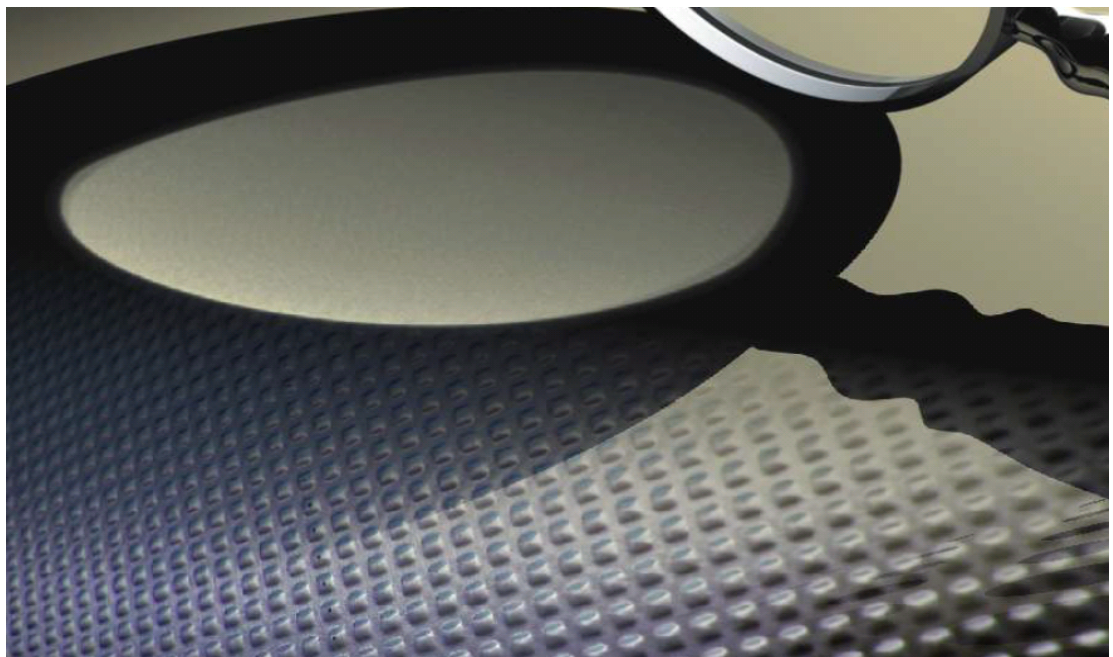
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Overview & Scrutiny

Annual Report

2015/16



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Foreword



To be inserted following the Constitution Committee meeting

Councillor Robin Guest
Chair of the Constitution Committee

DRAFT

OVERVIEW & SCRUTINY – A CABINET PERSPECTIVE



In Flintshire, we believe that effective and robust Overview & Scrutiny is an integral part of good governance. The Cabinet is both held to account and supported by the six overview & Scrutiny committees which we have. It would be reasonable for me to say that we all, as Members and Officers have a vested interest in our Overview & Scrutiny arrangements working as well as it can do. The role of Overview & Scrutiny in commenting on reports and emerging policies before they are considered formally by the Cabinet is invaluable to us.

During the last year, we have seen the reviewed and refreshed Overview & Scrutiny committees in operation. Whilst the terms of reference which were developed through the working group had given us an idea of how the dynamics might work, it wasn't until those new committees met, and the Members worked together, and with their officers, that we could see that the right decisions had been made.

As Leader, I probably attend all of the committees from time to time, but it is with the Corporate Resources Overview & Scrutiny Committee and the new Organisational Change Overview & Scrutiny Committee that I have my closest working involvement. Corporate Resources has continued to make use of verbal reports where appropriate – usually to ensure that the information which is provided is as up to date as possible. I am often able to share the results of discussions which have taken place in Cardiff, with Welsh Government representatives. Organisational Change has adapted to working in different ways from the other committees, often having an earlier involvement in proposed changes.

Last year, I concluded my 'Cabinet perspective' feature in the Overview & Scrutiny Annual Report by thanking everyone who is involved in Overview & Scrutiny here; whether they be they Committee Chairs and Members and the Cabinet Members and officers who attend as contributors at the meetings, as well as the support staff. This year, I reiterate those thanks; as an authority, we continue to place a lot of reliance on you all, in your respective roles to make Overview & Scrutiny and thus our entire governance structure work effectively.

Councillor Aaron Shotton,
Leader of the Council

OBSERVATIONS FROM THE CHIEF EXECUTIVE – COLIN EVERETT



'Last year the Council opened itself up to the most intense scrutiny exercise yet. All in the interests of finding ways to balance the annual budget in a year where we had to find savings close to £20M – our biggest ever annual target.

In doing so we explored the efficiency and cost effectiveness of every service, questioned what we should continue to do as core services, tested out ideas for service change and transformation, tested the public appetite to recover costs through fees and charges, and continued our ambitious organisational reform programme to cut overhead costs and work more smartly . It was both a creative and a painful experience. By working together we were able to set an annual budget without compromising our values and principles and with all of the core local services remaining intact.

The Overview and Scrutiny Committees played a major part in agreeing a programme of reform and efficiency through a twin approach of challenge and support. Local people also played their part in contributing ideas during the *Our Moment* engagement campaign, and through standing up to be counted in supporting us when we said 'enough is enough' to continued national budget cuts of this scale. At the heart of all discussion was the desire to protect services and local community facilities which are critical to community life. Local communities played their part in stepping forward to work with us in new venture such as Community Asset Transfers and Alternative Delivery Models.

The years ahead will be challenging. Through strength of purpose we can continue to modernise the Council and find better and more efficient ways of doing things whilst maintaining our position as a well governed, high performing and progressive council.'

Colin Everett
Chief Executive

How a call in works

1. Background

During consideration of the Overview & Scrutiny Annual Report for 2014/15 at County Council, it was suggested that the next Annual Report should include a section on the use of call in. Therefore, this section identifies how a call in works, together with details of the items called in during 2015/16 and the results of the call in meetings.

The arrangements for calling in a decision are to be found in paragraph 16 of the Overview & Scrutiny Procedure Rules contained within the Council's Constitution. The legal authority is derived from section 21 (3) of the Local Government Act 2000.

The ability to call in a Cabinet decision is a significant power for non-executive members. It is not something which should be considered unless there is no alternative: if the power is over-used, or used in such a way as to be thought of as frivolous, its significance or importance would be lost.

During the 2015/16 municipal year, we held six call in meetings, as follows:

Organisational Change - 8th June - Medium Term Plan for Libraries – proposal to develop a new hub library at Deeside Leisure Centre and re-locate Hawarden, Mancot and Queensferry Libraries.

(Decision - That having considered the decision, the Overview & Scrutiny Committee was satisfied with the explanation that it had received and therefore the decision could be implemented.)

Environment - 19th July – Hope Household Recycling Centre

(Decision - That having considered the decision, the Overview & Scrutiny Committee was satisfied with the explanation that it had received and therefore the decision could be implemented.)

Education & Youth - 24th - August - School Modernisation – School Standards and Organisation Act 2013 - John Summers High School.

(Decision - That having considered the decision, the Committee was still concerned about it and referred it back to Cabinet for reconsideration.)

Environment - 13th - January - Hope Household Recycling Centre (HRC) Site

(Decision - That having considered the decision, the Overview and Scrutiny Committee was satisfied with the explanation received and the decision could be implemented).

Education & Youth - 28th April 2016, School Modernisation- School Standards and Reorganisation Act 2013- Ysgol Maes Edwin, Flint Mountain

(Decision - That having considered the decision, the Overview & Scrutiny Committee is still concerned about it and therefore refers the matter to Full Council).

Education & Youth - 28th April 2016, School Modernisation- School Standards and Reorganisation Act 2013- Ysgol, Llanfynydd.

(**Decision** - That, having considered the decision, the Overview & Scrutiny Committee is satisfied with the explanation which it has received, and it is in order for the decision to be implemented.)

2. Decisions of the Cabinet

Following a meeting of the Cabinet meets, the record of the decisions which it made is published within two days. Copies are available at County Hall, and are sent to all Members of the County Council.

The decision record bears the date on which it was published and specifies that the decision will come into force, and may then be implemented on the expiry of five working days after the publication of the decision, unless it is called in within those five working days after the publication of the decision

3. Calling in a Decision

If the Chief Officer (Governance) receives a request from the Chair of an Overview & Scrutiny committee or at least four members of the Council, (for the avoidance of doubt such a request should be on a call in notice form, giving the reason for the call-in, and signed by all parties) a call in meeting is arranged.

Either the Member Engagement Manager or one of the Overview & Scrutiny Facilitators notifies the decision takers (the relevant Cabinet members and Chief Officers) of the call-in, and then arranges a meeting of the appropriate committee within seven working days of the decision to call-in

4. The Call-in Meeting

By their nature, call-in meetings tend to be held at short notice (i.e. within seven working days of the call-in decision) and generally the only item of business to be transacted would be to deal with the call-in. However, from time to time it is expedient to consider a call in at a meeting which has already been convened.

There is a suggested procedure for dealing with a call in. This is intended to make the meeting as simple and transparent as possible.

The Chair asks the advising officer (this will be the Member Engagement Manager or one of the Overview & Scrutiny Facilitators) to briefly outline the call-in procedure for Members of the Committee, explaining the time constraints within the Constitution.

The initiators of the call-in (those who have signed the call in form) are then invited to explain and clarify their reasons for calling in the decision. This can be by means of a spokesman, or by several Members contributing.

The decision makers (the relevant Cabinet Members and Chief /senior officers) then have the opportunity to respond to the issues raised by the initiators and provide further information if they believe that it will assist the committee's understanding of the decision. Once this had taken place, the Chair invites questions from Members, and the decision-makers and call-in initiators are invited to respond as appropriate. At the end of Members'

questions, the Chair will ask the initiators and the decision makers to sum up their respective cases.

The advising officer then explains the Committee's options for decision, as detailed in the Constitution. The decision should include one of the four options given below.

Option 1

The Overview & Scrutiny Committee is satisfied with the explanation which it has received and so the decision can be implemented immediately.

Option 2

The Overview & Scrutiny Committee is 'no longer concerned', having received the explanations, but is not minded to indicate that it is 'satisfied with the explanation'. The decision can be implemented immediately and the committee will resolve that 'the explanation be accepted but not endorsed by the Overview & Scrutiny Committee'.

Option 3

The Overview & Scrutiny Committee is still concerned about the issues and refers it back to the Cabinet for reconsideration, giving the reasons why. The Cabinet must reconsider the decision at the earliest scheduled meeting, amending the decision or not, before adopting a final decision.

Option 4

The Overview & Scrutiny Committee is still concerned about the issues and decides to refer the matter to full Council. If it is apparent that the Committee is minded to take this approach, the advising officer will remind the Committee that 'executive functions' are solely within the remit of the Cabinet. The Council are able to consider the issue, but not change the decision: it can only recommend to Cabinet that the decision be reconsidered. If referred to full Council, the meeting must be held within 10 working days unless there is a scheduled meeting of the full Council at which the matter may be considered within the expiry of a further 5 working days.

There has only been one occasion where a decision has been referred to Council. That was on 28th April 2016 when the decision related to a report *School Modernisation- School Standards and Reorganisation Act 2013- Ysgol Maes Edwin, Flint Mountain*. This decision was considered by the Council on 10th May, where it was referred back to the Cabinet. The Cabinet reaffirmed its original decision at its meeting on 17th May 2016.

5. Reporting Back

After a call in meeting, there is always a report back to the next Cabinet explaining the decision which the Overview & Scrutiny committee has made.

COMMUNITY & ENTERPRISE OVERVIEW & SCRUTINY COMMITTEE



Chair
Cllr Ron Hampson



Vice-Chair
Cllr George Hardcastle

A review of the Overview & Scrutiny Structure, resulted in the Terms of Reference of the Committee being expanded to include scrutiny responsibility for the regeneration functions of the Environment Overview & Scrutiny Committee and the Revenues and Benefits functions of the Corporate Resources Overview & Scrutiny Committee.

The Committee continued to undertake pre-decision scrutiny and have been consulted on a number of initiatives, including, the Development of a Community Benefit Training Academy, the Strategic Housing and Regeneration Programme, the Framework for the Implementation of Local Lettings Policies, the Regional Economy and Growing the Local Economy.

Below is a summary of some of the topics the committee have considered over the last 12 months.

Work of Housing Associations

Grwp Cynefin Housing Association

In June, 2015, following an invitation from the Committee, Mr. Walis George and Mr. Rhys Davies of Grwp Cynefin Housing Association attending the meeting and gave a detailed presentation on their work in Flintshire. Key features of the presentation included, social rental homes, affordable homes, rural development and services for older people. Following the presentation, the Committee were given the opportunity to ask questions, which focused on the development of affordable housing and extra care facilities. The Committee welcomed the joint working between the Council and Grwp Cynefin Housing Association.

Update on Tenant Involvement

In July, 2015 the Committee considered a report on the approach to customer involvement within the Council Housing Service. Mr. John Ennis, Chair of the Flintshire Tenants and Residents Federation and Mr. Eddy Jones, Vice-Chair of the Flintshire Tenants and Residents Federation attended the meeting to provide the Committee with feedback from the tenant's perspective. Both Mr. Ennis and Mr. Jones spoke in support of the report and the support given to tenants by the Council. They also thanked the Committee for the opportunity to speak to Members on the work of the Tenants and Residents Federation. The Committee welcomed the work of the Council around customer involvement especially the social events held locally to engage with customers to promote the services and support available to both tenants and residents of the County and other visitors to the area.

Delivery of Outcomes of Recent Regeneration Programmes

In line with the revised Terms of Reference for the Committee, in November, 2015, we considered a report which provided an overview of the strategy for regeneration in Flintshire and a summary of the main regeneration programmes and projects delivered in Flintshire since 2010. The report was welcomed by Members of the Committee as it assisted them in gaining a better understanding of the regeneration programmes and projects and future direction of regeneration activity. The report was extremely positive, and the Committee will continue to monitor the development of future regeneration programmes through its forward work programme.

The Committee also requested further reports on the key areas of work being undertaken by the Council to maintain the economic success of Flintshire. This area of scrutiny was new to many Members of the Committee and therefore reports on growing the Local Economy presented throughout the year have been of benefit to the Committee in ensuring greater understating of the regeneration functions.

Introduction of Council Tax Premium for long term empty and second homes

In February, 2016, the Committee was consulted on proposals to introduce a local scheme to charge council tax premiums for long term empty properties and second homes. The report outlined the need to bring long term empty properties and second homes back into use to assist in addressing local housing need by increasing the supply of housing in the County. The Committee have, for some time, raised concerns around the need to increase the supply of housing and therefore welcomed the report and recommended its support to Cabinet.

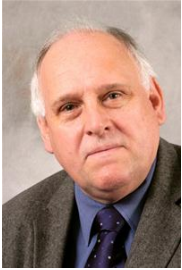
Welfare Reform

During 2015/16 the Committee continued to receive regular update reports on the impact of Welfare Reform and the actions taken locally to provide help and support to affected residents in Flintshire. The Committee have been concerned around the impact of Welfare Reform and have welcomed the early intervention steps being taken and will continue to receive update reports

Councillor Ron Hampson

Chair of the Housing Overview & Scrutiny Committee

CORPORATE RESOURCES OVERVIEW & SCRUTINY COMMITTEE



Chair
Cllr Clive Carver



Vice-Chair
Cllr Peter Curtis

Expanded Terms of Reference

Following on from the Overview & Scrutiny structural review, the committee's remit has been expanded to incorporate partnership working and has also become the statutory crime & disorder scrutiny committee. At the first meeting of the committee within the new terms of reference, it was suggested that a reference to 'achieving value for money' and the Medium Term Financial strategy and plan should be specifically included within the committee's terms of reference. This was subsequently agreed by the Constitution Committee and confirmed at Council on 23rd July

Budget Monitoring

This has always been one of the salient features of the committee's work: at our monthly meetings, we consider the budget monitoring reports before they go to Cabinet the following week. When we make observations or recommendations they are formally reported to the Cabinet as part of the presentation of the report. We also refer items to one of the other Overview & Scrutiny committee if we feel that an item within their remit, such as a service overspending, requires further investigation.

Medium Term Financial Strategy and Plan

Given the importance of this issue, it was reported on at each meeting during the autumn, with a written report in October and verbal updates at other meetings. The use of verbal reports on such topics means that the committee is provided with the most up to date information, which is invaluable.

Budget consultation

The approach to budget consultation has improved year on year, providing for greater member engagement and transparency in the process. In 2015/16, the Council held a series of informal all Member workshops starting in the summer, prior to more detailed presentations in November and December, specific briefings for political group leaders and overview & Scrutiny committee chairs and formal budget consultation meetings of Overview & Scrutiny committee in December and January.

Corporate Resources, as the lead Overview & Scrutiny committee for finance and resources issues held two all Member meetings, to ensure that those Members who are not currently on an overview & Scrutiny committee are able to have meaningful participation in the budget consultation process.

Crime & Disorder issues

Fulfilling our responsibilities as the Council's statutory crime & disorder committee under the Crime & Disorder Act 1998 and the Crime & Disorder (Overview & Scrutiny) Regulations 2009, we held two meetings to specifically consider crime & disorder issues.

On an annual basis, the committee considers the Corporate Community Safety Plan Annual Update Report. At our September meeting, which was attended by the relevant Cabinet Members and council officers, in addition to the Chief Inspector responsible for the eastern (Flintshire & Wrexham) division of North Wales Police Mr Winston Roddick, the Police & Crime Commissioner, Mr Julian Sandham, his deputy and Mr Stephen Hughes, the Acting Chief Executive of the Police & Crime Commissioner's Office attended the December meeting to consult on the contents of the Crime & Policing Plan for 2016/17. Discussions which took place during this meeting led to a presentation on the 101 non-emergency number being given to the March meeting by Superintendent Alex Goss.

External scrutiny

Following a suggestion earlier in the year, Ms Alwen Williams BT regional director attended the April meeting of the committee. She gave a full presentation and responded to a wide range of member questions and concerns. These included progress with Wales Superfast and fibre coverage: Flintshire has a higher percentage of 30Mbps coverage than most of Wales, currently at 85.7%.

The North Wales Fire & Rescue Service and Authority, represented by the Deputy Chair, Cllr Peter Lewis, the Chief Fire Officer, Simon Smith and the Assistant Chief Fire Officer, Ruth Simmons gave a presentation on the consultation document 'Your services, Your Choices.'

The newly appointed regional manager for the North Wales Emergency Planning Service, Neil Culff gave a progress report on his service to the April meeting.

Use of consultants

This item was considered at the express request of the Chair following earlier concerns at an audit of the use of consultants. It had transpired that the issue had been clouded by the imprecise use of the term 'consultant', which had led to a significant degree of the wrong financial codes being used to process payments.

Following extensive discussion, the committee was able to resolve that it was assured by the explanations given on the purpose of consultants, the control of the total cost and how value for money was obtained from current commissioning and management practice. In addition, it was agreed that analysis of the expenditure on consultants be provided to the committee at a subsequent meeting and then on an annual basis.

Councillor Clive Carver

Chair of the Corporate Resources Overview & Scrutiny Committee

DRAFT

EDUCATION & YOUTH OVERVIEW & SCRUTINY COMMITTEE



Chair
Cllr Ian Roberts



Vice-Chair
Mr. David Hytch

A review of the Overview & Scrutiny Structure, resulted in the Terms of Reference of the Committee being amended. The Committee is now responsible solely for Education and Youth Service issues and issues such as Leisure and Library Services were now within the remit of the Organisational Change Overview & Scrutiny Committee. When considering the revised Terms of Reference, a number of concerns were raised around the removal of the Leisure and Library Services and the Committee recommended that it be fully informed of any future issues arising around dual use leisure centres where there would be an impact on schools.

The Committee continued to undertake pre-decision scrutiny and have been consulted on a number of initiatives, including, the Welsh in Education Strategic Plan, School Service Level Agreement (Property Repair and Maintenance) and Early Entitlement – Changes to Delivery of Teacher Support to Approved Settings.

Below is a summary of the work undertaken by the Committee over the last 12 months, focusing on the School Modernisation Strategy:-

School Modernisation Strategy

School Modernisation – School Standards and Reorganisation Act 2013 – John Summers High School

In July 2015 the Committee considered the responses from the statutory consultation period on the sustainability of John Summers High School, and options for future education provision, prior to Cabinet being requested to conclude on a formal proposal.

I invited the local Member, Councillor Wisinger, to address the Committee in order to outline the comments and concerns to the proposal which he had received from local residents around transport, transitional arrangements and pupil numbers. The Committee Members, during a detailed and lengthy debate, raised similar concerns on pupil transfer and transition arrangements, transport, redeployment of teaching staff and teaching and support expertise, and support for new uniform provision, which were all fed back to Cabinet.

Following consideration by Cabinet, their decision was subsequently called in and the Committee re-considered the proposals at a call-in meeting held in August, 2015. Many members of the public were in attendance to listen to the debate and Committee question the decision makers. Following a lengthy debate the Committee resolved that having

considered the decision, the Committee was still concerned about it and referred it back to Cabinet for reconsideration.

School Modernisation – School Standards and Reorganisation Act 2013 – Ysgol Maes Edwin

In January 2016, the Committee considered the responses from the statutory consultation period for the proposal to close Ysgol Maes Edwin, Flint Mountain prior to Cabinet being requested to conclude on a formal proposal. During a lengthy debate, the Committee raised many concerns to the proposals, which centred around the opportunities given to the school to establish a federation and the impact of the proposals on parents and vulnerable learner groups.

We recommended that the Committee recommend to Cabinet that the process be suspended for two months to allow the opportunity for federation to be reviewed; and that the comments made by the Committee be presented to Cabinet to inform their consideration of the proposal.

School Modernisation – School Standards and Reorganisation Act 2013 – Ysgol Llanfynydd

In January 2016, the Committee considered the responses from the statutory consultation period for the proposal to close Ysgol Llanfynydd. During a lengthy debate, the Committee raised many concerns to the proposals, which centred on available school places at neighbouring schools, the impact of the proposals on vulnerable learner groups and the community and future transport arrangements.

The report prompted a debate on the school funding formula, with the Committee seeking a review of the current formula. The Committee will be receiving a report on a review of what budget goes to schools compared to what is actually spent and the work of the School Budget Forum around school budgets.

We recommended that the comments made by the Committee be presented to Cabinet to inform their consideration of the proposal.

Following consideration of the above items, I have thanked the Committee Members for the way they have conducted themselves during these difficult meetings. The Committee also agreed that it would continue to monitor the transition arrangements following the closure of the schools and also continue to receive regular updates on School Modernisation.

Councillor Ian Roberts

Chair of the Lifelong Learning Overview & Scrutiny

ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE



Chair
Cllr Veronica Gay



Vice-Chair
Cllr David Evans

The Environment Overview and Scrutiny Committee has had another busy year and has scrutinised a wide range of topics as listed in Appendix 1 of the report.

One of the highlights was the meeting of the committee held at Wepre Park in Connah's Quay. Prior to the start of the meeting, the Committee were given an enlightening presentation from Sarah Jeffery, the Heritage Lottery Fund Project Manager, on the history of Wepre Park and various projects undertaken. Wepre park has benefitted significantly from a Heritage Lottery fund grant was received to recreate the estate's formal garden and lawns as well as a kitchen garden and woodland garden. Volunteers have worked alongside officer to bring the plans to fruition and Members were extremely pleased with the results. The meeting facilities were also impressive within the visitor centre and provided an ideal venue for the Committee to meet outside of County Hall.

We received a very informative presentation from representatives of Natural Resources Wales. During an overview of partnership work, Members were informed how the Halkyn Mountain Ranger works closely with Natural Resources Wales. Another good example given was the Countryside team working on improvements to the Wales coastal path.

As a Committee we had raised concerns regarding invasive species including Himalayan Balsam. Natural Resources Wales advised that more funding would be required to support the Dee Invasive project to tackle the various invasive species.

We were also given an update on the second cycle of the Water Framework Directive and a range of improvements which had been carried out on the River Alyn, together with the various work streams covered by Environmental Regulations.

The Committee have been reviewing the impact of service changes following the implementation of new operating models, reviews of team resources in line with the Councils organisational design principles and modernised service delivery. The committee were actively involved in the budget planning process with Member workshops and drop-in sessions being held prior to consideration at our budget meeting in January. Some of the

areas that have been considered include: - the introduction of a revised car parking policy, street lighting policy, grass cutting policy and rationalisation of household recycling centres.

Another area that the Committee have requested updates on has been the County wide Speed Limit Review for the classified A & B road network. The committee were informed that a revised programme was needed to ensure the project was completed. Following the changes the committee have received verbal updates and have been reassured that appropriate progress has been achieved.

The Committee also continue to receive quarterly performance reports enabling the committee to fulfil their scrutiny role in relation to performance monitoring.

Councillor Veronica Gay
Chair of the Environment O & S Committee



Chair
Cllr David Roney



Vice-Chair
Cllr Brian Dunn

Terms of reference and ways of working

Following on from the extensive review of the Overview & Scrutiny committee structure which was undertaken during the latter part of 2014/15, five of the Overview & Scrutiny committees can be seen as direct successors of committees in the previous structure. They have an emphasis on the services delivered within portfolios and concentrate on ensuring the effectiveness of service delivery, monitoring performance and contributing to the development of specific policies.

The Organisational Change Overview & Scrutiny committee is predicated on the need for fundamental changes to how the Authority carries out some of its functions. Within the Organisational Change portfolios there is a wide range of services: Engineering Services; Property & Design Consultancy; Valuation & Estates; Facilities services; Community Assets; Theatr Clwyd; Libraries, Culture and heritage including archives and museums and Leisure Services which includes leisure and sports centres, swimming pools and recreational facilities/activities

The commonality between them is an earlier recognition that their delivery in the 'traditional' form was not sustainable and that alternative delivery models would be necessary in order to safeguard those services for the future.

In many ways, the approach to scrutiny within Organisational Change, which is thematic rather than services specific is closer in ethos to that which was used in Flintshire during the initial period of Overview & Scrutiny in 2001- 2002. At that stage, there was a conscious decision to be different from the service committees which many of the Members and Officers had worked with for many years and were both familiar and comfortable with. However, the Local Government Act 2000 had taken decision making from the number of committees within each Council to concentrate those powers in the Executive or Cabinet. The emphasis for Overview & Scrutiny was intended to be far focussed on policy development.

From the onset, it was apparent that the Organisational Change Overview & Scrutiny would need to be involved in specific projects at a much earlier stage of their development, contributing to how changes would be made.

Libraries call in

Following the decision of the Cabinet on the creation of a hub library at Deeside Leisure Centre and the relocation of the libraries from Hawarden, Mancot and Queensferry, the inaugural meeting of the committee was a call in meeting. A separate article within this Annual Report deals with how call in operates.

Theatr Clwyd

The theatre was considered at two meetings, the first of which was held at the theatre and included a behind the scenes tour of the facilities. The committee was introduced to the recently appointed Artistic Director, Tamara Harvey. In March, a progress report on the Business Plan was given and the committee was satisfied with the progress which had been made and that the modernisation and operational changes provide a sustainable model for the future.

Alternative Delivery Models (ADM)

It was recognised that an understanding of alternative delivery models and how they were being considered for Flintshire was much wider than the Organisational Change Overview & Scrutiny committee. Therefore, an all member workshop was offered and well attended in June.

At a meeting in April, the Chief Officers provided the committee with details of the national context for alternative delivery models, where it transpired, Flintshire is generally ahead of other local authorities in tackling this issue.

Working towards Alternative delivery models for Council Services

The development of alternative delivery Models and the use of Community Asset transfer are the salient features of the authority's approach to Organisational change and hence for the committee. During the year, the committee considered initial reports on the establishment of a range of different alternative delivery models such as mutual/co-operatives for retained commercial facilities, TECKAL Company (which would be wholly owned by the Council but have the ability to trade to a limited degree with other agencies).

Examples of service areas where this approach is being considered include Leisure, Libraries and Facility Management Services and aspects of Social Care.

Establishing 'Intelligent client' approaches for Valuation, Property and Estates

This envisages an increased commissioning role, working through strategic framework contacts where appropriate, rather than direct in house delivery within the Property and Capital Delivery services. The approach was supported at the November meeting.

Community Asset Transfer

At the March meeting, which was held in the hall at the Gwernymynydd Village Centre, a review of Community Asset transfer progress was given. To provide practical examples of the journey for successful applicants, representatives of Cambrian Aquatics (Connah's Quay Swimming Pool,) Caffi Isa (Mynydd Isa community Centre and Library) and the Gwernymynydd Village Centre attended the meeting and gave Members the benefit of their experience.

Councillor David Roney

Chair of the Organisational Change Overview & Scrutiny Committee

DRAFT

SOCIAL & HEALTH CARE OVERVIEW & SCRUTINY COMMITTEE



Chair
Cllr Carol Ellis



Vice-Chair
Cllr Andy Dunbobbin

The Committee continues to undertake effective scrutiny of health and social care and actively works to ensure the work programme is aligned to the corporate priorities and improvement objectives of the Council. Items scrutinised include: safeguarding (children and adults), the care sector and looked after children (jointly with Education and Youth Committee for educational attainment). The committee works well as a team and a fairly consistent membership over the last 4 years has helped ensure scrutiny is mature, meaningful and focused on outcomes. A full list of items considered at scrutiny is listed in appendix 1.

One of the Committees' key concerns during the last 12 months has been the sustainability of the Care Sector including residential/nursing homes and domiciliary care services. The Committee arranged a special meeting with relevant stakeholders including Betsi Cadwaladr University Health Board, representatives of independent care homes and domiciliary care providers who assist Flintshire residents with independent living.

With Independent Care homes offering 700 places and employing 1000 people in the care sector, the challenges faced by the sector due to the living wage which has not brought additional funding, include difficulties recruiting and retaining staff.

There was a commitment from all parties to work together to find local solutions to ensure a sustainable future for the care sector at a time when demands for services are expected to increase due to the ageing population.

Dementia Awareness

As a committee we had undertaken Dementia Friendly Training in April 2015 and became Dementia Friends. In order to continue our learning and further our understanding, we took part in the 'One Page Profiles' initiative in August 2015. This gave members of the committee the opportunity to understand the benefits of the 'One Page Profile' which can help family, friends or staff better understand of the person and how to support them. The process identifies what staff need to know about the person they are providing a service to and also if they were admitted into hospital.

We all found about a bit more about each other as the Social & Health Care Overview and Scrutiny Committee by answering three questions – What is important to me? What others like and admire about me? How to best support me?

The session demonstrated that to support someone well, you must first get to know them. The one page profile presents information in a simple way that can be quickly understood which the committee welcomed.

Members of the Committee also undertake Rota Visits which gives an opportunity to visit social care establishments and are focused on the wellbeing of service users.

Councillor Carol Ellis

Chair of the Social & Health Overview & Scrutiny Committee

DRAFT

COMMUNITY & ENTERPRISE OVERVIEW & SCRUTINY COMMITTEE

Chair: Councillor Ron Hampson

Councillors: Amanda Bragg, Paul Cunningham, Peter Curtis, Ron Davies, Rosetta Dolphin, Ian Dunbar, Jim Falshaw, George Hardcastle, Ray Hughes, Hilary Isherwood, Brian Lloyd, Vicky Perfect, Mike Reece and Gareth Roberts

Wednesday, 20th May, 2015

Terms of Reference of the Committee

Welfare Reform update

Welsh Government Consultation on Council Tax Premiums for Second Homes and Long Term Empty

Delivery of the Housing Regeneration & Strategy Service

Monday, 1st June, 2015

Work of Grwp Cynefin Housing Association (Presentation)

Update on North East Wales Homes & Property Management allocation of sheltered accommodation

Wednesday, 8th July, 2015

Update on Tenant Involvement

Year End Chief Officer Performance Report

Year End Improvement Plan Monitoring Reports

Community and Enterprise Service Re-Structure

Wednesday, 2nd September, 2015

Housing Revenue Account (HRA) and Self-Financing Arrears - Council Housing

The Development of a Community Benefit Training Academy

Quarter 1 – Improvement Plan Monitoring Report

Wednesday 7th October 2015

New Homes Business Plan 2015/20

Welfare Reform - Phase II

Council House Allocations Service

Wednesday 4th November 2015

Delivery And Outcomes Of Recent Regeneration Programmes

Growing The Local Economy

Framework for the Implementation of Local Lettings Policies

Alternative sites for the Extra Care Facility in Holywell

Wednesday 9th December 2015

Service Charges

Approval to Apply to Welsh Government for Suspension of The Right to Buy in Flintshire

Quarter 2 Improvement Plan Monitoring Reports

Thursday 17th December 2015

Council Fund Revenue Budget 2016/2017 Consultation

Tuesday 12th January 2016

Strategic Housing And Regeneration Project (SHARP)
Flintshire Business Week 2015 (FBW15)

Tuesday 15th January 2016

Housing Revenue Account Draft Budget And Rent Increase

Wednesday 10th February 2016

Introduction of Council Tax Premium for long term empty and second homes
Council Tax & Business Rate Statutory Policies
Flintshire Social and Affordable Housing Delivery
Flintshire Supporting People Commissioning Plan

Wednesday 16th March 2016

Regional Economy
Quarter 3 Improvement Plan Monitoring Reports
Council Housing Service - Housing Management Restructure
Housing Programmes Restructure

Wednesday 13th April 2016

New Homes Business Plan 2016/21
Housing (Wales) Act 2014
Communities First

Monday 9th May 2016

SHARP - The Walks, Flint Council Housing Development
Welsh Housing Quality Standard Compliance Policy - Verification and Maintaining the Standard
Improvement Plan 2016/17

CORPORATE RESOURCES OVERVIEW & SCRUTINY COMMITTEE

Chair: Councillor Clive Carver

Councillors: Marion Bateman, Peter Curtis, Andy Dunbobbin, Robin Guest, Ron Hampson, Richard Jones, Brian Lloyd, Richard Lloyd, Vicky Perfect, David Roney, Ian Smith, Nigel Steele-Mortimer, Carolyn Thomas and Arnold Woolley.

Thursday, 14th May, 2015

Terms of Reference of the Committee

Thursday, 11th June, 2015

Improvement Plan 2015/16
Year End Improvement Plan Monitoring

Year End Chief Officer Performance Reports
Customer Services and Call Handling Update
Revenue Budget Monitoring 2014/15 (Month 12)

Monday, 13th July, 2015

Medium Term Financial Strategy
Revenue Budget Monitoring 2015/16
Revenue and Capital Budget Monitoring 2014/15 (outturn)
Management of the Workforce Change Programme
Single Status Closure Report
Restructure of ICT Service

Thursday, 10th September, 2015

Corporate Community Safety Plan Annual Update Report
LSB & Strategic Partnerships Performance - End of Year Report 2014/15
Medium Term Financial Strategy
Revenue Budget Monitoring (Month 3)
Quarter 1 – Improvement Plan Monitoring Report
Functions of the Elections Team and Individual Electoral Registration

Thursday 8th October 2015

Medium Term Financial Strategy
Revenue Budget Monitoring 2015/16 (Month 4) and Capital Programme 2015/16 (Month 4)
Workforce Information Q1

Thursday 12th November 2015

North Wales Fire & Rescue Authority - Consultation: 'Your Services, Your Choices'
Medium Term Financial Strategy
Revenue Budget Monitoring 2015/16 (Month 5)
Workforce Information Quarter 2

Thursday 10th December 2015

Police & Crime Commissioner: Consultation On The Crime & Policing Plan For 2016/17
Medium Term Financial Strategy
Revenue Budget Monitoring 2015/16 (Month 6) and Capital Programme Monitoring (Month 6)
Period 5 - Overspend In The Streetscene and Transportation Portfolio
Quarter 2 Improvement Plan Monitoring Report

Friday 18th December (morning)

Council Fund Revenue Budget 2016/17 Consultation

Friday 18th December (afternoon – All Member meeting)

Council Fund Revenue Budget 2016/17
Draft Capital Strategy And Asset Management Plan 2015 - 2020
Capital Programme 2016/17 - 2019/20: Overview

Thursday 14th January 2016

Medium Term Financial Strategy
Provisional Local Government Settlement

Revenue Budget Monitoring 2015/16 (Month 7)

Friday, 29th January, 2016 – all Member meeting
Council Fund Revenue Budget 2016/17 consultation

Thursday 11th February 2016

LSB Flintshire Local Service Board and Strategic Partnership Performance – Mid Year Monitoring
Revenue Budget Monitoring 2015/16 (month 8)

Thursday 17th March 2016

101 Service Presentation By North Wales Police
Use of Consultants

Revenue Budget Monitoring (Month 9) And Capital Programme Monitoring (Month 9)
Quarter 3 Improvement Plan Monitoring Report
Workforce Information Report - Quarter 3 2015/16

Thursday 14th April 2016

Emergency Planning Service Update
Revenue Budget Monitoring 2015/16 (Month 10)
Presentation by Regional Director of BT

EDUCATION & YOUTH OVERVIEW & SCRUTINY COMMITTEE

Chair: Councillor Ian Roberts

Councillors: Marion Bateman, Paul Cunningham, Peter Curtis, Adele Davies-Cooke, Andy Dunbobbin, David Healey, Ray Hughes, Colin Legg, Phil Lightfoot, Dave Mackie, Nancy Matthews, Vicky Perfect, Nigel Steele-Mortimer and Carolyn Thomas,

Co-opted Members

Janine Beggan, David Hytch, Rita Price, Rebecca Stark and Reverend John Thelwell

Monday, 15th June, 2015

Terms of Reference of the Committee
School Modernisation Reviews

Thursday, 9th July, 2015

School Improvement Strategy
Year End Chief Officer Performance Report
Year End Improvement Plan Monitoring Reports
Education for all Task & Finish Group

Thursday, 30th July, 2015

School Modernisation - School Standards and Organisation Act 2013 - John Summers High School, Post 16 Statutory proposals

School Modernisation - School Standards and Organisation Act 2013 - Saltney St David's, Post 16 Statutory Proposals
Education ICT Review
Education and Youth Senior Management Restructure

Monday, 24th August, 2015 - call in meeting

School Modernisation - School Standards and Organisation Act 2013 - John Summers High School

Thursday 17th September 2015

School Modernisation – verbal update
Update on the Flintshire Integrated Youth Provision (IYP) Delivery and Collaborative Service Model
Quarter 1 – Improvement Plan Monitoring Reports
School Transport Policy – Task & Finish Group
School Service Level Agreement (Property Repair and Maintenance)

Thursday 3rd December 2015

School Reserves as at the 31 March 2015
Update from School Standards Monitoring Group
Quarter 2 Improvement Plan Monitoring Report

Tuesday 15th December 2015

Council Fund Revenue Budget 2016/2017 consultation

Wednesday 6th January 2016 (morning)

School Modernisation - School Standards And Reorganisation Action 2013 - Ysgol Maes Edwin

Wednesday 6th January 2016 (afternoon)

School Modernisation - School Standards and Reorganisation Action 2013 - Ysgol Llanfynydd
School Governor Vacancies

Tuesday 19th January 2016

2016/17 Budget for the Education & Youth Portfolio

Tuesday 15th March 2016

Welsh in Education Strategic Plan
Self-Evaluation of Education Services
Early Entitlement - Changes to Delivery of Teacher Support to Approved Settings

Thursday 28th April 2016

Post 16 Education Centre
The Improvement Plan 2016/17
Quarter 3 Improvement Plan Monitoring Report
Recommendations from the School Transport Task & Finish Group

ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

Chair: Councillor Veronica Gay

Councillors: Haydn Bateman, Ron Davies, Glenys Diskin, Chris Dolphin, David Evans, Cindy Hinds, Ray Hughes, Hilary Isherwood, Joe Johnson, Colin Legg, Brian Lloyd, Nancy Matthews, Ann Minshull and Paul Shotton.

Thursday, 4th June, 2015

Terms of Reference of the Committee
Highways Asset Management Planning (HAMP) and Local Subsidence Schemes
Speed Limit Review

Friday, 10th July, 2015 Call in meeting

Hope Household Recycling Centre

Wednesday, 15th July, 2015

Vehicle Management System Policy
Year End Chief Officer Performance Report
Year End Improvement Plan Monitoring Report

Wednesday, 16th September, 2015

Review of Winter Maintenance
Introduction of Zero Tolerance for Littering
Speed Limit Review
Quarter 1 – Improvement Plan Monitoring Reports

Wednesday 21st October 2015

Verbal update on North Wales Residual Waste Project
Review of the Consultation Process for introducing Traffic Calming and other Highway Traffic and Safety Features on the highway

Thursday 3rd December 2015

Natural Resources Wales
Countryside Access Management System (Cams)
Q2 - Mid Year Improvement Plan Monitoring Report

Monday 7th January 2016

Council Fund Revenue Budget 2016/2017

Wednesday 13th January 2016 (Call in)

Hope Household Recycling Centre (HRC) Site
Public Conveniences
Bus Subsidy Proposals

Thursday 17th March 2016

Policy for Display of 'A' Board Advertisements – Pilot Scheme for Mold Town Centre
Business Case for Solar Farms at Brookhill and Standard Landfill Sites
Quarter 3 Improvement Plan Monitoring Report

Wednesday 13th April 2016

Design of Drainage for New Development Sites
Regional Rail Issues

Update on Progress made to introduce an Integrated Transport Unit

ORGANISATIONAL CHANGE OVERVIEW & SCRUTINY COMMITTEE

Chair: Councillor David Roney

Councillors: Clive Carver, Glenys Diskin, Chris Dolphin, Ian Dunbar, Andy Dunbobbin, Brian Dunn, Robin Guest, Ron Hampson, Dave Mackie, Mike Reece, Tony Sharps, Paul Shotton, Nigel Steele-Mortimer and Carolyn Thomas

Monday 8th June 2015 – Call in meeting.

Medium Term Plan for Libraries – proposal to develop a new hub library at Deeside Leisure centre and relocate Hawarden, Mancot and Queensferry Libraries.

Monday, 15th June, 2015

Year End Improvement Plan Monitoring reports
Year End Chief Officer Performance reports

Tuesday, 21st July, 2015

Community Asset Transfers

Monday 28th September 2015

Clwyd Theatr Cymru Progress Report
Alternative Delivery Models: Leisure, Libraries and Facility Management Services
Quarter 1 – Improvement Plan Monitoring Reports

Monday 2nd November 2015

The role of the Committee in supporting Organisational Change
Alternative Delivery Model Business Plans for Social Care
Establishing 'Intelligent Client' Approaches for Valuation, Property and Estates

Tuesday 8th December 2015

Council Fund Revenue Budget 2016/2017 Consultation

Monday 11th January 2016

Q2 - Mid Year Improvement Plan Monitoring Report
Medium Term Libraries Plan - An Assessment of the feasibility of the Community Asset Transfer of rural Libraries

Monday 15th February 2016

Alternative Delivery Models

Tuesday 29th March 2016

Community Asset Transfers
Play Sufficiency Assessment 2016 including future plans for Consulting on Summer Play

Schemes and Play Areas
2015/16 Q3 Improvement Plan Monitoring

26th April 2016

Theatr Clwyd Progress Report
Welsh Public Library Standards
Alternative Delivery Models - The National Context
Improvement Plan 2016/17

**JOINT MEETINGS OF THE EDUCATION AND YOUTH AND SOCIAL AND HEALTH
OVERVIEW AND SCRUTINY COMMITTEES**

Thursday, 4th June, 2015

Corporate Parenting and Safeguarding and Child Protection
Children & Young People's Partnership and Flying Start programme
Hearing Impairment for Adults and Children

Thursday, 24th March, 2016

Educational Attainment of Looked after Children in Flintshire
Safeguarding and Child Protection
Early Years and Family Support Service Annual Update
Corporate Parenting

SOCIAL & HEALTHCARE OVERVIEW & SCRUTINY COMMITTEE

Chair: Councillor Carol Ellis

Councillors: Adele Davies-Cooke, Andy Dunbobbin, Veronica Gay, David Healey,
Cindy Hinds, Hilary Isherwood, Brian Lloyd, Mike Lowe, Hilary McGuill, Dave Mackie,
Mike Reece, Ian Smith, Carolyn Thomas and David Wisinger

Thursday, 14th May, 2015

Terms of Reference of the Committee
Annual Council Reporting Framework
Older People Strategy and Associated Developments
Melrose Consultation

Thursday, 18th June, 2015

Annual Report on the Social Services Representations and Complaints Procedure 2014-15
Year End Chief Officer Performance Report.
Year End Improvement Plan Monitoring reports

Thursday, 23rd July, 2015

CSSIW Safeguarding and Care Planning Looked after Children Progress Report to include
update on the demands on Children's Services

Fostering Services Inspection Report

Thursday 22nd September 2015

Review of Adoption Services Following Implementation
Review of Residential Care Home Provision in Flintshire
Melrose Centre Update
Quarter 1 – Improvement Plan Monitoring Reports

Thursday 5th November 2015

Children Services Inspection Report
Learning Disability Work Streams - 1) Change Options for Supported Living Service and 2)
Alternative Delivery Models - Day Services Learning Disabilities

Friday, 11th December, 2015

Council Fund Revenue Budget 2016/2017 consultation

Thursday 17 December 2015

Social Service Wellbeing Act Update
Q2 - Mid Year Improvement Plan Monitoring Report

Thursday 21st January 2016

CSSIW Annual Performance Report 2014/15
Adult Safeguarding Report
Extra Care Housing

Thursday 3rd March 2016

Rota Visits
CSSIW Inspection of Children's Services in Flintshire Progress update

22nd April 2016

Residential Care Review
2015/16 Q3 Improvement Plan Monitoring

Key:

C & E = Community & Enterprise Overview & Scrutiny Committee

CR = Corporate Resources Overview & Scrutiny Committee

E & Y = Education & Youth Overview & Scrutiny Committee

E = Environment Overview & Scrutiny Committee

OC = Organisational Change Overview & Scrutiny Committee

S&HC = Social and Health Care Overview & Scrutiny Committee

APPENDIX 2

OVERVIEW & SCRUTINY OFFICER SUPPORT

The support which Overview & Scrutiny enjoys from officers across the Council is essential to ensure its smooth and effective running.

OVERVIEW & SCRUTINY SUPPORT

The Scrutiny Team are:-

- ❖ Robert Robins – Member Engagement Manager
(principally supporting the Corporate Resources and Organisational Change Overview & Scrutiny Committees).
- ❖ Margaret Parry-Jones – Overview & Scrutiny Facilitator
(principally supporting the Environment and Social & Health Care Overview & Scrutiny Committees)
- ❖ Ceri Shotton – Overview & Scrutiny Facilitator
(principally supporting the Community & Enterprise and Education & Youth Overview & Scrutiny Committees).
- ❖ Janet Kelly – Overview & Scrutiny Support Officer
(supporting the Overview & Scrutiny Team and task & finish groups)

The team are an independent resource supporting the scrutiny function and its members:

Advising on the strategic direction and development of the scrutiny function;

- Co-ordinating the work programmes for the six Overview & Scrutiny Committees;
- Advising, supporting and assisting in the development of scrutiny members;
- Undertaking research and information analysis to help inform reviews;
- Producing reports and presentations on behalf of Members;
- Offering independent advice and guidance in relation to policy development and performance management;
- Acting as a key contact point to Members, officers, external organisations and the public in relation to scrutiny matters; and facilitating task & finish groups