

**Time and Date**

2.00 pm on Tuesday, 5th December, 2023

Place

Council Chamber - Council House

1. **Apologies**
2. **Minutes of the Meeting held on 17 October 2023** (Pages 5 - 12)
3. **Return of Councillor Dr Lynnette Kelly, elected as Labour Councillor for Earlsdon Ward in the City, on 26 October 2023, for a term of office expiring in 2026**
4. **Correspondence and Announcements of the Lord Mayor**
5. **Petitions**
6. **Declarations of Interest**

Matter Left for Determination by the City Council/Recommendations for the City Council. It is anticipated that the following matter will be referred as Recommendations from the meeting of Cabinet Member for Policing and Equalities held on 4 December 2023. The report is attached, the relevant Recommendations will be circulated separately.

7. **Proposed Amendments for the Constitution** (Pages 13 - 76)

Items for Consideration

8. **Amendments to Appointments** (Pages 77 - 80)
Report of the Chief Legal Officer
9. **Delivery of a Future "Best in Class" Refuse Collection Service for Coventry** (Pages 81 - 88)
Report of the Director of Streetscene and Regulatory Services

Item for Noting

10. **Exercise of Emergency Functions** (Pages 89 - 92)
Report of the Chief Executive

11. **Question Time** (Pages 93 - 94)

- (a) Written Question – Booklet 1
- (b) Oral Questions to Chairs of Scrutiny Boards/Chair of Scrutiny Co-ordination Committee
- (c) Oral Questions to Chairs of other meetings
- (d) Oral Questions to Representatives on Outside Bodies
- (e) Oral Questions to Cabinet Members and Deputy Cabinet Members on any matter

12. **Statements (if any)**

13. **Debates**

13.1 To be moved by **Councillor P Male** and seconded by **Councillor G Ridley**

“In light of Coventry’s recent experience hosting the City of Culture, this Council calls upon the Government to review the governance arrangements for future events”.

13.2 To be moved by **Councillor R Brown** and seconded by **Councillor N Akhtar**

“Since 2010 Coventry City Council has suffered drastic funding cuts of over £100m per year. At £678 per household these cuts are significantly more than the national average of £581 per household. Funding levels per head in Coventry are now at £89 below the national average.

This means that Coventry people are being “short-changed” by this Conservative government by £31m each year with a funding level also well below the average for the West Midlands region.

Although this Labour led council has managed its finances with prudence and robust control over the last 13 years, rising demand pressures in social care operating within deregulated markets overlaid by soaring inflation has seen our ability to deliver a balanced budget, whilst protecting the most vulnerable, severely compromised. Coventry people should not have to suffer unduly for 13 years of Tory failure.

This council calls on government to immediately level up per capita funding to national average levels”.

13.3 To be moved by **Councillor S Gray** and seconded by **Councillor E Reeves**

“This council welcomes the fact that the new recycling plant at Whitley is now in operation.

It therefore commits to making every reasonable effort to increase the proportion of waste that is reused and recycled, and to ensure that the plant is used to its full capacity. It also commits to making every reasonable effort to reduce the amount of carbon emissions and other forms of pollution produced by our waste management operations”.

Julie Newman, Chief Legal Officer, Council House, Coventry
Monday, 27 November 2023

Note: The person to contact about the agenda and documents for this meeting is Suzanne Bennett/Usha Patel tele: 024 7697 2302 / 2299
E mail Suzanne.bennett@coventry.gov.uk Usha.Patel@coventry.gov.uk

Membership: Councillors F Abbott, S Agboola, N Akhtar, P Akhtar, M Ali, R Bailey, L Bigham, J Birdi (Chair), J Blundell, R Brown, K Caan, G Duggins, J Gardiner, S Gray, L Harvard, G Hayre, M Heaven, P Hetherington, A Hopkins, J Innes, T Jandu, A Jobbar, A Kaur, L Kelly, S Keough, T Khan, AS Khan, R Lakha, R Lancaster, M Lapsa, J Lepoidevin, G Lloyd, P Male, A Masih, K Maton, J McNicholas, C Miks, B Mosterman, M Mutton (Deputy Chair), S Nazir, J O'Boyle, E M Reeves, G Ridley, E Ruane, K Sandhu, T Sawdon, P Seaman, R Simpson, B Singh, R Singh, R Thay, CE Thomas, A Tucker and D Welsh

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Coventry City Council

Minutes of the Meeting of Council held at 2.00 pm on Tuesday, 17 October 2023

Present:

Members: Councillor J Birdi (Chair)

Councillor F Abbott	Councillor R Lancaster
Councillor S Agboola	Councillor J Lepoidevin
Councillor N Akhtar	Councillor G Lloyd
Councillor P Akhtar	Councillor P Male
Councillor M Ali	Councillor A Masih
Councillor L Bigham	Councillor K Maton
Councillor J Blundell	Councillor J McNicholas
Councillor R Brown	Councillor B Mosterman
Councillor K Caan	Councillor M Mutton
Councillor G Duggins	Councillor J O'Boyle
Councillor S Gray	Councillor E M Reeves
Councillor L Harvard	Councillor G Ridley
Councillor G Hayre	Councillor K Sandhu
Councillor M Heaven	Councillor T Sawdon
Councillor P Hetherton	Councillor P Seaman
Councillor A Hopkins	Councillor B Singh
Councillor J Innes	Councillor R Singh
Councillor A Jobbar	Councillor R Thay
Councillor A Kaur	Councillor CE Thomas
Councillor S Keough	Councillor A Tucker
Councillor T Khan	Councillor D Welsh
Councillor AS Khan	
Councillor R Lakha	

Honorary Alderman: J Clifford, D Skinner

Apologies: Councillor R Bailey, J Gardiner, T Jandu, M Lapsa, C Miks, S Nazir, E Ruane and R Simpson
Honorary Alderman H. Fitzpatrick, M Hammon, T Skpper, K Taylor

Public Business

60. Minutes of the Meeting held on 5 September 2023

The minutes of the Meeting held on 5 September 2023 were signed as a true record.

61. Correspondence and Announcements of the Lord Mayor

1. Events in the Middle East

The Lord Mayor referred the current events in the Middle East in which innocent Israelis, Palestinians and people from other countries, including Britain, had lost their lives. He indicated that the City Council's thoughts were with them and all those affected.

Members stood for two minute's silence as a mark of respect.

2. Service of Thanksgiving – 22nd October 2023

The Lord Mayor referred to a Service of Thanksgiving for the City of Coventry and the Office of Lord Mayor which would be held at 11 am, on Sunday 22nd October at the Ramgarhia Gurdwara, 1103 Foleshill Road, Coventry to which all Members of the City Council were invited.

3. Remembrance Sunday Service and Parade

The Lord Mayor referred to the annual Remembrance Day Service and Parade which was taking place on Sunday 12th November 2023 to which Members of the City Council had been invited.

62. **Petitions**

RESOLVED that the following petitions be referred to the appropriate City Council bodies:

- (a) Request the Council to fix the park in CV2 1UL Butterfly Walk – 22 signatures, presented by Councillor P Seaman**
- (b) Request that the Council to take action regarding the safety and wellbeing of residents of Park Street – 11 signatures, presented by Councillor AS Khan**
- (c) Request that the City Council resurface Upper and Lower Eastern Green Lane immediately – 186 signatures, presented by Councillor G Ridley**

63. **Declarations of Interest**

There were no declarations of interest.

64. **Scrutiny Annual Report to Council 2022-23**

Further to Minute 10 of the Scrutiny Co-ordination Committee, the City Council received a Briefing Note of the Scrutiny Co-ordinator regarding the Scrutiny Annual Report 2022/23, which was appended. The Constitution required that Scrutiny reported annually to inform Council of its work.

RESOLVED that the City Council received and notes the Scrutiny Annual Report 2022-23.

65. **Adult Social Care Annual Report 2022/23 (Local Account)**

Further to Minute 33 of the Cabinet, the City Council considered a report of the Director of Adult Services and Housing, which described the performance of Adult

Social Care and the progress made against the priorities for the year in the Adult Social Care Annual Report (also referred to as the Local Account, and which was attached as an Appendix to the report). The report also provided specific examples of operational activities to support service users and carers.

The Cabinet, at their meeting, had noted that the report had been considered by the Health and Social Care Scrutiny Board (5) at its meeting held on 13th September 2022 (their Minute 11/23 refers). A Briefing Note was appended to the report that set out the Boards comments and recommendations which the Cabinet had accepted.

Although there was not a statutory requirement to produce an annual report, it was considered good practice as it provided an opportunity to be open and transparent about the successes and challenges facing Adult Social Care and to show what was being done to improve outcomes for those that came into contact with the services.

The Local Account also looked forward to 2023/2024 and included summary details regarding key areas for development. These were improvements the service intended to make in order to improve service delivery, improve outcomes for people and support the ability to operate within the resources available. The priority was to improve care and support services for adults and to ensure a stable provider market for the City.

RESOLVED that the City Council receives and notes the Adult Social Care Annual Report 2022/23 (Local Account).

66. **Coventry Youth Justice Plan - 2023-25 Strategy**

Further to Minute 32 of the Cabinet, the City Council considered a report of the Interim Director of Children's Services which sought endorsement of the Coventry Youth Justice Services (CYJS) – Youth Justice Plan (a copy of which was attached as an Appendix to the report), following its sign-off by its Chair, the Interim Director of Childrens Services.

Youth Justice Services (known as Youth Offending Teams) were established under the Crime and Disorder Act 1998 with the principal aim being to prevent offending behaviour by children. The Act imposed a duty on each local authority together with its statutory partners, Police, Health, and Probation, to ensure that adequate Youth Justice Services were available in their area.

The key tasks of the service were:

- Management and delivery of community sentences
- Assessing and delivery of Out of Court Disposal interventions
- Assessing and delivery of diversion 2 support to children at risk of entering the Youth Justice System.
- Management and delivery of secure estate sentences and resettlement
- Servicing the Youth Court and Crown Courts (in terms of provision of the court team, Bail & Health Assessments, provision of Pre-Sentence Reports and Stand-down Reports)
- Parenting services and management of Parenting Orders
- Victim services

The legislation also imposed a duty to complete and submit a Youth Justice Plan each year. The Youth Justice Board (YJB) provided a grant to the Service, outlined delivery expectations, and oversaw performance for youth justice services. As part of their grant the YJB had mandated a template for all youth justice plans and thus the Plan has been presented in this format.

The Plan demonstrated, in line with the Youth Justice Board (YJB) grant requirement, the continued delivery of services as set out in s38 Crime and Disorder Act 1998. CYJS had submitted the Plan in line with the mandated YJB structure. The Plan demonstrated the delivery of the Service's functions and the methods for achieving this in line with the grant requirement. The Plan presented an analysis of youth justice provision in Coventry, performance, arrangements for delivery and resourcing, and emerging risks and challenges; this analysis had enabled the formation of a new vision, aligned priorities, and a new improvement and business plan for 2023-25.

RESOLVED that the City Council endorse the Coventry Youth Justice Plan - 2023-25 Strategy.

67. West Midlands Combined Authority Devolution Deal

Further to Minute 38 of the Cabinet, the City Council considered a report of the Chief Executive which provided an overview of the background to the Deeper Devolution Deal (the Deal), the main elements, the proposed implementation and the next steps.

The Deal was agreed in principle by the West Midlands Combined Authority (WMCA) Mayor and Portfolio Leaders on 10 March 2023 and announced in the Chancellor's Budget on 15 March 2023.

Following the announcement, a formal ratification of the deal was required by the WMCA and its constituent Local Authorities (LAs). The WMCA had taken the decision to approve the Deal at its Board Meeting on 13 October 2023. A two thirds majority of voting Constituent Members was required for the Deal to be ratified.

The devolution of the Bus Service Operators Grant (BSOG) to the WMCA was a public authority function, which could be dealt with under section 105B of the Local Democracy, Economic and Construction Act 2009. It would require a scheme, governance review and the consent of the LA's before the laying of the Order by Government. An in-principle agreement of the devolution of the BSOG (the Order) was part of the document and was considered at the WMCA Board on 13 October 2023.

The Order would now be considered through the constituent authorities governance, before returning to the WMCA Board later in the year for final approval.

The report provided a summary of the funding opportunities available through the Deal and their potential benefit to Coventry. A copy of the latest WMCA Devolution

Deal Thematic Summaries and WMCA Devolution Deal Implementation Plan were attached to the report as Appendix 1 and 2 respectively.

The report stated that if the City Council chose not to ratify the Deal, this could prevent Coventry and the region from accessing the additional funding and powers available. It would also undermine the relationship between the WMCA and the Government and make future cooperation on devolution or other policy topics far more difficult. This option was therefore not recommended.

The recommended approach would be for the City Council to ratify the new Devolution Deal based on an examination of all the opportunities, and the associated risks of the proposals contained within the Deal. Officers had worked hard to understand the implications of each of the themes within the Deal and ways to maximise the opportunities for the city whilst monitoring and mitigating risks as far as possible. Consideration had also been given to how the Deal could help to deliver the aims of the Once Coventry Plan. The Council would ensure that it works to get the most out of the new deal by having the right involvement from members and officers in the various WMCA groups responsible for each of the devolution themes.

Each of the key themes in the Deal and the risks and opportunities associated with them were detailed in the report.

Regarding timescales, the WMCA had approved the Devolution Deal at its Board meeting on 13 October 2023. This would now be followed with the development of a Memorandum of Understanding (MoU) between themselves, Government and the 7 local authority members in November 2023 in respect of Business Rates Retention. The funding settlement itself would not begin until April 2025, but work to understand the implications of such a deal on the WMCA and its constituent authorities had already commenced. Other elements of the deal such as Commonwealth Games Legacy funding would commence immediately.

In addition, the Bus Services Operating Grant (BSOG) would require further negotiations with Government. The outcome of these negotiations would form an order, allocating the BSOG responsibilities to the Mayor. Once further negotiations with Government have taken place, all 7 constituent members of the WMCA would be asked to approve the new arrangements. These would be brought back to Cabinet at the appropriate time for debate and decision.

RESOLVED that the City Council:

- 1. Approves the ratification of the West Midlands Devolution Deal as set out in the report and attached Appendices including the in-principle devolution of the management of Bus Services Operator's Grant as a Mayoral function.**
- 2. Notes the performance to date of the West Midlands 100% Business Rates Retention pilot.**
- 3. Agrees to the development of the Memorandum of Understanding with Government, regarding the offer of 10-year, 100% Business Rate**

retention for the West Midlands, in accordance with the Devolution Deal.

4. Delegates authority to officers, overseen by the Chief Executive, and following consultation with the appropriate Cabinet Members, to engage on the detailed implementation of the agreed elements of the Devolution Deal, which will include aspects that require further negotiation and future decision making.
5. Requests that further reports are received by Cabinet (and Council if appropriate) on specific issues relating to the detail of the Devolution Deal such as approval of the making of the Statutory Instruments following the receipt of a draft order for Bus Service Operator's Grant (BOSG).
6. Requests that throughout the duration of the implementation of the Devolution Deal, half yearly updates be submitted to Cabinet and Scrutiny to outline progress.

68. Question Time

Councillors D Welsh and A Khan provided written answers to the questions set out in the Questions Booklet together with oral responses to supplementary questions put to them at the meeting.

The following Members answered oral questions put to them by other Members as set out below, together with supplementary questions on the same matters:

No	Questions asked by	Question put to	Subject matter
1	Councillor J Blundell	Councillor R Lakha	Statement of Accounts - approval timescales
2	Councillor M Mutton	Councillor C Thomas	Disability and Equalities Advisory Panel
3	Councillor J Blundell	Councillor P Akhtar	Withdrawal of the No 19 bus service
4	Councillor G Ridley	Councillor G Duggins	Condemnation of events in the Middle East and the loss of civilian life.
5	Councillor S Agboola	Councillor G Duggins	Black History Month
6	Councillor M Heaven	Councillor P Hetherington	Parking charges in the City Centre*
7	Councillor C Thomas	Councillor R Brown	Council funding gaps
8	Councillor Ridley	Councillor R Brown	City Council investments*

* Members agreed to provide further information in relation to the question.

69. **Statements (if any)**

There were no statements.

70. **Debate - Single Status**

The following Motion was moved by Councillor J Blundell and seconded by Councillor T Sawdon:

“In view of the catastrophic mismanagement of public finances at Labour controlled Birmingham this Council notes the resolution of single status under a Conservative Administration in Coventry.”

RESOLVED that the Motion as set out above be not adopted.

71. **Debate - EPC rating for Private Rented Accommodation**

The following Motion was moved by Councillor E Reeves and seconded by Councillor S Gray:

“The Prime Minister’s decision not to increase the required EPC rating for all private rented accommodation will leave many tenants in fuel poverty. Also housing stock causes a significant part of the city’s carbon emissions.

Therefore, this council commits to looking at all possible ways to encourage and support landlords to improve the energy efficiency of their properties so that the 25% of Coventry citizens who rent privately can live in homes they can afford to heat”.

The following amendment was moved by Councillor D Welsh, seconded by Councillor J O’Boyle and, in accordance with the Constitution, accepted by Councillor E Reeves.

Delete the 2nd paragraph and replace with the following:-

This Council will continue to work with partners to look at all possible ways to encourage and support landlords to improve the energy efficiency of their properties, but this council cannot do it alone. To make a significant impact on carbon emissions and make homes affordable to heat requires investment by government to improve energy efficiency for owner occupiers, private and social renters.

The amended Motion now to read:-

“The Prime Minister’s decision not to increase the required EPC rating for all private rented accommodation will leave many tenants in fuel poverty. Also housing stock causes a significant part of the city’s carbon emissions.

This Council will continue to work with partners to look at all possible ways to encourage and support landlords to improve the energy efficiency of their properties, but this council cannot do it alone. To make a significant impact on carbon emissions and make homes affordable to heat requires investment by government to improve energy efficiency for owner occupiers, private and social renters.”

RESOLVED that the amended Motion, as set out above, be unanimously adopted.

72. **Debate - 20 mph Zones**

The following Motion was moved by Councillor M Mutton (on behalf of Councillor S Nazir), seconded by Councillor N Akhtar and carried:

“Coventry City Council rejects the Conservatives’ plans to abolish 20mph zones and take road safety out of the hands of local government. This will make speeding worse and put the lives of children and old people at risk across Britain.”

RESOLVED that the Motion as set out above be adopted.

(Meeting closed at 6.30 pm)



Public report

Cabinet Member

**Cabinet Member for Policing and Equalities
Council**

**4 December, 2023
5 December, 2023**

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor AS Khan

Director approving submission of the report:

Chief Legal Officer

Ward(s) affected:

None

Title:

Proposed Amendments for the Constitution

Is this a key decision?

No

Executive summary:

The Constitutional Advisory Panel, at its meeting on 31 October, 2023, considered a number of proposed changes to the Constitution. These were:-

- a) Amendments to the Contract Procedure Rules as set out in Part 3G of the Constitution
- b) Amendments to the Council Procedure Rules as set out in Part 3A of the Constitution
- c) The establishment of Sub Committees of the Licensing and Regulatory Committee to consider Hackney Carriage and Private Hire Licensing applications

The Advisory Panel agreed with all of the proposed amendments in relation to (a) and (c) above and the majority of the proposed amendments in relation to (b) above, with the exception of any restrictions in relation to Question Time at Council Meetings.

Recommendations:

The Cabinet Member for Policing and Equalities is requested to recommend that Council approves Recommendations (1) to (3) below:-

- (1) The proposed amendments to the Contracts Procedure Rules (Part 3G of the Constitution) as detailed in **Appendix A** to the report with immediate effect
- (2) The amendments to the Council Procedure Rules (Part 3A of the Constitution) as detailed in **Appendix B** to the report with immediate effect

- (3) The establishment of Sub Committees of the Licensing and Regulatory Committee to consider Hackney Carriage and Private Hire Licensing applications from the start of the Municipal Year 2024/25

Council is recommended to approve Recommendations (1) to (3) above and authorise the Chief Legal Officer to make any necessary amendments to the Constitution.

List of Appendices included:

The following appendices are attached to the report:

Appendix A – Details of the proposed amendments to the Contract Procedure Rules (Part 3G)

Appendix B – Details of the proposed amendments to the Council Procedure Rules (Part 3A)

Background papers:

N/A

Other useful documents

N/A

Has it or will it be considered by Scrutiny?

No

Has it or will it be considered by any other Council Committee, Advisory Panel or other body?

Yes - Constitutional Advisory Panel – 31 October, 2023

Will this report go to Council?

Yes – 5 December, 2023

Report title: Proposed Amendments for the Constitution

1. Context (or background)

- 1.1 The Council's Constitution sets out how the Council carries out its business and makes decisions. It is a living document and is reviewed and updated from time to time to ensure that it meets changing legislative requirements and reflects changes in practise within the Council.
- 1.2 The Constitutional Advisory Panel at its meeting on 31 October, 2023 considered a number of proposed change to the Constitution. These were:-
 - a) Amendments to the Contract Procedure Rules as set out in Part 3G of the Constitution
 - b) Amendments to the Council Procedure Rules as set out in Part 3A of the Constitution
 - c) The establishment of Sub Committees of the Licensing and Regulatory Committee to consider Hackney Carriage and Private Hire Licensing applications
- 1.3 The main changes proposed are set out in Section 2 of the report and more details, including the background to the proposals, are contained in the Appendices to this report.

2. Options considered and recommended proposals

2.1 Contract Procedure Rules (Part 3G of the Constitution)

The background and the proposed amendments to the Contracts Procedure Rules are set out in **Appendix A**. The amendments proposed support SME's in tendering for below threshold tenders and quotation exercises following feedback received in response to Procurement Services' Equality, Diversity and Inclusion (EDI) survey. The proposed amendments further the Council's Social Value policy and promotion of inclusive procurement activity, ensure compliance with procurement legislation and can be summarised as follows:-

- Administrative changes (titles, up-to-date PCR thresholds).
- Furtherance of the Council's Social Value agenda through increasing minimum number of tenders/quotes sought and establishing minimum timescales below threshold.
- Clear identification of legislative requirements with regards to publication of notices to ensure compliance with the regulations.
- Explicit reference to contracting with Local Authority Trading Companies (teckal) in accordance with the Public Contracts Regulations 2015.
- Reflect the recently issued revised public procurement thresholds for goods, services and works that will come into force from 1 January, 2024

The Constitutional Advisory Panel noted that the proposed amendments were the first of three potential set of amendments to the Contracts Procedure Rules due to forthcoming legislative changes.

The Constitutional Advisory Panel agreed that all of the proposed amendments, as detailed in **Appendix A**, should be recommended to the Cabinet Member for Policing and Equalities for approval.

2.2 Council Procedure Rules (Part 3A of the Constitution)

The background and the proposed amendments to the Council Procedure Rules are set out in **Appendix B** and follow a review of the Council Procedure Rules by David McGrath, Link Support Services UK Ltd, an external trainer with expertise and knowledge of Council Procedure Rules, their application and best practise. Mr McGrath provided training for Members on Council meetings and the Rules of Procedure during June 2023, which was well received by those Members who attended. The review provided a number of recommendations and items for consideration relating to the following which were considered by the Constitutional Advisory Panel:-

- The modernisation use of language throughout the Procedure Rules
- A change in relation to the effect on quorum of a Member declaring an interest and leaving the meeting
- A change in relation to Members being required to stand to address the meeting
- The introduction of a limit on the number of supplementary questions and a time limit on the length of Question Time, together with guidance to questioners to assist with precision and fairness in questioning.
- A change in relation to not allowing Motions to be submitted to the February Council Tax and Budget setting meeting
- The clarification in relation to requiring Motions to have a discernible link to the City Council.

The Constitutional Advisory Panel noted that other considerations raised by the review had not been included as they helpfully reflected wider practice but were not as relevant to the City Council's approach.

The Advisory Panel agreed with the recommended amendments, except for the introduction of a limit on the number of supplementary questions and a time limit on the length of Question Time. The Advisory Panel noted that in relation to supplementary questions, the Lord Mayor has the power to disallow supplementary questions which, in their opinion is irrelevant or frivolous or a repetition of one substantially similar to a question or questions already asked. The Advisory Panel considered that, if this power was applied effectively by the Lord Mayor, there was no need for any further restriction on Question Time. The Advisory Panel agreed that providing clarity in relation to guidance to questioners to assist with precision and fairness in questioning would be helpful.

The Constitutional Advisory Panel therefore agreed that all of the proposed amendments, as detailed in **Appendix B**, should be recommended to the Cabinet Member for Policing and Equalities for approval.

2.3 Establishment of Licensing and Regulatory Sub-Committees to deal with Hackney Carriage and Private Hire Licencing

The Constitutional Advisory Panel considered a proposal to establish Licensing and Regulatory Sub Committees to deal with Hackney Carriage and Private Hire Licensing Applications to provide more efficient decision making. The proposal, which was recommended should be introduced from the start of the new Municipal year 2024/25:-

- Would establish two equal, politically balanced, Sub-Committees by dividing the membership of the Licensing and Regulatory Committee. The Chair and Deputy Chair of the Committee would sit on both Sub-Committees.
- Each Sub-Committee would meet bi-monthly and Members would know at the start of the year which Sub-Committee they were appointed to and the dates of those meetings. This

would ensure that all Members of the Committee would deal with such applications during the year.

- The quorum of each Sub-Committee would be four. If they were unable to attend a meeting, Members would be entitled to nominate a substitute Member from the membership of the other Sub-Committee
- The Licensing and Regulatory Committee would still meet in full to consider any other matters delegated to them as necessary.

Councillor F Abbott, Chair of the Licensing and Regulatory Committee, attended the meeting of the Constitutional Advisory Panel and indicated her support for the above proposals.

The Advisory Panel indicated that it would be important that the membership of each Sub-Committee ensures that there is a mix of both experienced and less experienced Members in licencing matters and it was noted that this would be addressed with Group Leaders during the appointment process prior to the Annual Meeting of the Council.

The Constitutional Advisory Panel agreed that the proposal as outlined above should be recommended to the Cabinet Member for Policing and Equalities for approval.

3. Results of consultation undertaken

- 3.1 The proposed amendments have been considered by the Constitutional Advisory Panel to which all Group Leaders and Councillor F Abbott, Chair of the Licensing and Regulatory Committee, were invited to attend.

4. Timetable for implementing this decision

- 4.1 It is proposed that following Council approval, the amendments to the Contracts Procedure Rules (Part 3G) and the Council Procedure Rules (Part 3A) be implemented immediately whilst the changes to the Constitution in relation to the introduction of Sub-Committees to deal with Hackney Carriage and Private Hire Licensing be introduced from the start of the Municipal Year 2024/25.

5. Comments from Chief Operating Officer (Section 151 Officer) and Chief Legal Officer

5.1. Financial Implications

There are no specific financial implications arising from the recommendations within this report.

5.2. Legal Implications

There are no specific legal implications arising from the report other than the recommendations ensure that the Council is complying with all of its legal obligations.

6. Other implications

6.1. How will this contribute to the One Coventry Plan?

<https://www.coventry.gov.uk/strategies-plans-policies/one-coventry-plan>

The proposals ensure good governance and provide openness and transparency in decision making.

The proposed amendments to the Contract Procedure Rules further the City Council's Social Value policy.

6.2. How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report.

6.3. What is the impact on the organisation?

There is no direct impact. In relation to the proposed changes to the Contract Procedure Rules, the mandated use of the Council's e-tendering system for contract opportunities over £25,000 total contract value may require additional training and guidance. Procurement Services will publish the appropriate resources for use by Council officers and provide system training where required.

6.4. Equalities / EIA?

In relation to the proposed changes to the Contract Procedure Rules, an EIA was undertaken prior to the commencement of the Equality, Diversity and Inclusion survey issued by Procurement Services. The proposed changes offer additional opportunities for SMEs bidding for lower value Council contracts through the increased minimum number of quotations/tenders sought and introduction of minimum

6.5. Implications for (or impact on) climate change and the environment?

None

6.6. Implications for partner organisations?

In relation to the proposed changes to the Contract Procedure Rules, the Council is supporting SMEs through increased opportunity to bid for Council contracts.

Report author(s):

Name Suzanne Bennett

Title Governance Services Co-ordinator

Service Area:

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Enquiries should be directed to the above person

Contributor/approver name	Title	Service Area	Date doc sent out	Date response received or approved
Contributors:				
Usha Patel	Governance Services Officer	Law and Governance	3/11/23	3/11/23
Adrian West	Head of Governance	Law and Governance	3/11/23	6/11/23
Rob Amor	Deputy Head of Procurement	Procurement	3/11/23	6/11/23
Names of approvers for submission: (officers and members)				
Finance: G Clark		Finance	7/11/23	8/11/23
Legal: G Carter	Lead Accountant – Business Partnering	Law and Governance	7/11/23	8/11/23
Director: Julie Newman	Chief Legal Officer	Law and Governance	3/11/23	15/11/23
Councillor M Mutton	Chair of the Constitutional Advisory Panel	-	15/11/23	15/11/23
Councillor A S Khan	Cabinet Member for Policing and Equalities	-		20/11/23

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APPENIDIX A

Proposed Amendments to the Contracts Procedure Rules (Part 3G)

Background/Information

- 1.1. Procurement Services commenced consultation with businesses within the city by way of a survey with the aim of:
 - Capturing the diversity data of business ownership (SMEs only) within the city of Coventry in order to obtain meaningful data which could be used to support the work towards the delivery of the aims and measures of inclusive procurement and commissioning contained within the Workforce Diversity and inclusion Strategy, and
 - Understanding from local businesses regarding what they consider to be the barriers to entry in accessing and tendering for Council contracts, and what the Council can do to enable opportunity on future tender activity.

- 1.2. Responses to the survey were helpful in identifying barriers to entry that included:
 - Lack of awareness of opportunities.
 - Do not know where to look for opportunities.
 - Financial and/or technical capacity.
 - Large volume of tender documentation.
 - Complex language/instructions in tender documentation.
 - Prohibitive bidding timescales.
 - Expensive to work with CCC and the financial requirements limit SMEs ability to lead a contract.
 - Lack of commercial pipeline for all spend areas, particularly in development programmes.
 - Frameworks lock out new entrants from becoming lead suppliers.

- 1.3. Whilst guarantees cannot be made with regards to contracting with the Council in future owing to the tendering requirements under the Public Contracts Regulations 2015 (PCRs) and the Council's Contract Procedure Rules (CPRs), responses from businesses to the survey included the following opportunities for engagement and enablement:
 - Training from the Council on how to bid for contracts.
 - Training from the Council on using CSW-JETS (e-tendering system).
 - Training from the Council on procurement regulations and the Council's Contract Procedure Rules.
 - Increased visibility of Council opportunities.
 - Make it easier for SMEs to get on to Council frameworks.
 - Hold SME specific workshops.
 - Restrict more tender opportunities.

- 1.4. Procurement Services are drafting an action plan of engagement that will target a number of the opportunities highlighted by businesses within the city, specifically training and increased visibility of contracts. However, the Council can quickly support smaller and local businesses with changes to its Contract Procedure Rules.

1.5. Proposed Changes

1.5.1. The proposed changes to the Contract Procedure Rules can be summarised as follows:

- Administrative changes (titles, up-to-date PCR thresholds).
- Furtherance of the Council's Social Value agenda through increasing minimum number of tenders/quotes sought and establishing minimum timescales below threshold.
- Clear identification of legislative requirements with regards to publication of notices to ensure compliance with the regulations.
- Explicit reference to contracting with Local Authority Trading Companies (teckal) in accordance with the Public Contracts Regulations 2015.

1.5.2. The key proposed changes to the Contract Procedure Rules are as follows:

- 1.5.2.1. Updating of public procurement thresholds following recent changes coming into force from 1 January 2024.
- 1.5.2.2. Expansion of the minimum number of competitive tenders and quotations to be sought by Council officers from three (3) to five (5), including expansion -where possible- of number of local suppliers to be invited from two (2) to three (3). This proposed amendment is reflected in Section 2, Section 3, Section 17 and Section 19.
- 1.5.2.3. Stipulation of minimum timescales for below-threshold quote and tender exercises to support SME inclusion in Council opportunities. This proposed amendment is reflected in Section 2.
- 1.5.2.4. Stipulation of advertising and transparency requirements to better support legislative compliance. This proposed amendment is reflected in Section 2, Section 3.
- 1.5.2.5. Stipulation of mandatory use of the Council's e-tendering system for quote/tender exercises in excess of £25,000 total contract value (TCV) to align with the publication requirements as per 3.8.3. This proposed amendment is reflected in Section 2, Section 3 and Section 21.
- 1.5.2.6. Strengthening of language to support contractual form, ensuring that all contracts must be in writing unless in an emergency situation. This proposed amendment is reflected in Section 6.
- 1.5.2.7. Expansion of justification of need to include demonstrable benefit to residents or the Council. This proposed amendment is reflected in Section 7.
- 1.5.2.8. Abolishment of Procurement Panel's ability to dissolve itself. As a sub-group of Procurement Board, the power to dissolve Procurement Panel should sit with Procurement Board only. This proposed amendment is reflected in Section 9.

- 1.5.2.9. Future proofing against changes to laws and regulations with regards to contract procedures by amending language whilst retaining the need for compliance. This proposed amendment is reflected in Section 16.
- 1.5.3. Updating of process flowcharts for Contract Extensions and Contract Variations to better align with the requirements and permissions of the Public Contracts Regulations 2015. Contract Extension flowchart updated to reflect that an out-of-scope extension would require a contract variation and as such, should follow the appropriate process. Contract Variation flowchart updated as previous iteration suggested that variations must be capped at 50% of contract value. Regulation 72 of the Public Contracts Regulations allows for variations irrespective of monetary value under certain conditions, so process amended to reflect.

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PART 3G: CONTRACT PROCEDURE RULES

1. Introduction

1.1 These Contract Procedure Rules (CPRs) are the standing orders required by the Local Government Act 1972. They are part of the Council's Constitution and are, in effect, the instructions of the Council to officers and councillors for making contracts on behalf of the Council. The purpose of these CPRs is to set clear rules for the procurement of works, goods and services for the Council and to ensure a system of openness, integrity and accountability, in which the probity and transparency of the Council's procurement process will be beyond reproach. Accordingly, these CPRs must be followed for **all** contracts (but excluding the categories listed in Rule 6.2, grants and land contracts which are dealt with under different rules) for:-

- the supply of goods to the Council;
- the supply of services to the Council; and
- the execution of works for the Council.

1.2 The Council has a Procurement Strategy, setting out how the Council intends to go about procuring works, goods and services. Conformity to these CPRs, and the Council's Employee Code of Conduct and relevant associated employment policies, will ensure that contracts are let in accordance with the *Procurement Strategy* and any associated *User Guides and Procedures*.

1.3 The Council is subject also to the Public Contracts Regulations 2015(SI 2015/102), the legislation which reflects the EU Public Procurement Directives. This legislation requires contract letting procedures to be open, fair and transparent. These CPRs provide a basis for true and fair competition in contracts, by providing clear and auditable procedures, which, if followed, will give confidence that the Council has a procurement regime that is fully accountable and compliant with the legislation

Summary of CPRs – Governance Process

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10
Financial Value (per Contract) for Governance	Approval to Procure	Minimum Process	Advertising opportunity <u>(i) Contracts Finder</u> <u>(+)(ii) Find a Tender</u>	Advertising opportunity <u>(i) Contracts Finder</u> <u>(+)(ii) Find a Tender</u>	Minimum Tender/Quote Timescales	Contract Terms	Opening of tenders	Authority to Award Contract	Contract Signing
£1,000,000 and above	Procurement Board In addition, <u>unless acting within approved Cabinet budgets</u> , where the Contract Value (not estimated framework agreement value) is £1m and above on a per annum basis	Competitive tenders in compliance with Public Contract Regulations 2015 (PCR2015) (Note 1 below) <u>Or direct appointment of a Local Authority Trading Company (LATC) in accordance with PCR2015 where best value can be demonstrated.</u>	<u>£100,000 - relevant Public Contracts Regulations 2015 threshold</u> <u>(i) Yes</u> <u>(ii) Not Required</u> <u>Over relevant Public Contracts Regulations 2015 threshold</u>	<u>£100,000 - relevant Public Contracts Regulations 2015 threshold</u> <u>(i) Yes</u> <u>(ii) Not Required</u> <u>Over relevant Public Contracts Regulations 2015 threshold</u>	<u>Minimum fifteen (15) working days between £100,000 and relevant Public Contracts Regulations 2015 threshold.</u> <u>Where above the relevant threshold, as prescribed by the Public Contracts Regulations 2015.</u>	Standard or Bespoke Form of Contract. Where contracts are in the form of Deeds, they must be sealed by Legal Services. Contracts over £1,000,000 will need to be in the form of a Deed	<u>Electronic tenders via the Council's e-tendering system</u> <u>Electronic tenders via CSW-JETS</u>	If within approved tolerance agreed at Column 2, e.g. <10% above estimated price, or report back to relevant body in Column 2 for approval	City Solicitor or authorised deputy
£100,000 up to £999,999	Procurement Panel		<u>(i) Yes</u> <u>(+)(ii) Yes</u>	<u>(+)(ii) Yes</u>		Standard or Bespoke Form of Contract. Where contracts are in the form of Deeds, they must be executed by Legal Services.			Director and/or Head of Service
£10,000 to	Director	Minimum of	<u>(i) Optional</u>	<u>£10,000 -</u>	<u>Minimum five</u>	Official order	Officers are	Director or	Endorsed/Signed

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<p>£99,999</p>	<p>approval or delegated authority to budget holder</p> <p>(Copies of Quotations MUST be forwarded to Legal and Procurement Services for order to be approved)</p>	<p>five 3 <u>(5)</u> written or oral quotations (see 3 below for thresholds). Where <u>possible</u>, a minimum of 2 <u>three (3)</u> should be from local suppliers or social enterprises.</p> <p><u>Or appointment of a Local Authority Trading Company (LATC) in accordance with PCR2015 where best value can be demonstrated.</u></p>	<p>(i)(ii) <u>Not Required</u></p>	<p><u>£24,999</u></p> <p><u>(i) Optional</u> <u>(ii) Not Required</u></p> <p><u>£25,000 - £99,999</u></p> <p><u>(i) Yes</u> (i)(ii) <u>Not Required</u></p>	<p><u>(5) working days between £10,000 - £24,999.</u></p> <p><u>Minimum ten (10) working days between £25,000 - £99,999.</u></p>	<p>form or Standard Form of Contract</p>	<p>to <u>encouraged must</u> use the electronic Quotations Pack via the <u>the Council's e-tendering system</u> for contract values £25,000 - £99,999</p>	<p>authorised deputy</p>	<p>by Director or authorised deputy</p>
<p>Below £10,000</p>	<p>Budget holder</p>	<p>Use of corporate contract or demonstrable value for money</p>	<p><u>(i) Not Required</u> (i)(ii) <u>Not Required</u></p>	<p><u>(i) Not Required</u> (i)(ii) <u>Not Required</u></p>	<p><u>Not Applicable</u></p>	<p>Official order form (or Council Procurement Card)</p>	<p>N/A</p>	<p>Authorised by Budget Holder</p>	<p>Authorised by Budget Holder</p>

Note 1 – Where PCR 2015 thresholds are not exceeded, a minimum of ~~3~~ five (5) competitive tenders must be sought with the tender advertised on Contracts Finder
 Note 2 – Framework agreements need approval by the relevant Procurement Panel or Procurement Board only, based on the total estimated/potential expenditure. Cabinet

Approval will also be required for each individual Contract placed against a framework agreement where the annual value is £1,000,000 or over.

3. Financial Thresholds for Procedure

Contract Procedure Rules (CPRs)	
Quick Reference Guide Table – Financial Thresholds	
Above PCR 2015 thresholds (Note 2 below)	
<p><u>£4,733,252+4,477174+ (£5,372,609 including VAT)</u></p>	<p>Competitive tenders in compliance with Public Contracts Regulations 2015 required for Works, and Concession contracts.</p>
<p><u>£663,540552,950+ (£663,540 including VAT)</u></p>	<p>Competitive tenders in compliance with Public Contracts Regulations 2015 required for Supplies and Services contracts that are subject to Regulation 74 (Light Touch Regime) for Health and Social Care contracts.</p>
<p><u>£179,086+ (£214,904 including VAT)</u></p>	<p><u>Competitive tenders in compliance with the Public Contracts Regulations 2015 required for Supplies and Services contracts.</u></p>
<p>Form of Contract: Contracts for £999,999 or less in value can be signed for and on behalf of the Council under hand by Directors and Heads of Service.</p> <p>As a general rule, any works contract and high value contract with a value equal to or exceeding £1,000,000, which are to be expressed to be executed as deeds must either be:</p> <ul style="list-style-type: none"> • made under the Council’s seal attested by the City Solicitor or authorised signatory; or • signed by at least two officers of Legal Services duly authorised by the City Solicitor. 	
Below PCR 2015 thresholds	
<p>-£100,000 – up to PCR thresholds as listed above (relevant to spend type, e.g.e.g., Works, Supplies or Services)</p>	<p>At least minimum of five (5)three potential contractorssuppliers, should be invited to tender. Where appropriate possible those invited to tender should include at least two three (3) local suppliers i.e.i.e., Head Office located<u>office based</u> within CV1-CV6 postcodes.</p> <p>MUST be advertised on Contracts Finder.</p> <p><u>Or direct appointment of a Local Authority Trading Company (LATC) in accordance with PCR2015 where best value can be demonstrated.</u></p>

<p>£10,000 - £99,999</p>	<p>MUST use corporate contracts where one exists.</p> <p>Competitive quotations Over £10,000 and up to £24,999 - Oral <u>a minimum of five (5) verbal</u> quotations (which must be confirmed by email) can <u>must</u> be sought - quotation pack use is optional.</p> <p>Over £25,000 <u>and up to £99,999</u> - a minimum of <u>five (5)</u>3 quotations MUST be requested in writing using quotation pack (preferably via <u>In tend</u>the Council's e-tendering system with option to publish on Contracts Finder). Where <u>appropriate possible</u> those invited to tender should include at least <u>two-three (3)</u> local suppliers <u>i.e.i.e., Head Office located</u>office based within CV1-CV6 postcodes.</p> <p><u>Or direct appointment of a Local Authority Trading Company (LATC) in accordance with PCR2015 where best value can be demonstrated.</u></p>
<p>Below £10,000</p>	<p>-Must use corporate contracts where one exists or show value for money.</p>
<p>Note 3: PCR Thresholds</p>	<p>PCR Thresholds are revised every 2 years on 1st January. Figures quoted above for Works and Concessions (£4,733,252,477,174 plus VAT), Light Touch Regime Services (£663,540,552,950 plus VAT) and Supplies and Services (£189,330,179,086 plus VAT) are applicable from 1st January 2020-2024 – 31st December 20222025.</p>

3.1 The Director responsible for Legal and Procurement Services and the Chief ~~Finance~~Operating Officer (if they are not the same officer) or his/or her authorised deputy, subject to conditions, may grant authorise a contract as an exception to the CPRs if the works or goods/services are below PCR thresholds. An exception cannot be granted where a breach of any UK legislation would be incurred.

4. Objectives

4.1 The CPRs exist to achieve the aims set out below and to assist and protect the interests of the Council and individual Officers.

It is important that they are viewed as **an aid to good management and not as a hindrance**. Followed properly, they provide protection for Officers against criticism and support good procurement practice.

Officers must be able to demonstrate that they followed procedure or had obtained the necessary authority for not doing so, in order to:-

- ✓ ensure value for money is obtained;
- ✓ ensure probity in the award of Council contracts;
- ✓ ensure fairness, equity, openness and transparency in the treatment of contractors/suppliers;
- ✓ ensure that procedures for placing contracts/orders comply with legislation;
- ✓ ensure records are kept which demonstrate compliance with CPRs.

5. Scope of CPRs

5.1 All purchases and contracts made in the name of and binding the Council must comply with these CPRs, and also any contract that involves income to the Council. This includes contracts where the expenditure is grant aided by a third party. These rules also apply to a company which is owned or controlled by the Council or is funded by public money. Any arrangement where the Council pays or receives money or equivalent value, other than a contract to employ staff, must comply with these Rules. This includes contracts for:

- (a) buying and selling goods;
- (b) any work being carried out;
- (c) services (including financial and consultancy services);
- (d) hire, rental or lease (of goods)
- (e) concession agreements

5.2 To receive and deal with expressions of interest (through the Procurement Board or the Panels as appropriate) from relevant bodies in providing or assisting in providing a relevant service on behalf of the Council in accordance with Part 5, Chapter 2 of the Localism Act 2011 and to consult with the relevant Cabinet Member on each expression of interest that is received.

6. Compliance

6.1 Every contract entered into on behalf of the Council must comply with these CPRs and all relevant UK legislation.

6.2 The only areas excluded from these Rules are:

- (a) Internally recharged services;
- (b) Schemes where the Council has delegated a function to a third party to perform and where a contract makes separate provision for procurement rules
- (c) Test purchasing in the course of an Officer's duty. (e.g. Trading Standards).

(d) Land transactions

(e) Grants

6.3 All contracts must be in writing. Unless in an emergency situation approved by the Head of Legal and Procurement Services (or in their absence, the Deputy Head of Procurement)~~Whenever possible~~, contracts under £100,000 in value must be made on an official Council order form or standard form of contract, as appropriate, approved by a designated Authorising Officer, with the Council's standard terms of trading endorsed or referred to. For works contracts, one of the standard forms of contract, such as the NEC, JCT or ICE forms may be appropriate. The Legal and Procurement Services Team, in consultation with Legal Services, will advise on other suitable forms of contract.

6.4 Responsibility for compliance with CPRs remains at all times with Council officers. Directors and the Head of Legal and Procurement Services will be responsible for monitoring compliance against these rules, aided by internal or external audits or inspections which will be carried out as appropriate.

6.5 See Rule 8 regarding approvals required before a Relevant Procedure (as defined in Rule 8.1.1) may be commenced.

7. Justification of Need

7.1 Before any Relevant Procedure (as defined in Rule 8.1.1) is commenced consideration must be given to:

- (a) whether the expenditure is really necessary, and/or can demonstrate benefit to residents or the Council;
- (b) whether a critical review has been carried out to identify if the requirement can be met from within existing resources or whether it is being funded through grants or other approved income sources;
- (c) the revenue consequences of any capital investment; and
- (d) in any case, whether the necessary approvals in Rule 8 have been obtained.

8. Approvals Required before Certain Relevant Procedures are Commenced

8.1 Rule 8 applies to any Relevant Procedure:

8.1.1 *Relevant Procedure*: means any procedure conducted by or on behalf of the Council for the genuine purpose of the Council (alone or with others) entering into a contract for the purchase of goods, services and/or works, subject to the following:

- (a) This shall include (without limitation), the seeking of quotations, the conduct of any tender exercise, the conduct of any mini-competition exercise under a framework agreement, the making of a purchase under a dynamic purchasing system or off an approved list (or the like), and the conduct of a negotiated procedure by or on behalf of the Council.
- (b) This shall not include any genuine exercise to research market conditions (including without limitation, any soft market testing or benchmarking exercise) which is not in itself genuinely intended to directly result in the Council entering into a contract for the purchase of goods, services and/or works.

8.1.2 This Rule 8 only applies to conduct involving Council members and its officers and does not apply as between the Council and the public at large. Accordingly (and without limiting the implications of this), non-compliance by the Council or by any of its members or officers with all or any part of this Rule 8 shall not in itself result in any of the following:

- (a) Any act by or on behalf of the Council resulting from that non-compliance being invalid for any reason (including without limitation, any assertion that the Council has acted beyond its powers).
- (b) Any member of the public (including any person to who takes part in a Relevant Procedure which is conducted in breach of this Rule 8) having any claim of any kind whatsoever against the Council, including any claim for compensation.

8.2 *Requirements before a Relevant Procedure may be commenced:*

All of the following, to the extent relevant, and without limiting other requirements elsewhere in the Council's Constitution but subject to the exceptions in Rule 8.5 must be completed before a Relevant Procedure may be commenced:

- (a) The expenditure must be within approved budget and policy framework which has been approved by Members.
- (b) The use of expenditure must have been approved by the Procurement Board (or on the Procurement Board's behalf by the Procurement Panel where relevant) in accordance with Rule 8.3.
- (c) Where the Relevant Procedure is a sensitive matter (see Rule 8.4), the Procurement Board shall consider and give its approval or delegate the approval to the Procurement Panel.

8.3 *Delegation by the Procurement Board of the task of considering whether to approve a prospective Relevant Procedure for the purposes of Rule 8.2(b).*

The Procurement Board may (but shall not be obliged to) delegate that task to Procurement Panel (or any other relevant subcommittees the Procurement Board has in place from time to time), **but only if both of the following**

conditions apply to the prospective Relevant Procedure under consideration:

- (a) The reasonably estimated total value of the contract or contracts for goods, services and/or works expected to be entered by the Council at the conclusion of the Relevant Procedure (whether under a single contract, as aggregated under a framework agreement across its full term, across two (2) or more lots contained in the same Relevant Procedure, or as aggregated under a series of reasonably connected contracts) is **less than** £1,000,000 (one million pounds). Where there is reasonable doubt about whether the value is to exceed that figure, there shall be a presumption for the purposes of this Rule 8.3 (a) that it does exceed that figure; **and**
- (b) The Relevant Procedure is **not** a sensitive matter (see Rule 8.4).

8.3 Any of the following may constitute a 'sensitive matter' for the purposes of this Rule 8 but the Procurement Board or Procurement Panel will make the decision.

- (a) There is a significant risk (on a reasonable view) that the Relevant Procedure (and/or any purchase of goods, services and/or works resulting from it) will create serious adverse publicity for the Council.
- (b) Under the proposed contract for the purchase of goods, services and/or works expected to result from the Relevant Procedure, the Council would be required to deal with a particular supplier or provider on an exclusive basis.

8.5 *Exceptions to obtaining any of the approvals required in Rule 8:* only with the written consent of the Director responsible for Legal and Procurement Services and the Chief Finance Officer (if they are not the same person).

9. The Procurement Board and Procurement Panel

9.1. Composition of the Procurement Board:

- (a) *Appointment and removal of Procurement Board members:* from time to time in accordance with its approved terms of reference and its members must include the Chief Finance-Operating Officer, a minimum of three-two (2) Directors and the Head of Legal and Procurement Services.
- (b) *How the Procurement Board is to conduct itself:* as determined by the Procurement Board's Terms of Reference ~~from time to time~~, acting reasonably and in good faith, and in any case, lawfully.
- (c) *The Procurement Panel shall include:* Directors, Head of Function and other officers of the Council appointed or removed in accordance with its approved terms of reference.

9.2 The Procurement Board shall have the following powers:

- (a) To determine whether to approve or refuse any proposed Relevant

Procedures which it has not otherwise delegated according to Rule 8.3;

- (b) To monitor compliance with contract rules and monitor spend and contracts; to achieve savings;
- (c) The status of the Procurement Panel in place from time to time shall be as a sub-committee of the Procurement Board;
- (d) To establish and dissolve the Procurement Panel or similar sub-committee;
- (e) To establish the composition of members of the Procurement Panel or similar sub-committee, including appointment and removal of members, including any [alternatesubstitutes](#);
- (f) The conduct of the proceedings of the Procurement Panel or similar sub-committee from time to time;
- (g) Any act of the Procurement Panel or similar sub-committee (including any approval or refusal of a Relevant Procedure) shall be regarded as if it were the direct act of the Procurement Board itself;
- (h) To deal with expressions of interest from a relevant body exercising the right to challenge for a relevant service under Part 5, Chapter 2 of the Localism Act 2011;
- (i) To provide an annual report on the activities of the Procurement Board and Procurement Panel to Cabinet Member Portfolio Holder and to the Audit and Procurement Committee; and
- (j) The Chief Finance Officer has the power to vary the terms of reference of the Procurement Board and Procurement Panel.

9.3 The Procurement Panel shall have the following powers:

- (a) (b) ~~(d)~~(e) (g) (h) and (i) detailed in Rule 9.2.

10. Exceptions to CPRs

10.1 An exception to the CPRs is a permission to let a contract without complying with one or more of the Rules. An exception to CPRs may be granted subject to conditions. An exception cannot be granted where a breach of any UK legislation would be incurred.

10.2 Any Director may grant an exception to these CPRs where the value is below £100,000. Any exception to CPRs of £100,000 and above (and up to PCR thresholds) will need the approval of the Director responsible for Legal and Procurement Services or his/her authorised deputy who may grant an exception to these CPRs. Applications for exceptions must be made in writing to the appropriate Director and include the exception [rule](#) that is requested and the justification for the exception. All Directors granting an exception or exceptions

Part 3G –Contract Procedure Rules

will notify Legal and Procurement Services of all exceptions granted at a frequency to be determined by the Director responsible for Legal and Procurement Services.

- 10.3 The Director responsible for Legal and Procurement Services will keep a register of all exceptions to CPRs, which shall be available by appointment for inspection by members of the Council and the public. An annual report on exceptions granted in the previous financial year will be presented to the Procurement Board.
- 10.4 An application for an exception to CPRs to allow a contract to be let without genuine competition will not be granted without a cogent reason. A lack of time caused by inadequate forward planning is not a cogent reason and will not permit an exception to CPRs. If an application is granted, the Director responsible for the contract must demonstrate that the price obtained is not in excess of the market price and that the contract represents best value for money.
- 10.5 Where an exception has been granted in line with these rules, a further exception must be sought if the value of the original exception has been exceeded **or** the time period granted for the exception has elapsed.
- 10.6 An exception to the requirements to follow the tender or quotation procedure **may** be granted in the following circumstances:
- (a) an unforeseeable emergency involving danger to life or health or serious damage to property, in which the work, goods or services are required more urgently than would be possible if the tender or quotation procedure were followed;
 - (b) for justifiable technical reasons, the works, goods or services can be obtained from only one supplier;
 - (c) acquiring goods or services from a different supplier would result in incompatibility with existing goods or service or disproportionate technical difficulties;
 - (d) the proposed contract is an extension to or variation of, the scope of an existing contract, if permitted by the public procurement legislation i.e. below the required PCR threshold, *unless* the existing contract provides for an extension;
 - (e) there is a need to develop and influence the market by extending the range and provision of services, provided the contract is for a fixed term of no more than three years;
 - (f) it is necessary to enable the continuation of a new service, development of which was initially grant-aided, provided the contract is for a fixed term of no more than three years;
 - (g) when a grant from a public body includes a recommendation as to the

supplier or is time limited;

- (i) in furtherance of the Council’s social enterprise policy, or other economic development aims, subject to the prevailing financial support limits for this type of activity and without breaching public procurement rules;
- (j) if there are exceptional circumstances in which it would not be in the Council’s best interests to follow the tender or quotation procedure or another Contract Procedure Rule;

10.7 An exception to Contract Procedure Rules is granted and separate authorisation is not required in the following circumstances:

- (a) placing an order against a contract/framework agreement let by another Public Body where contracts have been let to allow collaboration, e.g.e.g., Eastern Shires Purchasing Organisation (ESPO), Central Buying Consortium (CBC, Buying Solutions, etc.), where the value is below £100,000. If £100,000 or above, approval should be sought via the Procurement Panel or Procurement Board;
- (b) as part of a partnering contract that contemplates a series of contracts with a single supplier;
- (c) legislation requires the Council to let a contract differently from these Contract Procedure Rules;
- (d) value for money can be achieved by the purchase of second hand/used vehicles, plant or materials
- (e) the purchase of works of art, museum artefacts, manuscripts, archive collection items or the services of artistic and cultural performers;
- (f) Residential Placements for an individual with a registered care provider of their choice under the Care Act 2014; and
- (g) for decision making on utilities contracts. Due to the volatile nature of utilities markets and the need for expedient decision making, authority has been delegated through the approval of these Rules to the Director responsible for Legal and Procurement Services in consultation with the Chief Finance–Operating Officer. If the Chief Finance–Operating Officer is also the Director responsible for Legal and Procurement Services, then the decision will be made by the Chief Finance–Operating Officer in consultation with the Chief Executive or his nominated representative. All utilities contracts will be let through Legal and Procurement Services and in line with the procedures dictated by the Head of Legal and Procurement Services.

11. Valuation of Contracts and Aggregation of Requirements

11.1 The Director responsible for each contract must record an estimated value for the contract before any offers are sought.

- 11.2 The total value of the contract is the total amount that the Council expects to pay for the contract, either in a single sum or periodically over time and should be calculated in accordance with the most appropriate of the following:
- (a) Capital and fixed term contracts – the total price which is expected to be paid during the whole life of the contract period, including all extension options and contingency allowance
 - (b) Where the contract period is uncertain, multiply the price estimated to be paid each month by 48
 - (c) If the purchase is one of a series of regular transactions for the same type of item, the ‘Total Value’ is the expected aggregate value of all of those transactions over a 12-month period
 - (d) For feasibility studies, it is the value of the scheme or contracts which may be awarded as a result
- 11.3 Contracts for the same works, goods or services must not be split into smaller, separate contracts to avoid compliance with these CPRs or the Public Contracts Regulations 2015.

12. Duties of Directors and the Head of Legal and Procurement Services

- 12.1 The Director is responsible for ensuring that all expenditure involving procurement activity complies with the CPRs and is responsible for ensuring that contracts within his/her division are managed and operated within the terms of the contracts themselves.
- 12.2 The Head of Legal and Procurement Services is responsible for maintaining a register of contracts and for providing an up-to-date copy of the register. Contracts for less than £25,000 need not be recorded in the register. The contracts register is to be published on the Council’s website in accordance with the Local Government Transparency Code. Directors responsible for entering into contracts for £25,000 or more must notify the Director responsible for Legal and Procurement Services of contracts entered into at a frequency determined by the Director responsible for Legal and Procurement Services.
- 12.3 As soon as practicable after the Council’s budget has been set and in any event before the end of March in each financial year, the Director must notify the Head of Legal and Procurement Services of all contracts (including their values) that his/her division plans to enter into during the following financial year.
- 12.4 The Director must use corporate contracts, where they are in place. To do otherwise would be unlikely to give value for money for the Council and may be in breach of the Public Contract Regulations 2015.
- 12.5 If there is an in-house service available that operates as a trading unit, the Director must consider, in accordance with Value for Money principles, whether

that service should be used or whether a contract should be let to an external provider, although all resource implications (e.g. TUPE implications and/or redundancies for directly employed staff), must be considered as part of the best value assessment.

13. Selection of Procurement Route

13.1 When selecting the most appropriate procurement route to secure value for money, the Director, in consultation with the Head of Legal and Procurement Services, shall adhere to the following principles:

- (a) All practical options for contract packages and methods of procurement should be analysed and evaluated, with the object of selecting the option that most effectively ensures value for money is achieved. The preferred option must provide full, fair, transparent and open competition and be identified as the most economically advantageous bid.
- (b) The scope of contract packages should take into account cross-cutting themes and outcomes identified by strategic, policy and service reviews. Stakeholders within and outside the Council should be consulted about service standards and specifications and investigation of the market undertaken. Performance under any current contract should be appraised and prospective performance considered in the light of consultations and investigations.
- (c) The contract package should seek to stimulate diversity and innovation, enhance choice for service users and attract new suppliers.
- (d) Partnerships between the public, private and voluntary sectors should be sought, which demonstrate a shared commitment to objectives that benefit users of the Council's services.

14. Authority to Enter into a Contract

14.1 Officers may only enter into a contract if authority is delegated to them or by specific decision of the Council, the Cabinet or Cabinet Member or Procurement Board or Procurement Panel.

14.2 Unless an officer has been given authority to enter into a contract, all contracts involving capital expenditure must be authorised by a specific decision of the Cabinet or a Cabinet member.

14.3 Unless an officer has been given authority to enter into a contract, all contracts involving revenue expenditure must be authorised by a specific item in the approved revenue budget for the relevant year. A specific item in the approved revenue budget is deemed to be an authority for the relevant Director to enter into a contract up to the value estimated.

14.4 All contracts will be let with the involvement of Legal and Procurement Services in consultation with service users and technical experts.

See Appendix 1 for Governance Flowchart

15. Specifications

- 15.1 The Director, in conjunction with the Head of Legal and Procurement Services, must ensure that an appropriate specification is prepared for every contract, which sets out clearly the Council's requirements with regard to the works, goods or services to be supplied.
- 15.2 All works, goods and services must be specified by reference to European or national standards where appropriate.
- 15.3 Specifications should incorporate measurable and, so far as is possible, objective quality and performance criteria to enable the contract to be monitored and managed and should build in a capacity for flexibility and innovation, to secure sustained improvements and the ability to meet changing local and national circumstances.
- 15.4 Where appropriate, specifications should identify and allocate the risks inherent in the contract.
- 15.5 If a contract may involve the transfer of employees (from the Council to a contractor or from one contractor to another), the tender documents should, if the contractor has assured confidentiality of personal information, include all relevant information relating to those employees.
- 15.6 The Director must obtain all necessary professional and technical advice and assistance in preparing a specification, to ensure a comprehensive document that expresses the Council's requirements and protects its interests. Consultants or other third parties who assist in the preparation of a specification must not be invited to tender or quote for the contract.

16. Contract Procedures

- 16.1 If a corporate contract is in place for the supply of any works, goods or services, the Director must place orders under that contract. Legal and Procurement Services publishes data to enable Directors to order from corporate contracts.
- 16.2 The Director in conjunction with the Head of Legal and Procurement Services must establish whether the public procurement legislation applies to a proposed contract. If in doubt, Legal Services will advise whether the legislation applies. When public procurement legislation does apply, the Director/ Head of Legal and Procurement Services must use the open or restricted procedure unless Legal Services agrees the use of competitive dialogue or the negotiated procedure. Whenever possible, a competitive procedure must be adopted.
- 16.3 The Head of Legal and Procurement Services will place all notices relating to contracts in Find a Tender [where applicable and will ensure compliance with all applicable laws and regulations relating to the Council's procurement](#)

~~activities and will provide the statutory annual returns to HM Treasury of contracts let by the Council.~~

16.4 The Director need not obtain competitive quotations for contracts of less than £10,000 in value but must demonstrate in any event that the Council is receiving value for money.

17. Invitation to Formal Tender

17.1 If the public procurement legislation applies to a contract, the selection of suppliers to be invited to tender for the contract must follow the requirements of that legislation.

17.2 If the ~~estimated total contract value for the procurement is between £100,000 and PCR 2015 thresholds, a minimum of five (5) potential suppliers must be invited to tender using the Council's e-tendering system. public procurement legislation does not apply, and the estimated contract value is £100,000 or more, at least three potential contractors should be invited to tender.~~ Where ~~appropriate possible~~ those invited to tender should include at least ~~two three (3)~~ local suppliers. The number of ~~contractors-suppliers~~ invited to tender should ensure full competition is achieved. ~~Potential contractors should be selected in the following way:~~

- ~~Placing an advertisement on the Council's website or in one or more newspapers circulating in the West Midlands or in one or more newspapers or journals circulating among persons who undertake such contracts or sub-contracts.~~
- ~~The placing of the advertisement should aim to achieve maximum interest amongst contractors.~~

17.3 Companies expressing an interest in being invited to tender in response to an advertisement, must satisfy the Council as to their legal, financial and technical capacity (including but not limited to their Health & Safety and Equal Opportunities policies) to undertake the contract by completing a standard questionnaire (where relevant) or tender document where the open procedure of the Public Contract Regulations is used, in a form approved by the Head of Legal and Procurement Services.

17.4 The Head of Legal and Procurement Services shall be responsible for ensuring that an "Invitation to Tender" procedure – that demonstrates public sector best practice – is available and adhered to, at all times.

18. Opening Formal Tenders

18.1 The information obtained at the opening of tenders is confidential to those involved in the opening process and those directly involved in evaluation of the tenders. Confidentiality must be maintained, and any breach reported to the Monitoring Officer.

18.2 The Council uses an *electronic tendering platform*. The tender opening process must be appropriate to the specific electronic software employed and its facilities for guaranteed receipt of tenders.

19. The Quotation Procedure

19.1 ~~For contracts of under £100,000 in value, suppliers to be invited to quote may be selected from an appropriate approved list, advertised on the Council's website or otherwise sought as appropriate.~~ Where the contract value is £10,000 and up to £24,999, ~~oral~~ a minimum of five (5) verbal quotations (which ~~should~~ must be confirmed by email) ~~can~~ shall be sought and the use of the quotation pack is optional. Where the contract value is ~~£~~ £25,000 up to £99,999, a minimum of five (5) quotations MUST be requested in writing via the Council's e-tendering system using the quotation pack. Where possible those invited to quote where the contract value is between £10,000 and £99,999 should include a minimum of three (3) local suppliers.

19.2 The Authorising Officer must satisfy ~~him/herself~~ themselves as to the legal, financial and technical capacity of suppliers invited to quote to undertake the contract for the Council, through seeking appropriate in-house professional advice, and that they will provide value for money.

19.3 Three or more suppliers must be invited to quote to ensure genuine competition. If it is only possible to invite two suppliers to quote, authorisation must be sought from the relevant Director.

19.4 The Head of Legal and Procurement Services shall be responsible for all procedural aspects of seeking quotations, ensuring that probity and proper public accountability standards are in operation. Monitoring shall be carried out periodically by either the internal or external auditor.

20. Acceptance of Formal Tenders and Quotations

20.1 Where expenditure has been approved through the budget setting process, the Procurement Panel or Board has given approval to proceed and these CPRs have been followed, the Procurement Board or Procurement Panel shall receive notification of the contract award.

20.2 For contracts of £100,000 or more, contracts are to be awarded under the “most economically advantageous” criterion (see Rule 20.3). The Procurement Panel/Board shall receive a written report of the contract award from the responsible officer seeking approval for such award where outside of the delegated authority granted at the approval to proceed stage. In extreme urgency the Head of Legal and Procurement Services may agree to ~~an oral~~ verbal report from the responsible officer with a written report being presented to Procurement Panel/Board within a calendar month. All papers/electronic files will be stored in line with the document retention policy.

20.3 Tenders or quotations must be evaluated on the basis of which is most economically advantageous to the Council. When using the Public Contract

Regulations 2015, the criteria for evaluation must be set out in the invitation to tender or equivalent document depending on which procedure is used, in descending order of priority, with the weightings to be given to them. The criteria may also be set out in Find a Tender and public notices. Whole life and environmental costs may be included in criteria for evaluation.

21. Electronic Tendering and Quotations

The Head of Legal and Procurement Services is responsible for the procedure for these processes.

- (a) tenders and quotations over £25,000 may must be invited electronically ~~through the Council's e-tendering system, provided paper copies of any documents that cannot be sent on-line are sent by post and paper copies of all documents are sent to suppliers who do not specify an e-mail address for receipt of tenders or quotations. In selecting suppliers to be invited to tender or quote, the Head of Legal and Procurement Services must not discriminate against suppliers who do not have facilities for receiving invitations by e-mail. Where the e tendering system is the only process being used, s.~~ Support must be found for suppliers ~~in this category~~that do not have access.
- (b) invitations to tender and quotes submissions over £25,000 may must be submitted electronically through the ~~approved e tendering system~~Council's e-tendering system. Where electronic submissions have been approved by the relevant Procurement Officer to be made outside of the approved system (i.e., via email), submissions must be made before the official opening deadline.
- (c) the procedure will also include arrangements for e-auctions.

22. Amendments and Alterations to Tenders and Quotations

- 22.1 Amendments to invitation to tender or invitation to quote documents, made after the invitations have been sent out, must be clearly headed "Tender Amendment" or "Quotation Amendment" as appropriate and sent to all suppliers who have been invited to tender or quote. If there is more than one amendment, they should be numbered consecutively. Amendments should be sent out in sufficient time to allow suppliers to adjust their tenders or quotations as appropriate.
- 22.2 A supplier's tender or quotation is his offer to the Council, which the Council may accept as it stands. Once a tender or quotation has been submitted, alterations will only be accepted through formal clarifications under the restricted procedure; or negotiations under the Competitive Dialogue process of the Public Contract Regulations 2015.
- 22.3 In all other situations, if a supplier attempts to alter ~~his~~their offer after the last date for receipt of tenders or quotations, ~~he~~they must be given the opportunity

to stand by or withdraw ~~his~~their original offer. Correction of an obvious arithmetical error, which would reduce the price to be paid by the Council or increase the price to be paid to the Council, may be accepted.

- 22.4 Where performance specifications are used, a tender or quotation that is expressed to be conditional upon the Council's acceptance of alterations to the specification or the terms and conditions of contract, may be treated as non-compliant and rejected. This does not prevent the Council inviting variant bids (that is an invitation to submit an alternative bid that could then be considered as being to the Council's benefit provided that the condition applying to the mandatory reference bid is followed). If variant bids are invited, suppliers must be required to submit a mandatory reference bid based on the specification and terms and conditions included in the invitation to tender or invitation to quote, so that all bids may be compared fairly.
- 22.5 Where outcome-based specifications are used it will be for the bidder to decide the method of service delivery. Tenders or quotations will be evaluated fairly against published evaluation criteria.
- 22.6 A properly approved and PCR-compliant competitive dialogue process or negotiated procedure will normally result in one or more Best and Final Offers as a result of negotiation with selected bidders. No alteration to the Best and Final Offer, in terms of outcomes or contract price, is permitted without the specific approval of the Monitoring Officer.

23. Contract extensions

- 23.1 Where extensions to contracts have been included in the original advert, tender documentation and contract, subject to Procurement Panel/Board approval, the extensions may be agreed; where performance is satisfactory and the original contract terms are to continue (including price variations in line with the original contract) through the issuing of a contract change note. The contract change note must be kept with the original contract in line with the document retention policy and must be signed by the officer who signed the original contract, or in their absence for whatever reason, by another officer authorised to sign the original contract.
- 23.2 For Contracts of £100,000 in value and over, these will be approved by Procurement Panel/Board as set out in Appendix 2.

24. Contract Variations

- 24.1 For contract variations, if a contract variation is proposed where the terms and conditions of the original contract will be changed, the Head of Legal and Procurement Services or relevant Panel/Board shall require a written report from the responsible officer requesting approval in line with Appendix 3 for acceptance and detailing the reasons for doing so. This shall be recorded in writing. Once approval is received, a contract change note will be issued and kept with the original contract documentation. All written reports will be stored in line with the document retention policy. If a contract is executed as a deed, a

short supplemental deed may be drafted, and this will be dealt with on request to Legal Services.

25. Form of Contract

25.1 Legal Services will decide whether a contract is to be executed as a deed or under hand as a simple contract. As a general rule, any works contracts, and high value contracts equal to or exceeding £1,000,000 and which are expressed to be executed as deeds must either be:

25.1.1 made under the Council’s seal attested by the City Solicitor or authorised signatory; or

25.1.2 signed by at least two officers of Legal Services duly authorised by the City Solicitor

25.2 All contracts created as deeds must be made in accordance with the provisions of Rule 25.1 above, witnessed in accordance with the relevant provision of the Scheme of Functions Delegated to Employees by an Officer authorised to do so.

25.3 A contract executed as a deed is retained for twelve years to enable any action to be taken under it, if required

25.4 Contracts of between up to £999,999 in value can be signed under hand for and on behalf of the Council by Directors and Heads of Service, or an authorised signatory.

25.5 Any contracts entered into on behalf of the Council which are being executed by electronic means (using an electronic execution software tool) shall be undertaken in accordance with the process set out in the Electronic Execution Procedure Rules.

26. Social Value

26.1 The Public Services (Social Value) Act 2012 requires the Council to consider delivering Social Value through contracts for services. However, the Council encourages consideration of social value outcomes in all contracts ~~above the~~ [PCR thresholds](#), where it can be evidenced that it is relevant to the subject matter of the contract.

26.2 For those contracts that fall below the threshold, the approach should be to maximise outcomes where possible.

26.3 In order to ensure that the Council adheres to the Act, the social value sought from a contract must be relevant and proportionate in respect of the proposed contract.

27. Contract Administration and Management

27.1 The Head of Legal and Procurement Services shall arrange for publication of a contract award notice [for contracts valued in excess of £25,000](#) no later than ~~45~~ [30](#) days after contract award, if appropriate, and shall keep a register of the notified information, which shall be available for inspection by appointment by any Member of the Council, internal and external auditors and any member of the public.

27.2 The Head of Legal and Procurement Services shall be responsible for ensuring that a procedure on “Contract Administration and Management” is made available to all officers and partners managing contracts on the Council's behalf. This will include guidance on managing partnering or partnership contracts explaining techniques such as target costing and "open book".

28. Prevention of fraud and corruption

28.1 All purchases, contracts and income covered by these rules must be let in line with the Council's Anti-fraud and Corruption Policy and Strategy.

28.2 If an officer of the Council has a pecuniary interest in a contract or proposed contract, he/she must in accordance with Section 117 of the Local Government Act 1972 register the interest with the Monitoring Officer and declare it at any meeting at which the officer is present and the contract is discussed and thereafter leave the room and take no further part in the discussion.

28.3 If an officer of the Council has a personal or non-pecuniary interest in a contract or proposed contract, [he/shethey](#) must declare that interest to the Chief Executive or to their Director, as appropriate, as required by the Council's Code of Conduct for Employees and relevant employee policies.

28.4 If a Member of the Council has a disclosable pecuniary interest or other relevant interest in a contract as defined in the Code of Conduct for Elected and Co-opted Members, the member must take such action as is required by that Code.

28.5 A contract must be terminated immediately, and any losses to the Council arising from the termination recovered from the ~~contractorsupplier~~, if the ~~contractorsupplier~~, or anyone acting on ~~his-their~~ behalf:

- (a) offers or gives or agrees to give any member or officer of the Council any gift, benefit or consideration of any kind or value as an inducement or reward with regard to the contract; or
- (b) commits any offence under the Bribery Act 2010 or section 117 of the Local Government Act 1972.

A declaration to this effect must be contained in all invitations to tender or quote.

28.6 The attention of officers is drawn to the Council's Code of Conduct for Elected

and Co-opted Members, Whistleblowing policy, Disciplinary Policy and Procedures and the Code of Conduct for Employees and relevant employee policies. Non-compliance with these CPRs constitutes grounds for disciplinary action.

- 28.7 All of the requirements in Rule 28.1 to 28.6 above will apply to any third party acting on the Council's behalf in a contractual situation e.g. consultants and community representatives on evaluation panels.

29. Freedom of Information Act 2000

- 29.1 When entering into contracts the Council will refuse to include contractual terms that purport to restrict the disclosure of information held by the Council and relating to the contract beyond the restrictions permitted by the Act. Unless an exemption provided for under the Act is applicable in relation to any particular information, the Council will be obliged to disclose that information in response to a request, regardless of the terms of any contract.

- 29.2 When entering into contracts with non-public authority contractors, the Council may be under pressure to accept confidentiality clauses so that information relating to the terms of the contract, its value and performance will be exempt from disclosure. As recommended by the Information Commissioner, the Council will reject such clauses wherever possible. Where, exceptionally, it is necessary to include non-disclosure provisions in a contract, the Council will investigate the option of agreeing with the contractor a schedule of the contract that clearly identifies information which should not be disclosed. The Council will take care when drawing up any such schedule and be aware that any restrictions on disclosure provided for could potentially be overridden by obligations under the Act, as described in the paragraph above. Any acceptance of such confidentiality provisions must be for good reasons and capable of being justified to the Information Commissioner. When entering into the above contracts the Council will make it clear that these restrictions apply to sub-contractors also and that the Secretary of State has the powers to designate them as 'public bodies' for the purpose of making them comply with the Act.

- 29.3 The Council will not agree to hold information 'in confidence' which is not in fact confidential in nature. Advice from the Information Commissioner indicates that the exemption provided for in section 41 only applies if information has been obtained by a public authority from another person and the disclosure of the information to the public, otherwise than under the Act, would constitute a breach of confidence actionable by that, or any other person.

- 29.4 It is for the Council to disclose information pursuant to the Act, and not the non-public authority contractor. The Council will take steps to protect from disclosure by the contractor information that the authority has provided to the contractor (which would clearly be exempt from disclosure under the Act) by appropriate contractual terms. In order to avoid unnecessary secrecy, any such constraints will be drawn as narrowly as possible and according to the individual circumstances of the case. Apart from such cases, the Council will not impose

terms of secrecy on contractors.

- 29.5 The Head of Legal and Procurement Services will be responsible for advising on the application of the Freedom of Information Act and contracts, in conjunction with the Council’s Head of Information Governance, where circumstances arise that are not specifically covered by Council policy. He/she will also be responsible for updating procedure following any case law that materially amends or augments Council policy in this area.

30. Management of Risk in Contracts

For contracts of strategic importance, a risk register will be drawn up for the contract letting process. Once the contract is awarded, a risk register to cover the implementation and successful ongoing management of the contract will be drawn up by the Head of Service or authorised deputy. This risk register will be monitored in line with the corporate guidance on risk throughout the life of the contract.

31. Impact of Other Legislation

In addition to what has already been mentioned in these Rules, there is other legislation that may impact on the supplies, services and works required when following a contract tender or quotation procedure such as Health & Safety, Safeguarding, Modern Slavery, to name but a few. This legislation must be incorporated where relevant and appropriate. In particular, the Director must consider whether the contract needs to include, or be subject to, a Data Sharing Agreement where the nature of the contract services is such that personal data is likely to be shared.

32. Definitions

In these CPRs:

Authorising Officer means: an officer authorised to approve the placement of orders or invoices for payment.

Cabinet means: the Leader of the Council and the other members of the Council’s Executive.

Chief ~~Finance~~ Operating Officer means: the officer appointed under section 151 of the Local Government Act 1972.

Contract means: the agreement between the Council and a contractor/supplier/provider for the supply of works, goods or services, or for any activity that generates income for the Council.

Contractor means: a supplier or provider of works, goods or services to the Council.

Contract change note means: the document that describes changes to the

original contract which have been agreed by both parties.

Contract package means: the scope for amalgamating like requirements/services currently operating at different parts of the organisation, to suit the supply market to achieve overall better value.

Corporate contract means: a contract or framework agreement for the supply of works, goods or services to the Council e.g. for computer consumables, stationery, legal and financial services.

Decision making body means: the body responsible for decisions in the described situation under the Council's Constitution.

Director(s) means: a member(s) of the Council's [One Coventry Corporate Leadership Team \(OCLT\)](#) or [Strategic Management Board Senior Leadership Team \(SLT\)](#).

Framework Agreement means: an agreement between the Council and a contractor for the provision of estimated quantities of goods or services. This becomes a contract when an order for a specific quantity is placed either after further competition or through the most competitive source identified in the original tender.

Head of Legal and Procurement Services means: the Head of Legal and Procurement Services or [his or her/their](#) authorised representative.

Monitoring Officer means: the officer designated as such under Section 5 of the Local Government and Housing Act 1989 or [his or her/their](#) deputy.

Outcome based specifications means: a specification that describes the required outcomes through service delivery and leaves the method of delivery to the third-party provider.

Panels means: Procurement Panel.

Performance Specifications means: a specification that provides details of the methods to be adopted when delivering the requirements.

Procurement Board means: the officer board responsible for all procurement decisions.

Legal and Procurement Services means: the centralised legal and procurement service for Coventry City Council.

Public procurement legislation means: The Public Contracts Regulations 2015, the EC Directives from which they are derived, UK legislation affecting public sector contracts and any amendment, re-enactment or replacement of any of them.

Quotation means: an offer to undertake a contract of £10,000 or more but less than £100,000 in value.

Right to challenge means: the right to challenge for services under Part 5 of the Localism Act 2011.

Services contract means: a contract or framework agreement for the provision of services to the Council.

Supplies contract means: a contract or framework agreement for the sale or hire of goods to the Council and includes, where appropriate, installation of goods.

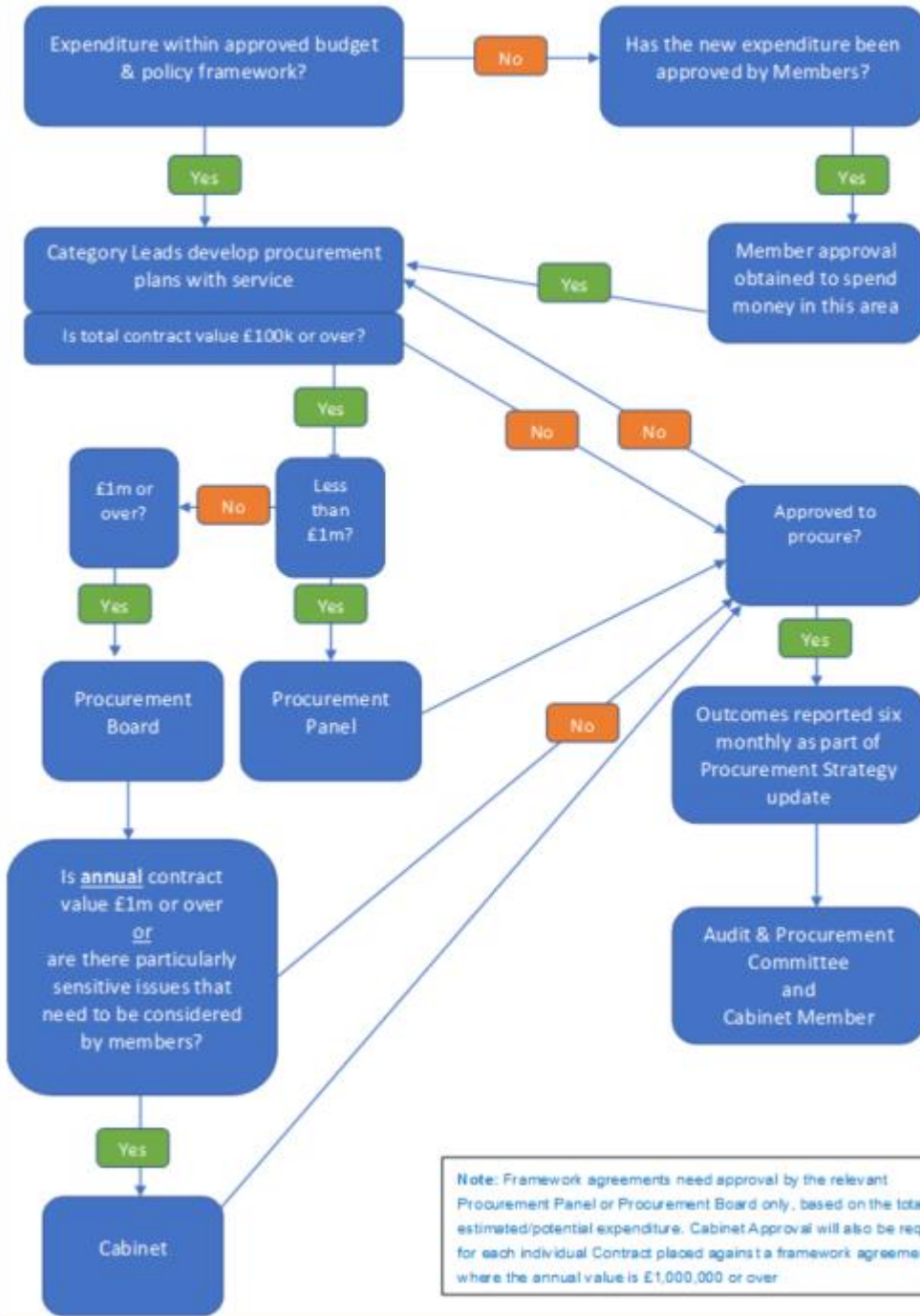
Tender means: an offer to undertake a contract of £100,000 or more in value.

TUPE Regulations means: the Transfer of Undertakings (Protection of Employment) Regulations 2006 and any amendment, re-enactment or replacement of the same.

Works contract means: a contract for the construction, repair or maintenance of a physical asset not defined as Services in the Public Contracts Regulations.

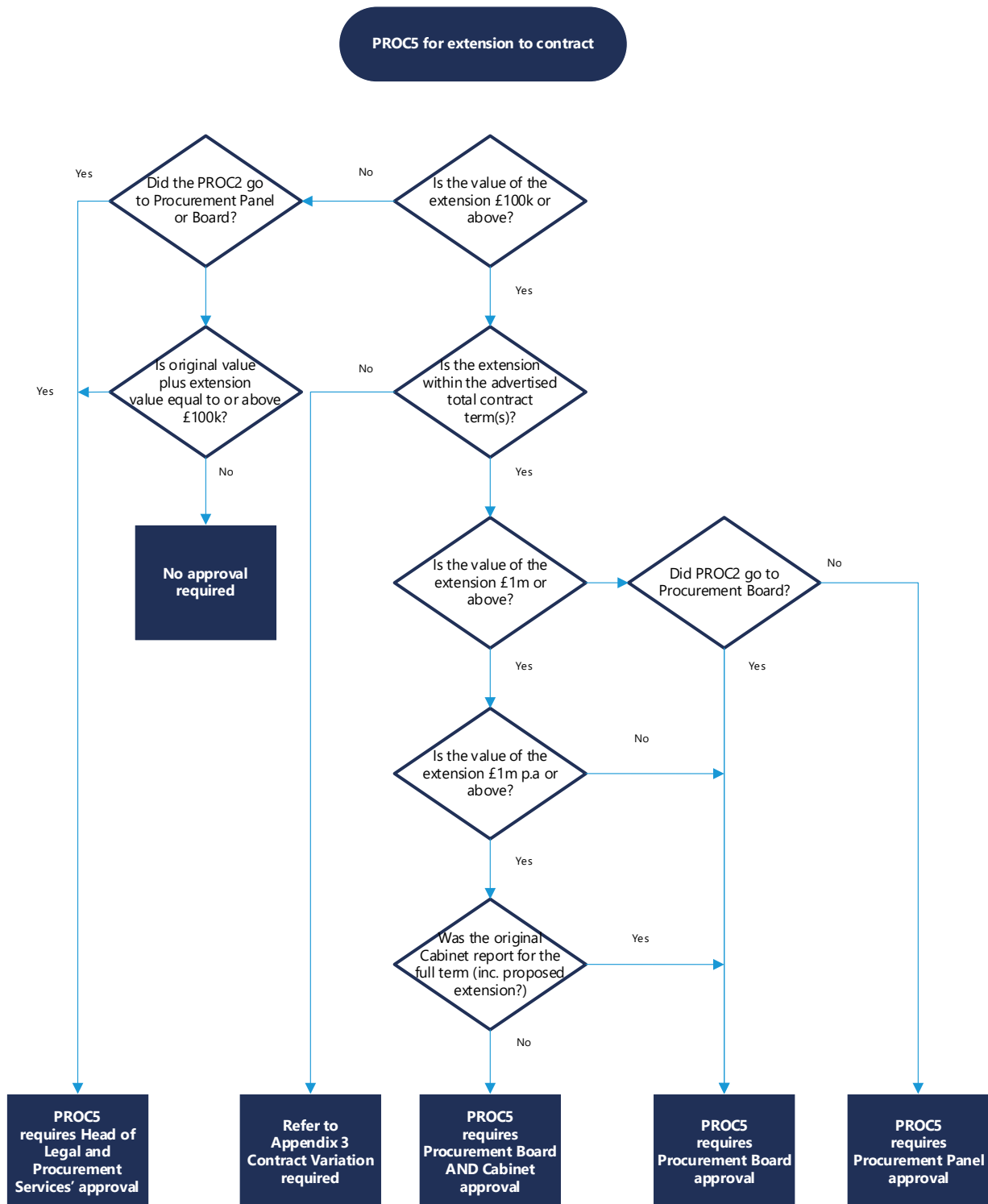
Appendix 1

PROCUREMENT GOVERNANCE



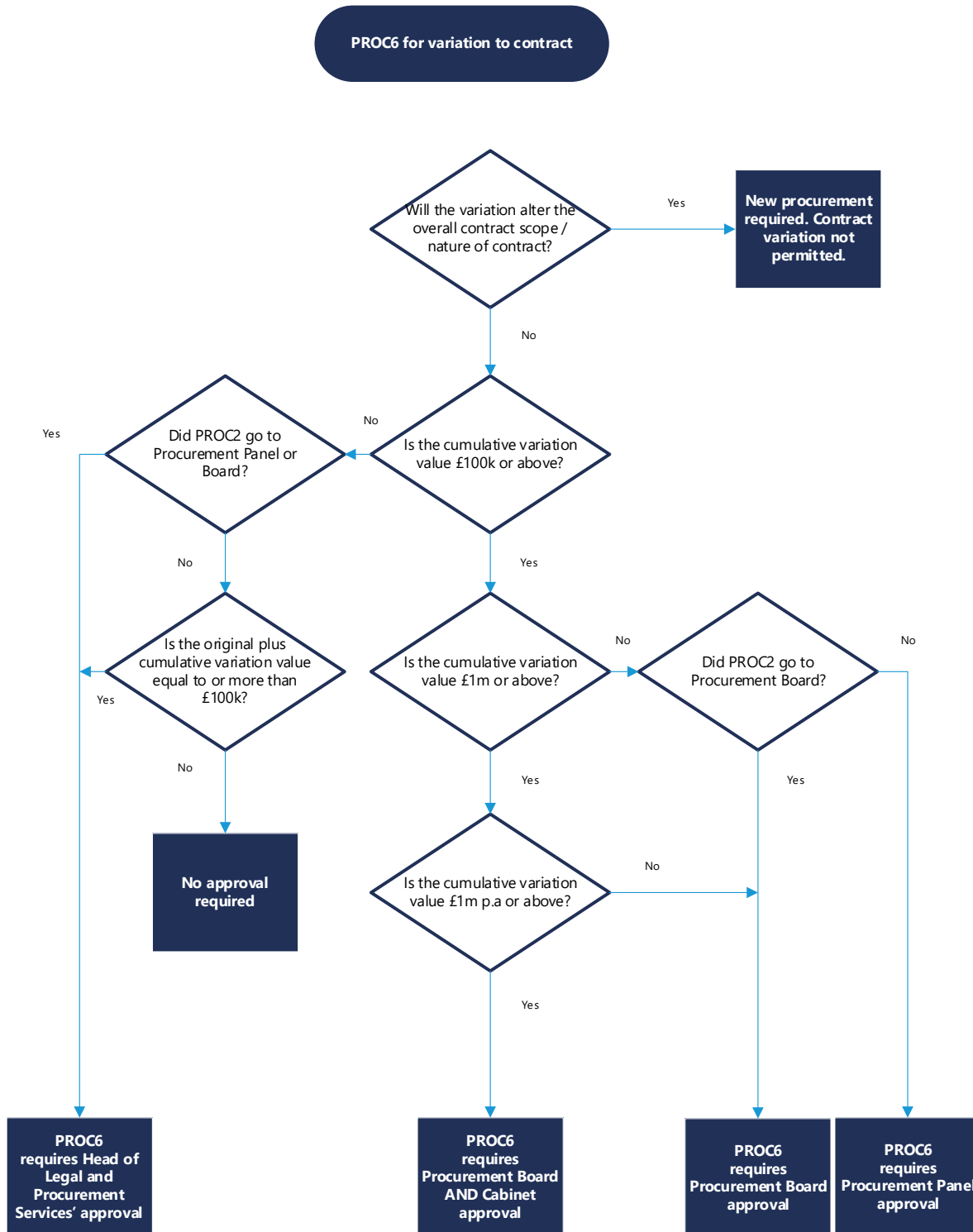
Note: Framework agreements need approval by the relevant Procurement Panel or Procurement Board only, based on the total estimated/potential expenditure. Cabinet Approval will also be required for each individual Contract placed against a framework agreement where the annual value is £1,000,000 or over

Appendix 2 – Approval Process for Contract Extensions



Note:
 PROC2 – Request for Permission to Procure
 PROC5 – Request for Permission to Extend a Contract

Appendix 3 – Approval Process for Contract Variations



Note:
 PROC2 – Request for Permission to Procure
 PROC6 – Request for Permission to Vary a Contract

PART 3A: COUNCIL PROCEDURE RULES

1. ANNUAL MEETING OF THE COUNCIL

Timing and Business

- 1.1 In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in March, April or May.
- 1.2 The Annual Meeting will:-
- (a) elect a person to preside if the Lord Mayor and the Deputy Lord Mayor are not present;
 - (b) receive any apologies for absence;
 - (c) receive any correspondence and announcements of the Lord Mayor;
 - (d) elect the Chair of the Council (being Lord Mayor of the City);
 - (e) give a vote of thanks to the Retiring Lord Mayor;
 - (f) elect the Vice-Chair of the Council (being Deputy Lord Mayor of the City);
 - (g) elect the Leader of the Council in any year in which the current Leader's term of office expires. If the Council does not elect the Leader at the Annual Meeting, the election of the Leader shall be an item on the agenda at every ordinary meeting of the Council after the Annual Meeting until the Leader is elected. The existing Leader appoints a Deputy Leader and Cabinet for the discharge of Executive Functions until the Leader is elected; where this is not possible, the Deputy Leader shall become Leader and appoint a Deputy Leader and Cabinet for the discharge of Executive Functions until the Leader is elected;
 - (h) receive the report of the Leader of the Council on the appointment of the Deputy Leader, the composition of the Cabinet and the appointment of Deputy Cabinet Members and the allocation of Executive Functions within the Cabinet;
 - (i) agree the minutes of the last meeting and their signature;
 - (j) receive the return of persons elected as Councillors (when applicable);
 - (k) receive any declarations of interest from Councillors;

Part 3A – Council Procedure Rules

- (l) establish the Licensing and Regulatory Committee, Planning Committee, Health and Wellbeing Board, Scrutiny Co-ordination Committee, Scrutiny Boards, Audit and Procurement Committee, an Ethics Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions as set out in Part 2, of this Constitution. This may also include the appointment of the Chair and Deputy Chair of those bodies;
- (m) decide the size and terms of reference for those Scrutiny Boards and Committees;
- (n) decide the allocation of seats to political groups in accordance with the political balance rules;
- (o) receive nominations and appoint Councillors to serve on each Scrutiny Board, and Committee;
- (p) receive nominations and appoint to outside bodies;
- (q) approve a programme of ordinary meetings of the Council, Cabinet, Scrutiny Boards, Committees and Advisory Panels for the year including the date and time of the next Annual Meeting; and
- (r) consider any business set out in the notice convening the meeting.

1.3 If it becomes clear either before the Annual Meeting or on the day itself that there are areas of contention, then the fall-back position will be to adjourn the Annual Meeting following the appointment of the Lord Mayor/Deputy Lord Mayor and reconvene to a future date provided that it complies with the timescale referred to in Rule 1.1.

2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary meetings will:-

- (a) elect a person to preside, if the Lord Mayor and the Deputy Lord Mayor are not present;
- (b) receive any apologies for absence;
- (c) agree the minutes of the last meeting and their signature;
- (d) receive any return of persons elected as Councillors;
- (e) present the Citizen of the Month Award;
- (f) receive any correspondence and announcements of the Lord Mayor;
- (g) receive any petitions in accordance with the Petitions Procedure Rules;
- (h) receive any declarations of interest by Councillors;

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- (i) determine any matters left for determination by the City Council;
- (j) consider recommendations for the City Council;
- (k) receive questions and provide answers to Councillors (except at the Council Tax/Budget setting meeting);
- (l) receive any statement by the Leader of the Council or his or her nominated speaker on any changes to the composition of the Cabinet or allocation of executive functions within the Cabinet or to employees or on any matter of significant importance to the City;
- (m) consider motions; and
- (n) approve extensions to the programme of ordinary meetings of the Council, Cabinet, Scrutiny Boards and Committees.

3. EXTRAORDINARY MEETINGS

Calling Extraordinary Meetings

3.1 Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:-

- (a) the Council by resolution;
- (b) the Lord Mayor;
- (c) the City Solicitor or
- (d) any five Councillors if they have signed a requisition presented to the Lord Mayor and ~~she/he~~if the Lord Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 Any requisition under Rule 3.1(d) will be addressed to the Lord Mayor by being left for the Lord Mayor at a location* designated by the City Solicitor. The requisition will indicate the business to be transacted at the meeting.

*NB: The location currently designated is Room 79 in the Council House.

3.3 The date, time and location of any extraordinary meeting will be fixed by the City Solicitor after consultation with the Lord Mayor and the Leader of the Council.

Honorary Aldermen and/or Honorary Alderwomen

3.4 The Council has approved a protocol for the enrolment of Honorary Aldermen and/or Honorary Alderwomen. That protocol is attached at Annex 2 to this part.

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4. TIME PLACE AND DURATION OF MEETINGS

4.1 The time and place of meetings will be determined by the City Solicitor and notified in the summons.

4.2 Any ordinary meeting of the Council may be cancelled, rearranged or relocated by the City Solicitor ~~after~~following consultation with the Lord Mayor and the Leader of the Council.

Where there is no formal Council Business to consider and approve (i.e. recommendations or items for consideration) the Council Meetings identified as "If Necessary" in the Municipal Calendar may be cancelled, but only following consultation with the Lord Mayor and the Leader of the Council.

4.3 There will be no restriction on the duration of meetings except that if any Council meeting continues for a period of more than 3 hours, there will be a break in proceedings as soon as 3 hours has elapsed since the start of the meeting unless the Council votes unanimously to continue without a break or the Lord Mayor or other person chairing the meeting determines that the remainder of the business of the meeting can be concluded within a reasonable time so as to render any break unnecessary. The break will be for a maximum of 30 minutes. This provision is intended to safeguard the health and wellbeing of Councillors and employees present at any meeting.

5. NOTICE OF AND SUMMONS TO MEETINGS

The City Solicitor will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the City Solicitor will send a signed summons ~~signed by him or her~~ by post to every Councillor or leave it at their usual place of residence or such other place as requested. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

6. CHAIR OF MEETING

6.1 The Lord Mayor or, ~~in his or her absence, if absent~~ the Deputy Lord Mayor will chair meetings of the City Council. In the absence of both the Lord Mayor and the Deputy Lord Mayor, the City Council will elect another Councillor, other than a Member of the Cabinet, to chair the meeting.

6.2 If it is necessary to select a Councillor to chair the meeting in the absence of the Lord Mayor and the Deputy Lord Mayor, the Chief Executive (~~or, in his or her absence, if absent~~ the City Solicitor) will call for a Councillor to move that another Councillor should be nominated to chair the meeting.

6.3 If discussion arises on that motion, the Chief Executive (~~or, in his or her absence, if absent~~ the City Solicitor) will exercise the powers of the Chair to regulate that discussion and to maintain order at the meeting.

6.4 The Lord Mayor will be addressed "Lord Mayor". The Deputy Lord Mayor when chairing the meeting will be addressed as "Deputy Lord Mayor" and any other

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Councillor elected to chair a meeting will be addressed as "Chair".

- 6.5 The Deputy Lord Mayor or other Councillor chairing the meeting will be entitled to exercise any power of the Lord Mayor in relation to the conduct of that meeting.

7. QUORUM

- 7.1 Subject to Rule 7.5, no business will be dealt with unless there is a quorum of 14 Councillors.

- 7.2 If, at the expiration of 15 minutes after the time at which any meeting is appointed to be held, there is no quorum present, the meeting will not take place.

- 7.3 If during any meeting, the Lord Mayor, after counting the number of Councillors present, declares that there is not a quorum present, the meeting will stand adjourned for fifteen minutes.

- 7.4 If, after 15 minutes, there is no quorum present, the meeting will end. The consideration of any business not transacted will be adjourned to a date, time and location fixed by the Lord Mayor at that time or, if she/he does not fix a date, time and location at that time, to the next ordinary meeting.

- 7.5 If Councillors are required to leave the meeting due to their declaration of an interest under the Code of Conduct for Elected and Co-opted Members their leaving the meeting will ~~not~~ affect the quorum so long as they are absent-

8. QUESTIONS BY COUNCILLORS

- 8.1 At ordinary meetings of the Council, except the Council Tax and/or Budget setting meeting, there will be a Question Time. The procedure for dealing with Written Questions at Council Meetings is set out at paragraph 8.2.

- 8.2 A Councillor may put in writing a question concerning any matter relating to Council business to be answered at the meeting by the appropriate Cabinet Member, Deputy Cabinet Member, Chair or other Councillor. Such questions must be delivered to the City Solicitor at a designated location* ~~designated by her/him~~ not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. The deadline for receiving written questions is 9.00 am on the Monday, a week before the Council Meeting on the Tuesday. As soon as any question is received, it will be forwarded to the appropriate Cabinet Member, Deputy Cabinet Member, Chair or other Councillor or Director.

*NB: the location currently designated is Room 79 in the Council House.

- 8.3 The Cabinet Member, Deputy Cabinet Member, Chair or other Councillor will arrange for a written response to be prepared, which must be with him/her/them by 5.00 pm on the Friday before Council.

- 8.4 The Cabinet Member, Deputy Cabinet Member, Chair or other Councillor will

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then have up until 4.00 pm on the Monday the day before Council to check the responses before it needs to be e-mailed to the appropriate Governance Services Officer. The Governance Services Officer will then send the responses to all Councillors by 5.00 pm on the Monday. Copies of all the responses will be circulated at the Council meeting.

- 8.5 While an answer will normally be written and circulated to Councillors at the meeting, it may also be given orally by the Cabinet Member, Deputy Cabinet Member, Chair or other Councillor replying, or a combination of both. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any such question which in ~~his or her~~ the Lord Mayor's opinion is irrelevant or frivolous or a repetition of or substantially similar to a question already asked upon that part of the proceedings.
- 8.6 A Councillor may ask a Chair of a Scrutiny Board, the Scrutiny Co-ordination Committee or the Chair of any other Body any oral question relating to the work of that Board, Committee or Body. The Lord Mayor will call on Councillors in the order in which they catch his or her eye. The Chair will reply orally at the meeting or a written answer will be circulated to Councillors after the meeting within 7 working days of the meeting. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any oral question which, in ~~his or her~~ the Lord Mayor's opinion, is irrelevant or frivolous or a repetition of or substantially similar to the question(s) already asked.
- 8.7 A Councillor may ask the nominated spokespersons of the West Midlands Fire and Rescue Authority or the West Midlands Integrated Transport Authority a written question about any matter which relates to the work of that Authority. The question must be delivered to the City Solicitor at a designated location* ~~designated by her/him~~ not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. An answer may be written and circulated to Councillors at the meeting, given orally by the nominated spokesperson or a combination of both. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any oral questions which, in ~~his or her~~ the Lord Mayor's opinion, is irrelevant or frivolous or a repetition of or substantially similar to a question or question(s) already asked.

*NB: the location currently designated is Room 79 in the Council House.

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8.8 A Councillor may ask another Councillor or an Employee, who is a director of an authorised company as defined by Section 71(1) of the Local Government and Housing Act 1989, a written question about any matter which relates to the activities of that company. The question must be delivered to the City Solicitor at a designated location* ~~designated by her/him~~ not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. An answer may be written and circulated to Councillors at the meeting, given orally or a combination of both. Nothing will require the other Councillor or the Employee to disclose any information about the company which has been communicated to ~~her/him~~them in confidence. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any oral questions which, in ~~his or her~~the Lord Mayor's opinion, is irrelevant or frivolous or a repetition of or substantially similar to a question or question(s) already asked.

*NB: the location currently designated is Room 79 in the Council House.

8.9 A Councillor may ask a Council representative on an outside body an oral question at the meeting without prior notice being given on any matter pertaining to that outside body. The Lord Mayor will call on Councillors in the order in which they ~~catch his or her eye~~are seen. An answer may be given orally by the representative on the outside body at the meeting or a written answer circulated to Councillors after the meeting, within 7 working days of the meeting. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any such question which in ~~his or her~~the Lord Mayor's opinion is irrelevant or frivolous or a repetition of or substantially similar to a question or question(s) already asked.

8.10 A Councillor may ask a Cabinet Member or a Deputy Cabinet Member, an oral question at the meeting without prior notice being given on any other matter relating to the Cabinet Member's or the Deputy Cabinet Member's portfolio. The Lord Mayor will call on Councillors in the order in which they are seen~~catch his or her eye~~. An answer may be given orally by the Cabinet Member or the Deputy Cabinet Member at the meeting or a written answer circulated to Councillors after the meeting, within 7 working days of the meeting. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any such question which, in ~~his/her~~the Lord Mayor's opinion, is irrelevant or frivolous or a repetition of or substantially similar to a question or questions already asked.

8.11 All questions referred to in Rules 8.2, 8.7 and 8.8 will be considered in the order received by the City Solicitor. The Lord Mayor may change the order of questions at the meeting if it is expedient to do so~~she/he considers it expedient~~. Copies of all questions will be circulated to all Councillors and made available to the public attending the meeting.

8.12 No paperwork may be circulated at the meeting in respect of oral questions.

8.13 All supplementary questions should relate to the original question asked or from the response provided.

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9. MOTIONS ON NOTICE

- 9.1 Every notice of motion to be inserted in the summons for the next meeting of the City Council will be in writing and signed by the Councillor intending to move it and by the Councillor intending to second it. The notice must be delivered to the City Solicitor at a designated location* ~~designated by her/him~~ or sent electronically to Governance Services, not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. Any hard copy motions received will be date stamped and scanned by Governance Services. The City Solicitor will only accept notices of motion which fulfill these requirements and will not accept more than one notice of motion per Political Group**. Should a Councillor from a Political Group wish to second a Motion submitted by an individual Councillor, then the Group to which that Councillor belongs will forfeit the right to submit a Motion to the meeting. An individual Councillor may second a Political Group motion with the agreement of that Group Leader.

No Motions on Notice will be allowed at the February Council Tax /Budget setting meeting.

Motions on Notice must be about matters for which the authority has a responsibility or which affect the City, but may not seek to pre-empt a decision on a planning or licensing matter nor seek to discharge an Executive function.

*NB: the location currently designated is Room 79 in the Council House

** "Political Group" to be interpreted in accordance with The Local Government (Committees and Political Groups) Regulations 1990

- 9.2 The City Solicitor will set out in the summons for every meeting of the City Council, all motions of which notice has been duly given under the heading "Debates", in the order in which they have been received unless the Councillor giving such notice intimated in writing, when giving it, ~~that she/he proposed of their intention~~ to move it at some later meeting, or has since withdrawn it in writing.
- 9.3 If a motion set out in the summons is not moved and seconded either by the Councillor who gave notice thereof, or by some other Councillors on their behalf it will, unless postponed by consent of the City Council, be treated as withdrawn and will not be moved without fresh notice.
- 9.4 The mover of a motion or amendment will speak for no more than 5 minutes. All other speeches on the motion will each be for no more than 3 minutes.
- 9.5 An amendment to a notice of motion will not be discussed unless it has been moved and seconded. It will be put in writing and handed to the City Solicitor before it is put to the meeting.
- 9.6 When a motion is made in pursuance of a notice of motion, and the subject is referred by the City Council to a Body, the City Solicitor will send notice of the

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meeting at which the subject will be considered to the proposer and seconder of the motion, unless they are themselves members of that Body. The proposer and seconder will not be entitled to vote unless either of them is a member of the Body.

9.7 If a motion is made in pursuance of a notice of motion which would increase expenditure of the City Council, or reduce income to the City Council, then the motion will be regarded as tentative only and will be referred by the City Council to the appropriate Body for them to consider and make their views known to the City Council before formal approval is given.

9.8 The tentative decision will be included in the summons for the next appropriate meeting of the City Council where the City Council may confirm, amend or rescind it, having regard to the views of the appropriate Body.

10. MOTIONS WITHOUT NOTICE

10.1 The following motions may be moved without notice:

- (a) to elect a Councillor to chair the meeting;
- (b) to agree the minutes of the previous meeting;
- (c) to re-order the business on the agenda;
- (d) to refer an item to the agenda of the next ordinary meeting, or to the Cabinet, Cabinet Member, Scrutiny or a City Council Committee;
- (e) to combine debates on items on the agenda;
- (f) to withdraw an item from the agenda;
- (g) to suspend particular Council Procedure Rules;
- (h) not to hear, on the motion of the Lord Mayor, a Councillor further or to require a Councillor to leave a meeting;
- (i) to record the Council's appreciation or condolence;
- (j) to receive a petition;
- (k) to refer a matter raised by a petition or question to the Cabinet, Cabinet Member, Scrutiny, City Council Committee or to an external body;
- (l) to obtain the agreement of the meeting in any case where a particular Council Procedure Rule requires it;
- (m) to appoint Councillors or other persons to an external body;
- (n) to proceed to the next business;
- (o) that the questions now be put;

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- (p) to adjourn a debate; (see also Rules 15.9 to 15.11)
- (q) to adjourn a meeting;
- (r) to exclude the press and public in accordance with the Access to Information Rules

11. PETITIONS

Petitions will be presented as provided for in the Petitions Procedure Rules.

12. STATEMENT BY THE LEADER OF THE COUNCIL OR A NOMINATED SPEAKER

- 12.1 The Leader of the Council, or a Councillor nominated by ~~her/him~~the Leader, will be entitled to make a statement on an issue or matter of significant importance to the City. The statement will last no more than 10 minutes.
- 12.2 Where there is to be a Statement by the Leader, the Leaders of the other political groups will be notified of the subject matter at the earliest opportunity.
- 12.3 A Councillor from each of the other Groups represented on the Council will be entitled to respond to the statement. The response will last no more than 10 minutes.
- 12.4 The Leader of the Council or the nominated Councillor will be entitled to a right of reply lasting no more than 5 minutes, but there will be no further debate.

13. STATEMENT BY CABINET MEMBERS OR DEPUTY CABINET MEMBERS

- 13.1 A Cabinet Member or Deputy Cabinet Member will be entitled to make a statement on an issue or matter within their portfolio and which is of significant importance to the City. The statement will last no more than 10 minutes.
- 13.2 Where there is to be a Statement by a Cabinet Member or Deputy Cabinet Member, the Leaders of the other political groups will be notified of the subject matter at the earliest opportunity.
- 13.3 A Councillor from each of the other Groups represented on the Council will be entitled to respond to the statement. The response will last no more than 10 minutes.
- 13.4 The Cabinet Member or Deputy Cabinet Member will be entitled to a right of reply lasting no more than 5 minutes, but there will be no further debate.

14. RECOMMENDATIONS SUBMITTED TO THE CITY COUNCIL

- 14.1 Recommendations submitted to the City Council will be reproduced and a copy will be issued to each Councillor prior to or with the summons for the meeting of the City Council at which they are to be submitted. In case of urgency, such recommendations may be issued during the interval between the summons and the meeting, provided that due notice of the business is included in the

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summons.

- 14.2 Recommendations submitted to the City Council will include all matters which are listed in Part 2 as being functions of the Council.
- 14.3 In case of doubt whether a delegated matter ought, under this Standing Order, to be dealt with in any particular manner, the City Solicitor will have the power to decide the point and his or her decision will be final.
- 14.4 The City Solicitor will reproduce the recommendations submitted to the City Council for consideration in such order as will appear to ~~her/him~~to the City Solicitor to be the most convenient for consideration by the City Council.
- 14.5 Upon the consideration of the recommendations before Council for consideration, the motion for the confirmation of the recommendations will be submitted by the Cabinet Member, Chair, Deputy Chair, or other Councillor having charge thereof. In doing so, ~~she/he may~~the Member may, with the consent of the City Council (signified without discussion), withdraw from consideration a specified item of business or move the confirmation of recommendations with a specified alteration. On the consideration of the motion, it will be competent for any Councillor to call the attention of the City Council to, and fully discuss, any subject matter referred in the recommendations which still remains before the City Council, having regard to any earlier withdrawal or amendment.
- 14.6 The rules of debate in Rules 15.1 to 15.20 will apply to recommendations.

15. RULES OF DEBATE

- 15.1 A diagram detailing the Process for Debates is appended as Annex 1 to this section.
- 15.2 A Motion or amendment will not be discussed unless it has been proposed and seconded, and it will, unless the Lord Mayor dispenses with this requirement, be produced in writing and handed in to the City Solicitor before it is further discussed or put to the meeting. A copy of any amendment(s) will be circulated to all members at the meeting when the amendment(s) has/have been moved and seconded. Every amendment must be the subject of a vote unless the amendment, having been moved and seconded, is withdrawn by the proposer.
- 15.3 A Councillor intending to move an amendment will declare that intention, together with the wording of the amendment and the name of the Councillor then present in the meeting who has agreed to second the amendment, within three minutes of starting to speak in the debate on a Motion. Once the amendment has been moved and seconded the debate is then on the amendment. The Councillor named to second the amendment will, immediately upon being so named, indicate ~~their his or her~~to this agreement to the Lord Mayor by show of hand. The mover of the amendment may thereupon continue to speak, provided that, in total, the length of his or her speech will not exceed five minutes.
- 15.4 If the mover of an amendment does not, for whatever reason, name ~~his~~their

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seconded as prescribed in Rule 15.3 or, if the named seconder fails to indicate agreement by show of hand, the mover of the amendment will speak for no more than three minutes and will then sit. The Lord Mayor will then call for a seconder of the amendment. If any Councillor present seconds the amendment, the mover of the amendment will have the right to resume ~~his~~their speech for a further period not exceeding two minutes. If no Councillor present seconds the amendment, the mover of the amendment will not speak further upon the amendment.

15.5 The mover of an original motion will have the right of reply at the close of a debate upon the recommendation immediately before either it is put to the vote or before a motion is put that:-

- "the question now be put"
- "the debate be now adjourned", or
- "that the Council so now proceed to the next business"

If an amendment is proposed:-

(1) the mover of the original motion will be entitled to speak on any amendment to the motion immediately before the reply and;

(2) the mover of the amendment will have the right of reply at the close of the debate on the amendment immediately before it is either put to the vote or before a motion is put that:-

- "the question now be put"
- "the debate be now adjourned" or
- "that the Council so now proceed to the next business"

15.6 A Councillor, when seconding a motion or an amendment, may reserve ~~his or her~~their right to speak until later in the debate provided that ~~she/he~~the Member clearly signifies ~~his or her~~their intention to do so.

15.7 A Councillor may speak once in relation to any motion; and once more in relation to any amendment to that motion; and once more in relation to each and every further amendment in any debate. This is in addition to any right of reply on a point of order or by way of personal explanation. All contributions to any debate must refer directly to the motion or the amendment before the Council.

15.8 A Councillor, who has not participated in the debate then before the City Council, may at the conclusion of a speech of another Councillor, move without comment "that the question be now put". On the seconding of that motion the Lord Mayor (if in his or her opinion the question has been sufficiently discussed) will put this motion to the vote. If it is carried, the question before the meeting will then be put to the vote following the reserved right to second in Rule 15.6 above and the right of reply in Rule 15.5 above.

15.9 A Councillor may move:-

- (a) "that the Council do now adjourn"

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- (b) "that the Council do now proceed to the next business", or
- (c) "that the debate be now adjourned"

The Councillor moving such a motion will give ~~his or her~~ reasons for the motion in a speech not exceeding 2 minutes. The motion must be seconded without speech.

On the seconding of that motion ~~if it is~~ the Lord Mayor's ~~(if in his or her opinion that~~ the question has been sufficiently discussed~~.)~~ will put this motion to the vote. If it is carried, the question before the meeting will then be put to the vote following the reserved right to second in Rule 15.6 above and the right of reply in Rule 15.5 above.

- 15.10 A second motion "that the Council do now adjourn", "that the Council do now proceed to the next business" or "that the debate be now adjourned" will not be made within a period of 15 minutes unless it is moved by the Lord Mayor or unless some business or subject of debate is before the City Council when the second motion is moved which was not before the City Council when the first motion was moved.
- 15.11 On the resumption of an adjourned debate, the Councillor who moved the adjournment will be entitled to speak first.
- 15.12 A Councillor, when speaking must stand and address the meeting through the Lord Mayor unless the Member has physical difficulties in doing so, in which case they will receive an automatic dispensation to address the meeting while seated. If more than one Councillor ~~stands~~addresses the meeting, the Lord Mayor will ask one to speak and the others will ~~sit~~be silent. Other Councillors must remain seated whilst a Councillor speaks, unless they wish to make a point of order or of personal explanation (see Rules 15.19 and 15.20).
- 15.13 Except as provided for in Rule 15.14 below, a Councillor moving a motion or amendment may speak for not more than 5 minutes and other speeches will last no more than 3 minutes.
- 15.14 The time limits referred to Rule 15.13 above will not apply to:-
 - (a) Business at Annual Meetings of the City Council; or
 - (b) The proposer of a recommendation to the City Council in respect of the level of Council Tax/Council Budget to be levied each year and the Leader (or nominee) of each Political Group (or their nominated speaker) on the Council budget in respect of that recommendation.

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- 15.15 Every amendment must relate to the motion on which it is moved and may:-
- (a) refer a matter back to the Body concerned;
 - (b) leave out words;
 - (c) add or insert words; or
 - (d) leave out words and add or insert words
- but such omissions, insertions or additions of words will not have the effect of negating the motion before the City Council.
- 15.16 If an amendment is rejected, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended will become the Substantive Motion and be the motion upon which any further amendment may be moved.
- 15.17 A further amendment will not be moved until the City Council has disposed of every amendment previously moved. When an amendment is proposed, the Proposer of the original or amended Motion may decide to accept that amendment. Should the Proposer accept the amendment, then the wording contained in the amendment will be incorporated into the original or amended Motion and will be treated as part of the Motion then under debate. Where an amendment is accepted, the right of reply of the Mover of the amendment set out in Rule 15.5 will not apply.
- 15.18 **Council Tax/Budget Debate Process**
- (a) The proposer of the recommendation will move the budget. This speech will not be time limited.
 - (b) This will be seconded and the seconder will speak or reserve the right to speak.
 - (c) The Leader of the Main Opposition Group (or nominated speaker) will move any amendment to the recommendation. This speech will not be time limited.
 - (d) The Deputy Leader of the Main Opposition Group (or nominated speaker) will second the amendment and speak or reserve the right to speak.
 - (e) The debate on the amendment will take place; the vote on the amendment will take place and the amendment will be carried or lost. If carried, this would become the substantive motion.
 - (f) The Leader of the largest of the minority Groups (or nominated speaker) will move any amendment to the motion. This speech will not be time limited.
 - (g) A representative of that Group will second the amendment and speak or reserve the right to speak.

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- (h) As (e) above.
- (i) The Leader (or nominated speaker) of any of the remaining minority Groups will move any amendment (in the order in which they are seen by catch the eye of the Lord Mayor). These speeches will not be time limited. Representatives of those Groups will second the amendment and speak or reserve the right to speak. This will apply to any remaining minority Groups.
- (j) As (e) above.
- (k) Any further amendments will be moved in the order in which the proposer catches the eye of is seen by the Lord Mayor.
- (l) When there are no more amendments, the debate on the substantive motion takes place and the vote is taken.

- Notes:
- 1. In accordance with the Council Procedure Rules, the mover of the original motion (or substantive motions if the original motion is amended) is entitled to speak on any amendment immediately before the reply by the mover of the amendment.
 - 2. Should adjournments be necessary during the course of the meeting, rooms will be made available.
 - 3. If the proposer of the recommendation is not the Leader of the Council, then the Leader of the Council will be given one opportunity for a speech that is not time-limited.
 - 4. Procedure Rule 18.5 shall apply to any vote taken on any motion, amendment or substantive motion relating to the approval of the budget or setting of council tax.

5. No Motions on Notice will be allowed at the Council Tax/Budget setting meeting.

15.19 **Point of Order**

- (a) A point of order is a request by a Councillor to the Lord Mayor to rule on an alleged irregularity in the constitutional conduct of the meeting.
- (b) The Councillor will ~~rise to~~ make the point immediately she/he notices it and state the Procedural Rule in question, and how it is broken. Immediately after the point of order has been raised, the Councillor will resume his or her seat then await the ruling of the Lord Mayor and resume their seat.
- (c) The Lord Mayor will decide the issue raised in the point of order and announce his or her ruling before the debate continues. There will be no discussion on that ruling.

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15.20 Point of Personal Explanation

- (a) A Councillor may find that ~~she/he a statement they have made has made a statement which~~ is misquoted by a later speaker, or that another Councillor has misunderstood or misquoted what was said.
- (b) If this happens, ~~she/he the member~~ –may raise ~~on~~ a point of personal explanation and, with the permission of the Lord Mayor, interrupt the speaker to correct the misunderstanding.

16. COUNCILLORS' INTERESTS

- 16.1 Councillors' obligations in relation to the declaration of interests are set out in more detail in Part 4 of the Constitution.

17. SIX MONTH RULE

- 17.1 No Councillor may move a motion or amendment to rescind a decision made at a meeting of the full City Council within the previous six months.

- 17.2 No Councillor may move a motion or amendment in similar terms to one which has been rejected at a meeting of the City Council in the previous six months.

Rule 17.2 does not apply to a motion to remove the Leader from the role of Leader.

18. VOTING

- 18.1 The vote on every question will be taken by the voice, except where by law or in these Rules it is otherwise provided, but if the Lord Mayor is unable to decide upon the voices or if any two Councillors challenge his or her decision thereon, the vote will be taken by a show of hands. Councillors are required to be seated in their allocated position when the vote is taken.
- 18.2 If, before the Lord Mayor finally declares the result of the vote (whether taken by the voice or by show of hands), any 2 Councillors require a recorded vote, this will supersede any vote taken under 18.1 above.
- 18.3 A recorded vote will be taken immediately afterwards and recorded in the minutes. A Councillors vote will only be recorded if the Councillor personally answers "For", "Against" or "Abstain" immediately after his or her name is called by the City Solicitor.
- 18.4 Where any Councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.
- 18.5 A recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions relating to the approval of the budget or setting of council tax, whereby there shall be recorded in the minutes the names of the Members who cast a vote for the motion/amendment or against

Part 3A – Council Procedure Rules

the motion/amendment or who abstained from voting. As this is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 2001, it cannot be suspended under Council Procedure Rule 23.

- 18.6 In the case of an equality of votes, the Lord Mayor will have a casting vote in addition to his or her vote as a Councillor.

NOTE: As a matter of convention, at full Council meetings only where there is an equality of votes, the Lord Mayor will cast his or her casting vote in favour of the largest political group represented on the Council.

- 18.7 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

19. MINUTES

- 19.1 The minutes of every meeting of the City Council will be reproduced and a copy sent before the next subsequent meeting to each Councillor. At such subsequent meeting, the Lord Mayor will call for a motion that the minutes of the previous meeting be signed as a correct record. Once such motion is approved, the minutes will be signed by the Lord Mayor. The only part of the minutes that can be discussed is their accuracy.

- 19.2 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

20. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 3 of this Constitution or paragraph 22.

21. MEMBERS' CONDUCT

- 21.1 When and if the Lord Mayor stands during a debate, any Councillor speaking at the time will sit down. All Councillors must be silent.

Part 3A – Council Procedure Rules

- 21.2 If a Member persistently disregards the ruling of the Lord Mayor by behaving improperly or offensively or deliberately obstructs business, the Lord Mayor may move that the Member is not heard further. If seconded, the motion will be voted on without discussion.
- 21.3 If the Member continues to behave improperly after such a motion is carried, the Lord Mayor may move that either the Member leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.
- 21.4 In the event of general disturbance which, in the opinion of the Lord Mayor renders the due and orderly despatch of business of the meeting impossible, the Lord Mayor (in addition to any other power invested in ~~her/him~~the Lord Mayor) may, without question, adjourn the meeting for such period as she/he in his or her discretion considers expedient.
- 21.5 In accordance with Rule 7.5, if Members are required to leave the meeting under Rule 21.3 their leaving the meeting will not affect the quorum.
- 21.6 Electronic devices may be switched on during the public part of meetings of the City Council.

22. DISTURBANCE BY THE PUBLIC

If a member of the public disrupts the proceedings at any meeting, the Lord Mayor will issue a warning. If the member of the public continues the interruption, the Lord Mayor will order the removal of the member of the public from the Council Chamber. In the case of general disturbance in any part of the Council Chamber open to the public, the Lord Mayor will order that part to be cleared.

23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

23.1 Suspension

All of these Council Rules of Procedure except Rules 18.5, 18.6 and 23.1 may be suspended by motion on notice or without notice. Suspension can only be for the duration of the meeting.

23.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

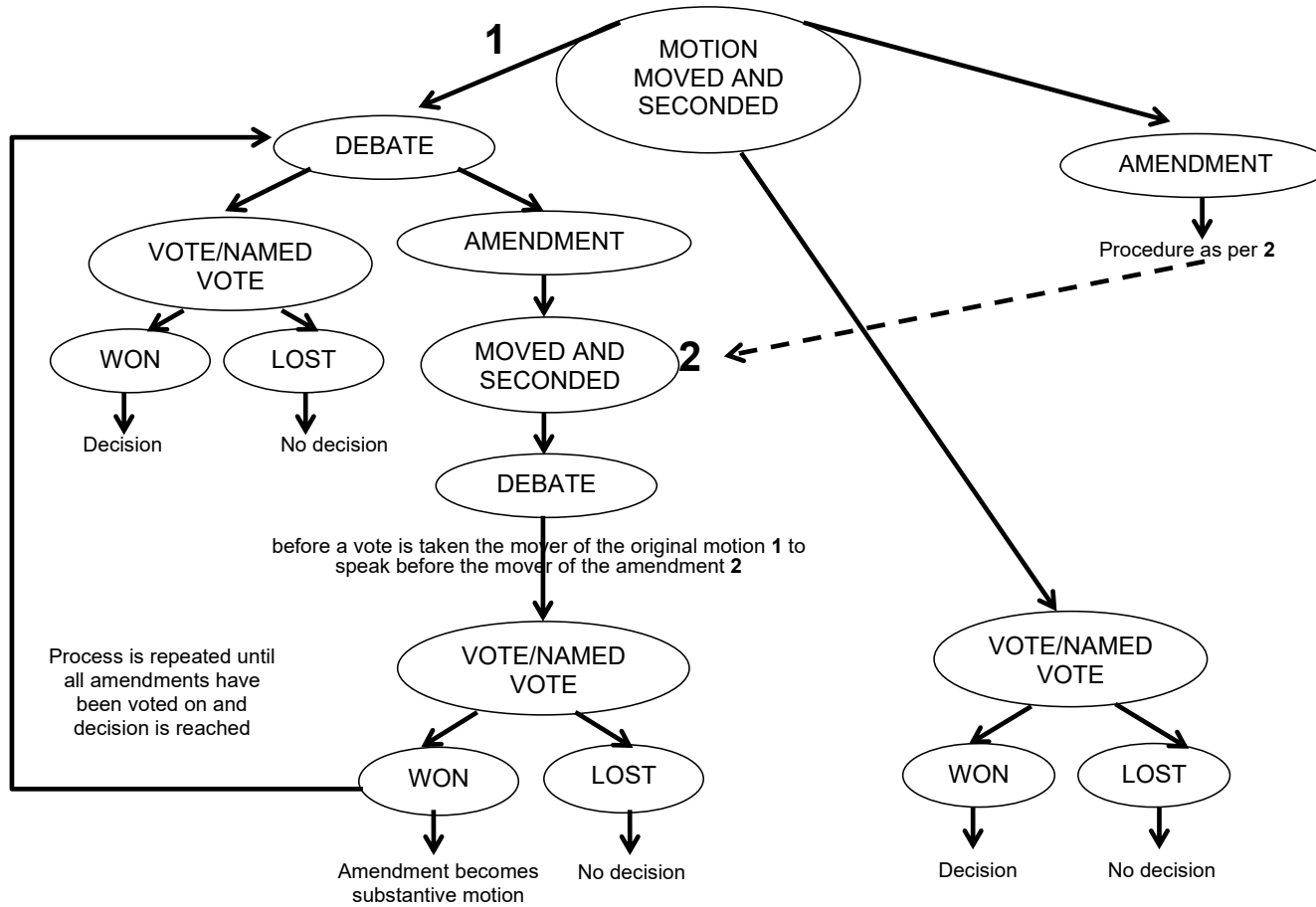
Part 3A – Council Procedure Rules

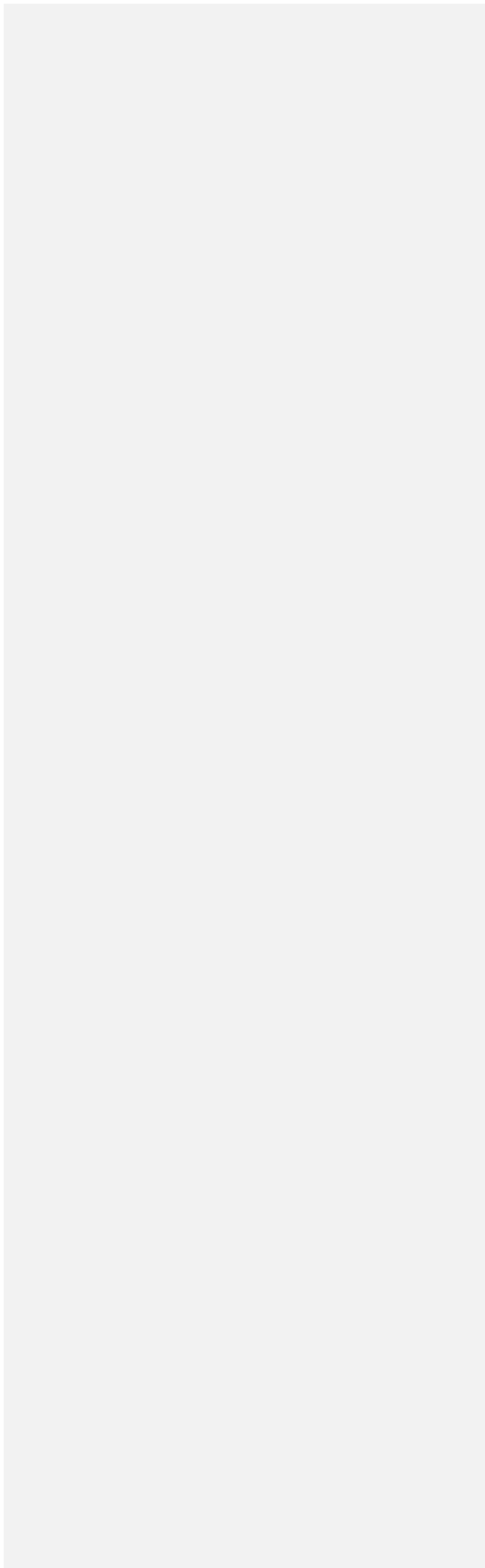
24. APPLICATION OF COUNCIL PROCEDURE RULES TO OTHER BODIES

These rules where they can be appropriately applied, apply to all formal meetings of bodies of the Council. These rules will not apply where the specific rules of procedure relating to any such body already make provision for the activity to be undertaken and/or procedure to be followed at meetings of that body.

25. COMMON SEAL OF THE COUNCIL

The Common Seal of the Council will be kept in a safe place in the custody of the City Solicitor. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the City Solicitor should be sealed. The Common Seal will be attested by the signature (including the facsimile of the signature by whatever process reproduced) of the City Solicitor or some other person authorised to do so by him/her. A record of the attestation will be kept in a book to be provided for that purpose of every deed and other documents which the common seal has been affixed.





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Public report

Council

5 December, 2023

Name of Cabinet Member:

Cabinet Member for Policy and Leadership – Councillor G Duggins

Director Approving Submission of the report:

Chief Legal Officer

Ward(s) affected:

Not Applicable

Title:

Amendments to Appointments

Is this a key decision?

No

Executive Summary:

At the Annual Meeting on 18 May, 2023, the City Council noted the allocation of seats to Political Groups in accordance with the political balance rules and made appointments to Council bodies accordingly.

Following the resignation of former Earlsdon Ward Councillor B Gittins, a by election was held on 26 October, 2023 at which Labour Party Councillor, Councillor Dr L Kelly was elected. The political balance of the Council therefore remains as it was in May 2023.

This report seeks to appoint to Labour party vacant seats on Council bodies in accordance with the political balance calculation.

Recommendations:

That Council approves the appointment of Councillor Dr L Kelly to the following Council bodies with immediate effect:-

Licensing and Regulatory Committee

Finance and Corporate Services Scrutiny Board (1)

Communities and Neighbourhoods Scrutiny Board (4)

List of Appendices included:

None

Useful background papers:

None

Has it or will it be considered by Scrutiny?

No

Has it, or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

Yes – 5 December, 2023

Report title: Amendments to Appointments

1. Context (or background)

- 1.1 Since the Annual Meeting on 18 May, 2023, when all of the appointments to Council bodies were made in accordance with the political balance rules, former Councillor B Gittins, a Labour Party Earlsdon Ward Councillor, resigned her seat.
- 1.2 On 26 October, 2023, a by election was held and Councillor Dr L Kelly was elected as an Earlsdon Ward Councillor for the Labour Party. The political balance of the Council therefore remains unchanged.
- 1.3 Appointments now need to be made to the Labour Party vacancies on Council bodies.

2. Options considered and recommended proposal

Following consultation with the Leader, Councillor G Duggins, it is recommended that Councillor Dr L Kelly be appointed to :-

Licensing and Regulatory Committee
Finance and Corporate Services Scrutiny Board (1)
Communities and Neighbourhoods Scrutiny Board (4)

3. Results of consultation undertaken

The Leader, Councillor G Duggins, has been consulted.

4. Timetable for implementing this decision

- 4.1 If approved, the appointments will take effect from the date of the Council Meeting on 5 December, 2023

5. Comments from the Chief Operating Officer (Section 151 Officer) and the Chief Legal Officer

5.1 Financial implications

There are no financial implications arising from this report.

5.2 Legal implications

The allocation of seats to Political Groups must be in accordance with the political balance rules.

6. Other implications

Not applicable

Name and job title:

Suzanne Bennett
Governance Services Co-ordinator

Service:

Law and Governance

Tel and email contact:Tel: 024 7697 2299 E-mail: Suzanne.bennett@coventry.gov.uk

Enquiries should be directed to the above person

Contributor/approver name	Title	Service	Date doc sent out	Date response received or approved
Contributors:				
Adrian West	Head of Governance	Law and Governance	15/11/23	23/11/23
Names of approvers: (officers and members)				
Julie Newman	Chief Legal Officer	-	15/11/23	16/11/23
Ewan Dewar	Head of Finance	-	15/11/23	15/11/23
Councillor G Duggins	Leader of the Council and Cabinet Member for Policy and Leadership	-	16/11/23	16/11/23

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Public report
Council

Council

5th December 2023

Name of Cabinet Member:

Cabinet Member for Finance and Resources – Cllr Richard Brown
Cabinet Member for City Services – Cllr Patricia Hetherton

Director approving submission of the report:

Director of Streetscene and Regulatory Services

Ward(s) affected:

All

Title:

Delivery of a Future “Best in Class” Refuse Collection Service for Coventry.

Is this a key decision?

Not applicable – Council decision

Executive summary:

The City Council has a legal duty to collect and treat household waste as laid out in the Environmental Protection Act 1990. Whilst the waste types collected are prescribed by national government, the method of treatment and the frequency of collection are matters for each local authority.

The collection of household waste is one of the most visible, universal services provided by any local authority with a weekly transaction at every household. Coventry is no different, and it is therefore important that the residents of the city receive a “best in class” waste collection and treatment service.

In order to continue to develop a “best in class” waste collection service, it is imperative that the City Council has a good quality trained workforce with appropriate terms and conditions of employment, reflecting a modern and responsive service delivering for the residents of Coventry.

This report seeks to outline measures to be taken to develop a “best in class” waste collection service, how waste collection colleagues will be deployed to meet the evolving needs of Coventry Residents and how the terms and conditions on which colleagues are employed will support those

aims. There is no proposal within this report to change the method or frequency of domestic refuse collection in Coventry.

Recommendations:

Council is recommended to:

- Note the measures to be taken to create a modern and responsive waste collection service and the subsequent changes to terms and conditions upon which those operating in the service will be employed.

List of Appendices included:

None

Background papers:

None

Other useful documents

None

Has it or will it be considered by Scrutiny?

No

Has it or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

Yes – 5th December 2023

Report Title: Delivery of a “Best in Class” Refuse Collection Service for Coventry.

1. Context (or background)

- 1.1. The City Council has, historically, operated an in-house waste collection service for household waste and recycling. The City Council also operates a household recycling collection service for the residents of Nuneaton and Bedworth on behalf of the Borough Council. The disposal and / or treatment of both commercial and domestic waste are managed on the City Council's behalf by several subsidiary companies owned by the City Council. There is no proposal to change the existing arrangements for the disposal and / or treatment of domestic waste in Coventry. Nor is there any proposal to change the method or frequency of refuse collection for Coventry residents.
- 1.2. Since the cessation of the industrial action by waste HGV drivers in August 2022, the City Council has operated waste collections using a mixed workforce directly employed on City Council terms and conditions or employed by Tom White Waste on their terms and conditions. The City Council terms and conditions provide for the operation of “task and finish” for waste collection rounds, whilst Tom White Waste terms and conditions do not. The use of task and finish means that the Council's directly employed staff can finish their shift once a group of collection rounds have completed their assigned task (e.g. the collection of recyclable waste) and have returned to the depot.
- 1.3. The use of Tom White Waste employees to assist in the delivery of the City Council's domestic refuse collection service since the beginning of 2022 has provided many benefits to the service, not least through an overall change in culture to one that better serves the residents of Coventry. However, the current mixture of staff working on different terms and conditions, with one set of terms and conditions providing for the operation of “task and finish” reduces the flexibility to deliver a “best in class” service. For example, deploying resources effectively whilst working to two sets of terms and conditions is not conducive to delivering the best service for the residents of Coventry and is expensive to operate. It also hampers the service's ability to be reactive to demand led service needs. The City Council is looking to modernise the service, and as part of this, it considers that change is best delivered by having a single directly employed workforce, with new terms and conditions providing for standardised and predictable working hours and the removal of “task and finish”.
- 1.4. Over the last six months, negotiations on the realignment of terms and conditions have taken place with the trade unions recognised by the City Council, namely: Unite, Unison and GMB. Unfortunately, despite the best efforts all parties, no agreement on a mechanism for change has been reached. In addition, there is currently no agreement on the single proposal from the three trade unions to move forward with the continued development of a “best in class” refuse collection service as outlined below.

2. Options considered and recommended proposal

- 2.1. Officers have sought independent legal advice on a way forward to introduce new contractual arrangements, including a move away from “task and finish” so as to allow the City Council to continue to develop a “best in class” waste collection service. The following two options are considered to provide an equitable and legally compliant way forward.
- 2.2. **Option 1** – the market testing and outsourcing of the waste collection service to a third party not owned by the City Council.

- 2.3. Following an open and transparent procurement exercise, the City Council would transfer the operation of waste collection to a third party. This would involve the transfer of the employment of City Council and Tom White Waste employees (insofar as the latter were assigned to the waste collection contract between the City Council and Tom White Waste) to the new contractor by virtue of the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) 2006.
- 2.4. In this scenario, the City Council would retain the statutory legal duties for the collection, treatment and disposal of waste from within Coventry. However, the contractor would discharge this duty on behalf of the City Council. The benefit of this option would be to outsource to a third party the requirement to achieve the City Council's objectives as set out above.
- 2.5. Early modelling suggests that there is no short-term saving in terms of budget or actual spend from this option, as, in addition to the employment costs already incurred by the City Council, any private contractor will want to take a profit margin from the contract with the City Council. This would therefore add a percentage increase to the current costs of providing the waste collection service in Coventry. Further, outsourcing will not achieve the harmonisation of terms and conditions of employment of itself, and a transferee may be unwilling to make changes to terms and conditions following transfer because of the risk of legal challenge.
- 2.6. The likely timescale to deliver this option would be nine to twelve months, allowing for both a procurement process and the TUPE transfer.
- 2.7. Given the potential increase in cost from an outsourced waste collection service, the inevitable loss of direct control of a highly visible universal service, and the Council's inability to achieve direct change to support the continued development of the service, this option is not recommended.
- 2.8. **Option 2** – To modernise the service and establish standardised and predictable patterns of waste collections, a single set of terms and conditions for those working in waste collection is introduced without the use of "task and finish" system, via direct recruitment and changes to the contractual terms of existing employees.
- 2.9. Option 2 retains an in-house waste collection service, and, by virtue of that continued direct control, achieves the City Council's aim of continuing to improve the service by delivering a change in terms and conditions, including a move away from "task and finish". In support of this option, it is proposed that:
 - 2.9.1. Vacant posts in the Council's establishment which are currently being covered by Tom White Waste employees would be recruited to directly on new City Council terms and conditions. These new terms and conditions would not include continued use of "task and finish".
 - 2.9.2. Following collective consultation, existing employees on City Council terms and conditions will be offered the same terms and conditions as new starters. After collective consultation is concluded, and assuming that no new information comes to light as part of that process, any employee not agreeing to the variation of their terms and conditions will be given notice to terminate their existing contract of employment and offered re-engagement on the City Council's new contract.
- 2.10. Once that process is concluded, the waste service will also look at rebalancing the rounds to ensure that work is being allocated effectively and in line with the capacity of the service

- 2.11. Allowing for both the consultation time, and contractual notice to be given (if required), this option can be delivered in less than nine months.
- 2.12. This is the proposed option, as it retains control of the service, achieves a uniform set of terms and conditions, and reaches a conclusion sooner, which in turn allows the progress to a “best in class” service to continue at a pace.

3. Results of consultation undertaken

- 3.1. Negotiations with trade unions and information briefings to colleagues have taken place on the above options over the last six months. Formal notification to the trade unions along with collective consultation will be undertaken, followed by individual consultation with City Council colleagues in the event that we reach the stage of proposing to dismiss employees.

4. Timetable for implementing this decision

- 4.1. Based upon the recommended option, it is anticipated that the move to new terms and conditions across the board would be achieved between May and July 2024.

5. Comments from Chief Operating Officer (Section 151 Officer) and Chief Legal Officer

- 5.1. Financial Implications
- 5.2. The recommended option is within the existing budget allocation for the service. Should any early retirement / voluntary redundancy payments arise from the round rebalance these will be dealt with separately.
- 5.3. Legal Implications

The recommended option is compliant with the Council’s legal obligations. It is within the Council’s powers to reduce its use of third-party contractor staff in favour of directly recruiting staff to the service, and it is a matter for the Council as to the terms and conditions it offers new recruits. The proposal to change the terms and conditions of existing staff will also follow the Council’s legal obligations as to consultation before any decision is made to dismiss and re-engage employees.

6. Other implications

- 6.1. **How will this contribute to the One Coventry Plan?**

<https://www.coventry.gov.uk/strategies-plans-policies/one-coventry-plan>

The continued development of a “best in class” waste collection service will help to further promote recycling within the City, contributing towards the One Coventry goal of tackling the causes of climate change. Waste collection is a universal service, but a more efficient and effective “best in class” service will better support all residents including the most vulnerable.

- 6.2. **How is risk being managed?**

The introduction of a new contract / new terms and conditions for waste employees will be managed as a major but distinct project in the wider programme to continue to develop a “best in class” waste collection service. Project risk will be considered by the project team, which is chaired by a Director and, where appropriate, risks will be escalated to the corporate leadership team.

6.3. What is the impact on the organisation?

The impact on overall direct employee numbers will only be known once recruitment to the service has taken place and following the round review. These impacts will be managed through the City Council's agreed HR processes.

6.4. Equalities / EIA?

As there is no change to service delivery, an equality impact assessment has not been completed. However, the City Council is aware of its workforce profile in this area and is committed to improving the diversity of the workforce that collects waste in our city. Therefore, a bespoke recruitment process is being implemented to attract a wide range of candidates to our waste collection roles.

6.5. Implications for (or impact on) climate change and the environment?

None

6.6. Implications for partner organisations?

None

Report author(s):

Andrew Walster
Director of Streetscene & Regulatory Services

Service Area:

Director of Streetscene & Regulatory Services

Tel and email contact:

Email: andrew.walster@coventry.gov.uk

Enquiries should be directed to the above person

Contributor/approver name	Title	Service Area	Date doc sent out	Date response received or approved
Contributors:				
Susanna Newing	Chief People Officer		22 nd Nov 23	23 rd Nov 2023
Sarah Elliott	Head of Fleet and Waste Management	Streetscene and Regulatory Services	22 nd Nov 23	23 rd Nov 2023

Usha Patel	Governance Services Officer	Law and Governance	22 nd Nov 23	23 rd Nov 2023
Other Members				
Names of approvers for submission: (officers and members)				
Finance: Name		Finance		
Legal: Julie Newman	Chief Legal Officer	Law and Governance	22 nd Nov 23	22 nd Nov 23
Director: Andrew Walster	Director of Streetscene and Regulatory Services	Streetscene and Regulatory Services	22 nd Nov 23	22 nd Nov 23
Members:		-	27 th Nov 23	27 th Nov 23
Cllr Richard Brown	Cabinet Member for Finance and Resources			
Cllr Patricia Hetherton	Cabinet Member for City Services		27 th Nov 23	27 th Nov 23

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Council

5 December, 2023

Name of Cabinet Member:

N/A

Director Approving Submission of the report:

Chief Executive

Ward(s) affected:

City wide

Title:

Exercise of Emergency Functions

Is this a key decision?

N/A

Executive Summary:

This report informs Council of a decision undertaken by the Chief Executive in accordance with the Constitution and following consultation with the Leader of the Council, Councillor G Duggins, to exercise emergency functions to accept and allocate a grant of £2,539,200 from the Department for Levelling Up, Housing and Communities (“DLUHC”) pursuant to the grant scheme known as the Local Authority Housing Fund Round 2 (LAHF2).

List of Appendices included:

None

Background papers:

A copy of the signed decision has been published on the Council’s website at:

<https://edemocracy.coventry.gov.uk/ecSDDisplay.aspx?NAME=Housing%20Emergency%20Powers%20LAHF2%2010-11-23&ID=3557&RPID=20400564>

Other useful documents - None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

Yes – 5 December, 2023

Report title: Exercise of Emergency Functions

1. Context (or background)

1.1 Part 2M of the City Council's Constitution provides for the Scheme of Functions delegated to Employees including the Chief Executive/Head of Paid Service.

1.2 Paragraph 3.8(a) of Part 2M of the Constitution enables the Chief Executive, following consultation with the Leader, to make decisions required in an emergency.

1.3 On 10 November, 2023 the Chief Executive was satisfied that the following decision was required to be taken pursuant to the emergency provision in connection with the acceptance and allocation of a grant of £2,539,200 from the Department for Levelling Up, Housing and Communities ("DLUHC") pursuant to the grant scheme known as the Local Authority Housing Fund Round 2 (LAHF2). The Council received a Memorandum of Understanding to receive the grant from the DLUHC on 3 November, 2023 which was required to be signed by 13 November, 2023.

- Accept a grant in the sum of £2,539,200 and use the grant in line with the grant determination issued
- Approve that Stonewater Limited (via a legal agreement) will be transferred up to £423,200 in grant to deliver upon the purchase of 4 properties purchased for families on an Afghan resettlement scheme.
- Approve that the grant of £2,539,200 is added to the City Council's Revenue Budget
- Delegate authority to the Director of Adults and Housing to administer the grant in accordance with the grant determination referenced above.

1.4 The purpose and objectives of the grant are to:

- Provide sustainable housing to those on Afghan resettlement schemes at risk of homelessness so that they can build new lives in the UK, find employment and integrate into communities.
- Reduce local housing pressures beyond those on Afghan resettlement schemes by providing better quality temporary accommodation to families owed homelessness duties by Local Authorities.
- Reduce emergency, temporary and bridging accommodation costs.
- Reduce impacts on the existing housing and homelessness systems and those waiting for social housing.

1.5 The City Council (in accordance with the requirements of the grant) will purchase 20 properties for use as temporary accommodation. The LAHF2 funding will be match funded by the City Council utilising capital funding to purchase family temporary accommodation units which was approved by Cabinet in March 2022. The City Council appointed the registered housing provider (Stonewater Limited) to deliver the requirements of LAHF 1. The Council will extend the arrangement with Stonewater Limited so that the Council (in accordance with the requirements of the grant) deliver upon the requirements of the purchase of 4 properties purchased for families on an Afghan resettlement scheme.

1.6 The above decision, including the reasons for the decision taken, has been published on the City Council's website.

1.7 If appropriate, further reports on matters arising from this decision will be considered by the relevant Council body.

2 Options considered

- 2.1 The Chief Executive agreed that the circumstances constituted an emergency and was satisfied that the decision to be taken pursuant to this emergency provision was critical to the Council's ability to deliver the Afghan resettlement scheme.

3 Results of consultation undertaken

In accordance with the Constitution, the exercise of emergency functions was undertaken in consultation with the Leader of the Council, who confirmed his agreement to this course of action.

4 Timetable for implementing this decision

In light of the urgent nature of the matter detailed in paragraph 1.3 above, the decisions were implemented immediately.

5 Comments from Chief Operating Officer (Section 151 Officer) and the Chief Legal Officer

Financial implications

Where decisions made involve the receipt of grants and making of expenditure, this has been identified in the decision summary. The City Council maintains detailed records and forecasts of the financial impacts. Alongside regular financial management activity, the financial implications are included within the Council's financial monitoring reports

Legal implications

Part 2M of the City Council's Constitution provides for the Scheme of Functions delegated to Employees, including to the Chief Executive/Head of Paid Service. Paragraph 3.8 of Part 2M enables the Chief Executive, in consultation with the Leader, to make decisions in an emergency.

Report author(s):

Name and job title:

Suzanne Bennett, Governance Services Co-ordinator

Directorate:

Law and Governance

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Enquiries should be directed to the above

Contributor/approver name	Title	Service Area	Date doc sent out	Date response received or approved
Contributors:				
Adrian West	Head of Governance	Law and Governance	13/11/23	14/11/23
Names of approvers for submission: (officers and members)				
Finance: Ewan Dewar	Head of Finance	Finance	15/11/23	15/11/23
Legal: Julie Newman	Chief Legal Officer	Law and Governance	14/11/23	15/11/23
Chief Executive: Julie Nugent	Chief Executive		15/11/23	21/11/23
Members: Councillor G Duggins	Leader of the Council		15/11/23	15/11/23

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www.coventry.gov.uk/councilmeetings

Council Meeting

5 December 2023

Booklet 1

Written Questions

1.	<p>QUESTION SUBMITTED BY: Councillor G Ridley</p> <p>TO BE ANSWERED BY: Councillor L Harvard, Chair of Planning Committee</p>
<p>TEXT OF QUESTION:</p> <p>“After many requests, residents and councillors have been unable to ascertain why the S106 agreement for Windmill Green has still not been signed after some 27 months. Could the Chair of the Planning Committee explain why his officers have failed to conclude this agreement after such a long period? Can he also confirm the implications for the rest of the Eastern Green greenbelt development if some 25% of the calculated section 106 is lost?”</p>	

2.	<p>QUESTION SUBMITTED BY: Councillor P Male</p> <p>TO BE ANSWERED BY: Councillor J O’Boyle, Cabinet Member for Jobs, Regeneration and Climate Change</p>
<p>TEXT OF QUESTION:</p> <p>“Following recent comments in the media, can the Cabinet Member update Council as to the current status of the wider Friargate project?”</p>	

3.	<p>QUESTION SUBMITTED BY: Councillor P Male</p> <p>TO BE ANSWERED BY: Councillor J O’Boyle, Cabinet Member for Jobs, Regeneration and Climate Change</p>
<p>TEXT OF QUESTION:</p> <p>“Can the Cabinet Member confirm how many floors are currently occupied in Friargate 1 & 2 and confirm details of the tenants?”</p>	