

COUNCIL SPECIAL MEETING Agenda

Place Council Chamber - Town Hall, Wellington Street, Woolwich SE18 6PW

Date Wednesday, 26 June 2024

Time 7.00 pm

This meeting is open to the press and public and they are entitled to take photographs, film or record the proceedings.

Members are hereby summoned to attend a meeting of the Council for the business as set out in the agenda below.

Agenda

- 1. Apologies for Absence**
- 2. Mayor's Announcements**
- 3. Declarations of Interest**
- 4. Notice of Members wishing to exceed the 5 minute rule**
- 5. Report on the work of the Audit and Risk Management Panel 2023/2024**
- 6. Overview and Scrutiny - Annual Work Programme 2024-25**

If you require further information about this meeting please contact the Committee Service Officer:

Siobhan Hobin

Telephone: 0208 921 4350

Email: committees@royalgreenwich.gov.uk

7. Proposed changes to the Constitution

8. Changes to the Executive Functions Scheme of Delegation

Date of Issue:
Tuesday, 18 June 2024

Debbie Warren
Chief Executive

Filming and Recording Meetings

Please be aware that this meeting will be recorded and broadcast on the internet as part of the support for democratic engagement under section 8(e) of the Data Protection Act 2018, and that by attending this meeting, you will be recorded. The recording will be uploaded on to the [Council's Youtube Channel](#).

If you have any queries regarding the recording of meetings, please contact the Corporate Governance Manager at committees@royalgreenwich.gov.uk

Safety

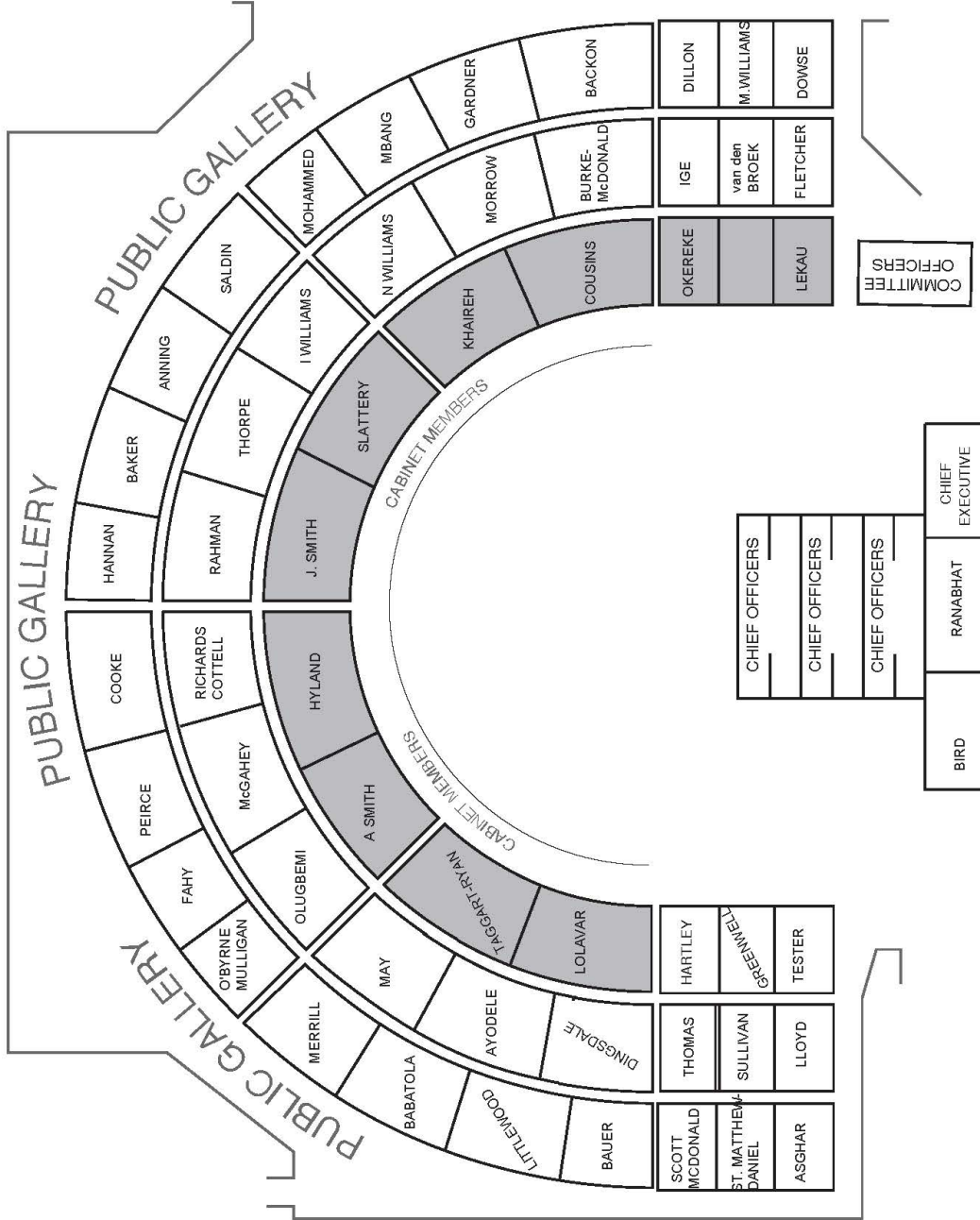
Fire and Emergency Procedures

Users of the Committee Rooms and the Council Chamber are asked to note the following fire and emergency procedures.

When you hear the continuous ringing of the fire alarm bells, please make your way out of the building in an orderly manner. The nearest exit from the Council Chamber and the Committee Rooms is through the main exit leading to Wellington Street (at the front of the building). Do not use the lift and do not stop to collect personal belongings. Once outside the Town Hall please make your way to the Assembly Point between Sainsbury's and The Vista via Market Street or Polytechnic Street.

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SEATING PLAN OF COUNCIL CHAMBER



COUNCILLORS WITH SPECIAL RESPONSIBILITIES

Cabinet Members and Portfolios

Councillor Anthony Okereke	Leader of the Council
Councillor Averil Lekau	Deputy Leader, Climate Action, Sustainability and Transport
Councillor Ann-Marie Cousins	Equality, Culture and Communities
Councillor Denise Hyland	Finance, Resources and Social Value
Councillor Adel Khaireh	Children and Young People
Councillor Mariam Lolavar	Health, Adult Social Care and Borough of Sanctuary
Councillor Pat Slattery	Housing Management, Neighbourhoods and Homelessness
Councillor Aidan Smith	Planning, Estate Renewal and Development
Councillor Jackie Smith	Inclusive Economy, Business, Skills and Greenwich Supports
Councillor Rachel Taggart-Ryan	Community Safety and Enforcement

Overview and Scrutiny

Councillor Lauren Dingsdale	Chair of Overview and Scrutiny Committee
Councillor Ivis Williams	Vice-Chair of Overview and Scrutiny Committee, Chair of Organisation and Communities Scrutiny Panel
Councillor Sammy Backon	Chair of Young People and Education Scrutiny Panel
Councillor Issy Cooke	Chair of Inclusive Economy and Culture Scrutiny Panel
Councillor Maisie Richards Cottell	Chair of Transport and Place Scrutiny Panel
Councillor Leo Fletcher	Chair of Housing and Neighbourhoods Scrutiny Panel
Councillor Dominic Mbang	Chair of Health and Adult Social Care Panel

Planning and Licensing

Councillor Gary Dillon	Chair of Planning
Councillor Joshua Ayodele	Chair of Licensing

Other Bodies

Councillor David Gardner	Chair of Audit and Risk Management Panel
Councillor Olu Babatola	Chair of the Pension Fund Investment and Administration Panel

Leader of the Opposition

Councillor Matt Hartley	Leader of the Conservative Group
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Party Whips

Councillor Elizabeth Ige
Councillor Pat Greenwell

Labour Party
Conservative Party.

Council Public Information

PLEASE TURN ALL MOBILE PHONES TO SILENT

Meetings of the Council

Meetings of the Full Council, when scheduled, ordinarily take place on a Wednesday. Additional meetings are sometimes arranged. A list of meetings and their dates can be found on the Council's [website](#) or at the Town Hall, or at The Woolwich, Eltham and Greenwich Centres. Alternatively you can contact the Committee Services Officer (details on the front of the agenda).

Outline of the Proceedings

Full Council is a meeting of all 55 Members of the Council ([elected councillors](#)). The Mayor chairs the meeting (or the Deputy Mayor in his/her absence). The Deputy Mayor sits to the left of the Mayor and the Chief Executive to the right. The remaining Councillors sit in their Party Political groupings; a seating plan is included in this agenda. Council Officers (a representative from each directorate) sit on the benches in front of the Mayor. Officers attend to present reports if required, and/or answer any questions Councillors may have. They do not take part in making the decisions.

The Mayor oversees the meeting and controls the debate. All Councillors discuss the business on the agenda by addressing the Mayor; this helps to keep the debate in an orderly manner. The Mayor takes each item in turn and when he/she considers there has been sufficient debate, calls for a decision to be made or for the information to be noted. The Council may consider agenda items in a different order than they appear on the agenda.

Detailed information on the procedure to be followed when Council considers reports from Officers is set out later.

The Agenda

The Agenda is made up of the items of business to be considered at the meeting. It includes reports that ask the Council to make decisions and reports of Committee meetings.

Declarations of interest

Members of the Council are required to declare any interests that they might have in an item on the agenda. In some cases the Councillor who has declared an interest may not take part in consideration of the item concerned, and must leave the Chamber whilst it is considered. However, depending on the nature of the interest, a Councillor may in certain circumstances, having declared an interest, speak and vote on an item.

Petitions

Members of the public may request any Member of the Council to present a petition at the meeting. The Councillor may read or briefly summarise the substance of the petition. There is no debate at that stage and the petition is referred to the appropriate Chief Officer to report back to the Council within two ordinary meetings. When the Council receives the report back the lead petitioner or their representative may address Council on the response, and Members may debate it.

Deputations

Members of the public can request to make deputations to the Council on any issue in which the Council has powers or duties.

A person wishing to lead a deputation at the Council meeting should notify the Committee Services Officer not later than one week (5 working days) prior to the meeting concerned, giving reasons for the request. If the request is refused by the Mayor a letter will be sent explaining why.

Public Questions

Members of the Public may ask questions (up to a maximum of two per person, each question consisting of no more than one part). All questions must relate to issues in which the Council has powers or duties. The Chief Executive will identify the appropriate Cabinet Member to respond to each question. The Mayor may disallow any questions that he/she feels to be improper. If the request is refused a letter/email will be sent to the questioner explaining why. Notice of questions should be sent by [email](#), or in writing to the Committee Services Section, Town Hall, Woolwich SE18 6PW. It should be with the Committee Services Section by no later than 12 noon, five working days before the Council meeting. The notice must contain the name and address of the sender.

Other Provision for Public Involvement

Members of the Public may also request to speak at a Council meeting on an item that appears on the agenda (at the Mayor's discretion) other than petition responses which is dealt with above. If a member of the public wishes to do this they should notify the Committee Services Officer as soon as possible prior to the meeting.

Copies of Agenda and Minutes

A number of copies of the Agenda, and the Minutes (which are the official record of the decisions made at previous meetings) are available for public use during the meeting.

Copies of the Agenda for the Council and its main Member-Level Bodies are available from the Town Hall, Wellington Street, Woolwich at least five days before the meeting; or on line via the Council's website at <https://committees.royalgreenwich.gov.uk/mgCommitteeDetails.aspx?ID=149>

The Council will make every effort to provide a translated, Braille, audio or large print copy of an agenda item(s) if you request this from the Committee Services Officer named below, but this will take some time to prepare and may not be available in advance of the meeting.

Background Papers

Background Papers are listed at the end of each item. They are documents such as letters, memoranda, reports and previous items that the author has used to write the report. Members of the public can inspect and copy these documents by contacting the relevant report author listed at the bottom of each report.

Disabled Access, Interpreters/Signers

Most meetings are held in the Town Hall, Woolwich, which has wheelchair access, good lighting and an induction loop system for the hard of hearing. Meetings held elsewhere are normally in wheelchair-accessible locations. Provided you give reasonable advance notice to the Committee Services Officer, the Council can usually arrange for an interpreter or signer to attend the meeting.

Video and Audio recording of meetings

Filming of the meeting is permitted as is photography, without the use of flash. However this must be conducted in a polite manner which does not cause disruption to the meeting.

The meetings of the Council are also live streamed to the [public-i website](#) and whilst every effort has been made to ensure that members of the public will not be filmed, it is not possible to exclude all areas of the public gallery from the recorded images.

If you will be accompanied by children or you are a young person (16 and under) attending on your own, consent must be given by the parent or guardian to attend. If consent is not given the child/young person will not be permitted into the chamber as incidental filming of them may not be possible to prohibit.

Please note that the recordings will be retained in accordance with the Authority's Retention Guidelines.

By attending this meeting you are deemed to have given your consent to the potentiality of being filmed, recorded and for those images to be used by the Council's web site or for other relevant purposes by the Authority; e.g. training.

Your Views

The Chief Executive is responsible for the arrangements and presentation of agendas, for meetings of the Council and its Member-Level Bodies. If you have any comments, complaints or questions about the meeting please contact:-

Veronica Johnson	Head of Corporate Governance & Democratic Services
Tel No:	020 8921 5004
Email:	veronica.johnson@royalgreenwich.gov.uk

Procedure for Discussing Reports

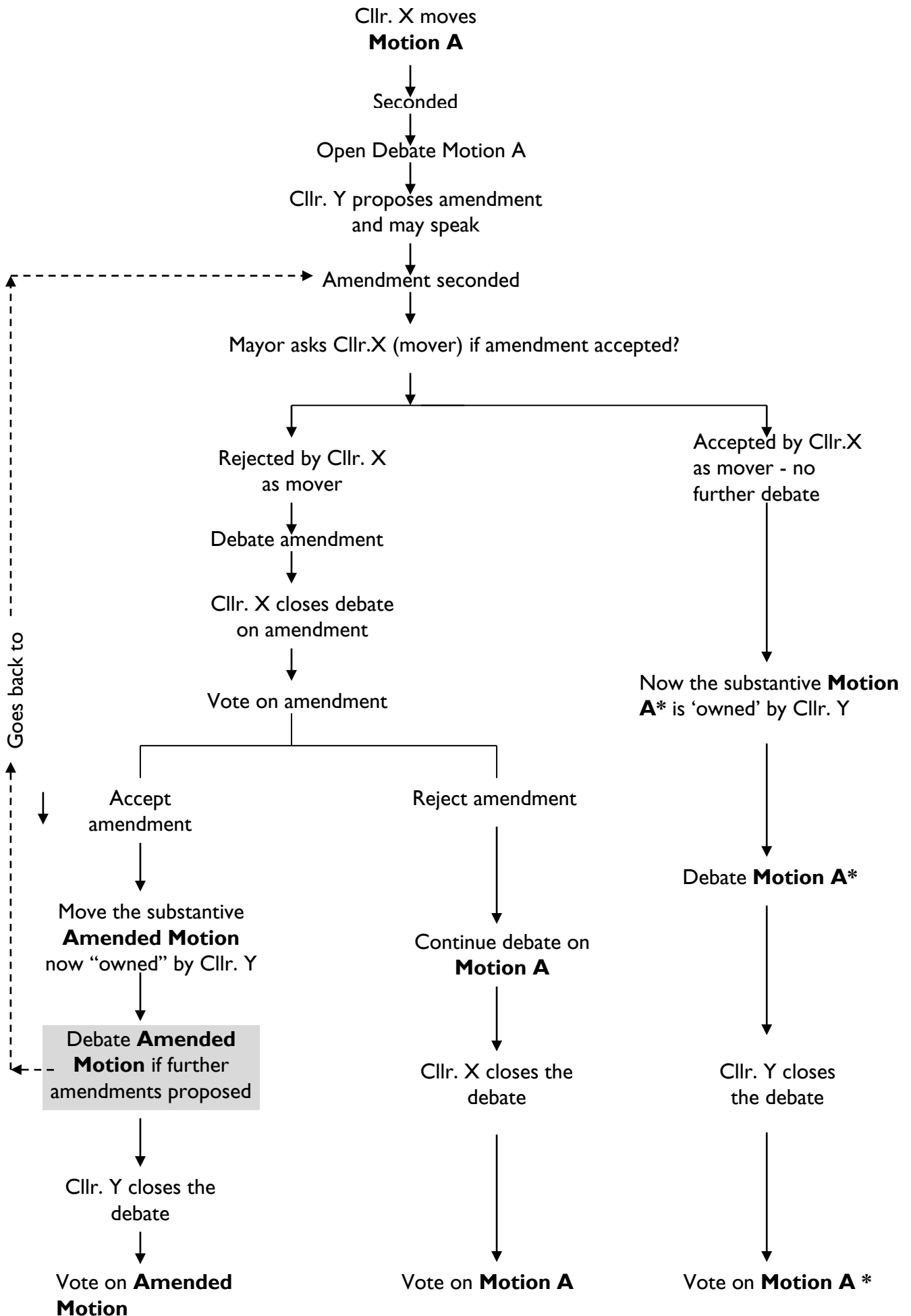
1. The Mayor will call the item number of the report.
2. The Mayor will then take any written questions submitted by Members that relate to the report concerned.
3. Members of the public present at a meeting, who have asked to speak on the matter may be allowed to do so and if so, will be taken next.
4. The Mayor may invite the relevant Cabinet Member or another appropriate Councillor to move the decisions to be taken and to open the discussion of the report. Recommendations are usually contained within the report; these may be moved as printed, or with amendments, or different recommendations may be moved. In some cases the Mayor may move the recommendations in the report him/herself, a seconder is not required.
5. The Mayor will invite Members of the Council to indicate if they wish to speak on the report. Members may speak only once on each item except where permitted under the Constitution, Part 4, A1.72. Any amendments moved to the recommendations during the debate must be seconded.
6. At the end of a debate the Mayor will invite the Councillor who moved the original recommendations to respond to comments made in the debate before the Council is asked if it agrees the recommendations moved.

Notes:

Variations to this procedure may arise when the Council is considering different types of reports.

Procedures for debate are set out in the Council's Constitution, including procedures to enable recommendations to be moved, or amendments to be made to recommendations on the agenda.

Motions to Council – process of debate



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COUNCIL	
TITLE Declarations of Interests	ITEM NO 3
CHIEF OFFICER Chief Executive	

1. **Decisions Required**

Council is requested to:

- 1.1 Note the list of Councillors' memberships (as Council appointed representatives) on outside bodies, joint committees and school governing bodies.
- 1.2 Request that Members orally declare any personal or financial interests, including those detailed, in specific items listed on the agenda as they relate to matters under discussion.

2. **Members' Interests**

- 2.1 Appended to this report is a list of the outside bodies, joint committees and school governing bodies that each member of Council has been appointed to by the Council or the Leader. The list does not include bodies with which a Member is involved in a personal or private capacity.

Personal interests

- 2.2 A Member has a personal interest where any business is likely to affect:

- (a) them, or
- (b) a relevant person or a relevant body (where the Member is aware that they have the interest);

more than a majority of those in the ward you represent.

A **relevant person** is defined as the member's spouse or civil partner, a person who they are living with as husband and wife or as civil partners, or a person with whom they have a close association.¹

¹ See the guidance in Annex 1 of the Code of Conduct

A **relevant body** is defined as (a) any organisation, school governing body or outside committee or trust which they have been appointed to by the Royal Borough or by the Leader, or (b) any other voluntary organisation, school governing body or commercial organisation where you are a management committee member, school governor, trustee or director.

2.3 Members must declare the existence and nature of any personal interest at the start of the meeting, or when the interest becomes apparent. Members must say which item their interest relates to.

2.4 A Member who has a personal interest may stay, speak and vote, except where the business:

(a) affects the financial position of the Member or any person or body described in paragraph 2.2 above, or

(b) relates to an interest that would be affected financially or relates to the determining to any approval, consent, licence, permission or registration in relation to the Member or any person or body described in paragraph 2.2 above

Financial Interests

2.5 A Member has a financial interest where any business relates to or is likely to affect an interest set out in paragraph 18 of the Code of Conduct, and which is the Member's interest or the interest of a person described in paragraph 2.2(a) above.

2.6 Members must declare the existence and nature of any financial interest at the start of the meeting, or when the interest becomes apparent. Members must say which item their interest relates to.

2.7 A Member who has a financial interest must leave the meeting, but may attend to make representations, answer questions or give evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, and provided they leave the meeting immediately after doing so. The Member must not participate in the discussion nor the vote.

General

2.8 The Code also requires Members to declare interests in relation to relevant bodies for six months after ceasing from being a member and take the appropriate action in relation to financial interests.

Background Papers

Agenda of the Annual Meeting of the Council – 22 May 2024

Report Author: Nassir Ali, Corporate Governance Manager
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Email: nassir.ali@royalgreenwich.gov.uk

Reporting to: Veronica Johnson, Head of Corporate and Democratic Services
Tel: 020 8921 5004
Email: veronica.johnson@royalgreenwich.gov.uk

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Councillor	Organisation	Role	Governship
Anning	Trinity Laban	Member	
Asghar			
Ayodele	Walpole Estate Management Board	Member	Bannockburn Primary
Babatola	London [Pensions] Collective Investment Vehicle	Member	Discovery Primary
Backon	Eltham United Charities	Member	
Baker	Learning Disability Partnership	Member	
Bauer			
Bird	Eltham United Charities	Member	
Bird	Fostering Panel	Member	
Burke-McDonald	Greenwich Service Plus	Member	
Cooke			Abbeywood Nursery
Cousins	Eltham Crematorium Joint Committee	Member	
Cousins	London Councils' Grant Committee	Member	
Dillon	Greenwich & Docklands International Festival	Member	Thorntree
Dillon	Greenwich Wildlife Advisory Group	Member	
Dingsdale	Overview and Scrutiny Joint Health Committee	Member	
Dowse	Greenwich Service Solutions	Member	Montbelle School
Fahy			
Fletcher	Blackheath Joint Working Party	Member	
Fletcher	John Roan Foundation	Member	
Fletcher	Meridian Homestart	Observer	
Gardner	Greenwich Millennium Village Management Ltd	Member	
Gardner	Local Government Information Unit	Member	
Gardner	St Luke's (Charlton) Parochial Charities	Member	
Greenwell	Reserves Forces & Cadets Association	Member	Haimo Primary
Hannan			
Hartley	Overview and Scrutiny Joint Health Committee	Deputy	
Hyland	Eltham Crematorium Joint Committee	Deputy	St Paul's Academy
Hyland	Greenwich Enterprise Board	Member	St Paul's Academy
Hyland	LGA General Assembly	Member	St Paul's Academy
Hyland	London Councils' Grant Committee	Deputy	St Paul's Academy
Hyland	London Councils' Greater London Employment Forum	Member	St Paul's Academy

Ige			
Khairah	Eltham Crematorium Joint Committee	Deputy	
Khairah	London Councils' Grant Committee	Member	
Lekau	Eltham Crematorium Joint Committee	Deputy	
Lekau	London City Airport Consultative Committee	Member	
Lekau	London Councils' Leader Committee	Deputy	
Lekau	London Council's Transport & Environment Committee	Member	
Lekau	London Road Safety Council	Member	
Lekau	South East London Combined Heat & Power Co	Observer	
Littlewood	Greenwich Leisure Ltd	Member	
Littlewood	Walpole Estate Management Board	Member	
Lloyd			
Lolavar	Blackheath Joint Working Party	Member	
Lolavar	Eltham Crematorium Joint Committee	Deputy	
Lolavar	John Roan Foundation	Member	
Lolavar	London Councils' Leader Committee	Deputy	
Lolavar	Oxleas NHS Foundation Trust	Member	
May	Middle Park Community Centre	Member	
May	Overview and Scrutiny Joint Health Committee	Deputy	
Mbang	Edmund Godson Charity	Member	
Mbang	Overview and Scrutiny Joint Health Committee	Member	
McGahey	Long Lane Football Club - Board	Member	
Merrill	LGA General Assembly	Member	
Merrill	Overview and Scrutiny Joint Health Committee	Deputy	
Mohammed	Clockhouse & New Charlton Community Centre	Member	
Mohammed	Greenwich Leisure Ltd	Member	
Mohammed	Woolwich Creative District Trust (Woolwich Works)	Member	
Morrow	Greenwich Leisure Ltd	Deputy	
Morrow	Overview and Scrutiny Joint Health Committee	Deputy	
O'Bryne Mulligan	DG Cities Limited	Member	
O'Bryne Mulligan	London Road Safety Council	Member	
O'Bryne Mulligan	Sir John Evelyn Charity	Member	
O'Bryne Mulligan	Twinkle Park Trust	Member	

Okereke	Eltham Crematorium Joint Committee	Deputy	
Okereke	LGA General Assembly	Member	
Okereke	Local London Joint Committee	Member	
Okereke	London Councils' Leader Committee	Member	
Olugbemi	LGA General Assembly	Member	
Olugbemi	London City Airport Consultative Committee	Deputy	
Olugbemi	Overview and Scrutiny Joint Health Committee	Deputy	
Peirce			
Rahman	Greater London Forum for Older People	Member	
Rahman	Greenwich Charities of William Hatcliffe and the Misses Smith	Member	
Rahman	Greenwich Pensioners' Forum	Member	
Rahman	South East Enterprise	Member	
Ranabhat			
Richards Cottell	Greenwich Theatre Board	Member	
Saldin	Charlton Triangle Homes	Member	
Saldin	Royal Greenwich Heritage Trust	Member	
Scott-McDonald	Greenwich Millennium Village Management Ltd	Deputy	
Scott-McDonald	Greenwich Peninsula Management Company Ltd	Member	
Slattery	Eltham Crematorium Joint Committee	Deputy	
Slattery	Greenwich Charities of William Hatcliffe and the Misses Smith	Member	
Smith, A	Eltham Crematorium Joint Committee	Deputy	
Smith, A	London Council's Transport & Environment Committee	Deputy	
Smith, A	Sir John Evelyn Charity	Member	
Smith, J	Eltham Crematorium Joint Committee	Deputy	
Smith, J	Local London Joint Committee	Deputy	
Smith, J	Tramshed Arts	Member	
Smith, J	Walpole Estate Management Board	Member	
St Matthew-Daniel	Blackheath Joint Working Party	Member	
St Matthew-Daniel	Greenwich Bluecoat Foundation	Member	
St Matthew-Daniel	Greenwich Charities of William Hatcliffe and the Misses Smith	Member	
St Matthew-Daniel	Overview and Scrutiny Joint Health Committee	Deputy	
Sullivan	Destination Greenwich Tourism Management Company (AKA Visit Gre	Member	
Sullivan	Woolwich Creative District Trust (Woolwich Works)	Member	

Taggart-Ryan	Eltham Crematorium Joint Committee	Deputy	
Taggart-Ryan	Middle Park Community Centre	Member	
Taggart-Ryan	Safer Greenwich Partnership	Member	
Tester			
Thomas	DG Cities Limited	Member	
Thomas	Greenwich Co-operative Development Agency	Member	
Thomas	Woolwich & Plumstead Relief in Sickness Fund	Member	
Thorpe	Woodlands Farm Trust	Member	
van den Broek	Charlton Triangle Homes	Member	
van den Broek	Destination Greenwich Tourism Management Company (AKA Visit Gre	Member	
van den Broek	Royal Greenwich Heritage Trust	Member	
Williams, I	Woodlands Farm Trust	Member	Nightingale Primary
Williams, M	Eltham Crematorium Joint Committee	Member	Alderwood School
Williams, M	Greenwich Theatre Board	Member	Alderwood School
Williams, N	DG Cities Limited	Member	Charlton Manor Primary
Williams, N	London [Pensions] Collective Investment Vehicle	Deputy	Charlton Manor Primary
Williams, N	London Youth Games	Member	Charlton Manor Primary
Williams, N	Overview and Scrutiny Joint Health Committee	Deputy	Charlton Manor Primary

COUNCIL	DATE: 26th June 2024	ITEM No. 5
REPORT TITLE: Report on the work of the Audit and Risk Management Panel 2023/24		WARDS All
CHIEF OFFICER Director of Finance	CABINET MEMBER Finance, Resources and Social Value	
DECISION CLASSIFICATION Non-Key Subject to call in Non exempt	IS THE FINAL DECISION ON THE RECOMMENDATIONS IN THIS REPORT TO BE MADE AT THIS MEETING? Yes	

I. Decision Required

This report makes the following recommendations to Council:

- 1.1 To note the report, setting out the work undertaken by the Audit and Risk Management Panel during 2023/24.

2. Links to Our Greenwich missions

- 2.1 This report relates to the Council's agreed missions as follows:

- Our Council is an adaptive organisation, enabling it to navigate the increasing number of challenges it faces while remaining financially sustainable
- Our Council works in the most efficient and effective ways possible

- 2.2 This report is the annual review of the work undertaken by the Audit and Risk Management Panel of the Royal Borough of Greenwich.

- 2.3 It summarises the role of the Panel in the Council's control framework and governance arrangements, showing an adaptive borough able to navigate increasing number of challenges while remaining financially sustainable.

2.4 It is a formal statement by the Panel on how its role, as set out in the Council's Constitution, was fulfilled in 2023/24.

3. Purpose of the Report and Executive Summary

3.1 The purpose of the Audit and Risk Management Panel is to provide an independent assurance of the adequacy of the Royal Borough's risk management framework and the associated control environment, including the effectiveness of the Internal Audit and Corporate Anti- Fraud functions, alongside other key areas.

3.2 In particular, the Audit and Risk Management Panel has a number of key responsibilities which are:

- to receive the annual review of internal controls and be satisfied that the Annual Governance Statement properly reflects the risk environment and any actions required to improve it.
- to consider (but not direct) the annual plans of the Internal Audit and Corporate Anti-Fraud Services and to monitor performance throughout the year.
- to consider summaries of specific Internal Audit reports as requested and to seek assurances that action has been taken where necessary.
- to receive regular reports covering implementation of the Council's risk management policy and strategy to determine whether strategic risks are being actively managed.
- to report to Council on the risk management framework.
- to consider the effectiveness of the relationships between external and internal audit, inspection agencies and other relevant bodies, and to ensure that the value of the audit process is actively promoted.
- to receive reports on audit issues arising from the financial statements, external auditor's opinion and reports to members, and monitor management action in response to such issues.
- to provide input into the appointment of the Council's external auditor.

- to maintain an audit overview of the Council's constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
- to consider the Council's audit arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- to comment on the Treasury Management Strategy, review the previous year's outturn position and to undertake a mid-year review.
- to comment on the Capital Strategy.

4. Introduction and Background

4.1 This report updates Members on the key areas the Audit and Risk Management Panel reviewed and considered during their meetings in 2023/24.

4.2 A breakdown of the specific items considered at each Panel meeting, which include the following subjects, are shown at **Appendix A**:

- External Audit Plan
- Annual Governance Statement
- Statement of Accounts
- Internal Audit & Anti-Fraud Plan and Performance
- Public Sector Internal Audit Standards Assessment
- Internal Audit Charter
- Treasury Management and Capital Strategy
- Risk Management

5. Summary of work undertaken during 2023/24

External Audit Plan

5.1 Grant Thornton was the Council's external auditor for 2023/24 and to this end the Panel scrutinised their audit plan for the authority, the Pension Fund, forecast fees, work undertaken and proposals in respect of ongoing and future work, and information provided by the Council's management to help inform the risk assessment for the authority and the Pension Fund.

- 5.2 The audit plan and risk assessment provided an overview of the planned scope and timing of the statutory audit of the Royal Borough of Greenwich and associated risk assessment for the authority and Pension Fund to those charged with Governance.

Annual Governance Statement (AGS)

- 5.3 The Panel reviewed the Council's governance arrangements and AGS as required by the Accounts and Audit Regulations.
- 5.4 The Panel scrutinised the AGS, which detailed how the Council had monitored and evaluated the effectiveness of its governance arrangement in the year and any planned changes in the coming period.

Statement of Accounts

- 5.5 The Panel was asked to review and comment on the draft annual Statement of Accounts for the year ended 31 March 2023. The Accounts were submitted to Grant Thornton, the external auditor, for audit on 06 July 2023 and subsequently considered by Cabinet on 20 September 2023.

Internal Audit & Anti-Fraud Plan and Performance

- 5.6 The Internal Audit Plan for 2023/24 was reported to the Panel for review. The performance against the Plan was also reviewed by the Panel on an ongoing basis to ensure that adequate progress was made and to ensure the control risks identified were being reviewed and resolved as required.
- 5.7 The Panel also considered the Head of Internal Audit's opinion on the soundness of the control environment in place to minimise risk to the Council.
- 5.8 As part of the review of the performance of Internal Audit & Anti-Fraud during 2022/23, the Panel was advised of the work undertaken by the Anti-Fraud team covering various areas such as tenancy and sub-letting, temporary accommodation costs, unauthorised occupation team, National Fraud Initiative, corporate related fraud, cabinet office housing tenancy pilot, council tax rebate (energy support scheme), direct payments, blue badge fraud, performance monitoring and partnership with the London Borough of Bromley.

Public Sector Internal Audit Standards – Assessment (PSIAS)

- 5.9 In addition to the review of performance, the Panel reviewed and raised several queries in relation to the outcome of the internal assessment of the Royal Borough's Internal Audit function which was completed using the Chartered Institute of Public Finance and Accountancy's PSIAS self-assessment tool.

Internal Audit Charter

- 5.10 The Panel also reviewed the updated / revised version of the Council's Internal Audit Charter, completed as part of the Council's commitment to adhere to the Public Sector Internal Audit Standards.

Treasury Management and Capital Strategy

- 5.11 The Panel reviewed reports with regards to the Council's treasury management activities during 2022/23 as well as the capital outturn position for 2022/23.

Risk Management

- 5.12 The Panel also received a report on, and scrutinised, the Council's updated Strategic Risk Register and revised Risk Management Toolkit, both of which were reported to Full Council on 21 February 2024.

Conclusion

- 5.13 During 2023/24, the Panel concentrated on ensuring that the key risks faced by the Royal Borough of Greenwich were being properly managed and that the Council's systems of internal audit and the framework for control were robust.
- 5.14 Details of the specific items considered at each committee meeting are shown in **Appendix A**.
- 5.15 For 2024/25, the Panel will continue with its core objectives and seek to ensure that the Council's overall governance processes, procedures and policies are in place and operating effectively.

6. Available Options

6.1 This report provides Council with a summary of the work of the Audit & Risk Management Panel during 2023/24. As this is an information report there is only one option which is to note the information provided

7. Preferred Option

7.1 Not applicable

8. Reasons for Recommendations

8.1 Noting the work of the Audit & Risk Management Panel supports the Council's governance arrangement with regard to risk management.

9. Consultation Results

9.1 No consultation is required, and none has been undertaken

10. Cross Cutting Issues and Implications

Issue	Implications	Sign-off
Legal including Human Rights Act	This report provides Council with a summary of the work of the Audit & Risk Management Panel during 2023/24 and raises no Legal issues or Human Rights issues.	Davidaire Horsford Interim Head of Legal Services 3rd June 2024
Finance and other resources including procurement implications	<p>This report makes the following recommendations to Council:</p> <ul style="list-style-type: none">To note the report, setting out the work undertaken by the Audit and Risk Management Panel during 2023/24. <p>This draft report has been prepared by the Director of Finance and summarises the work undertaken by the Audit & Risk Management Panel in fulfilling its role as outlined in the Council's Constitution.</p> <p>It has no other financial implications.</p>	Joanne Stark Head of Accounting & Business Change 3rd June 2024

Issue	Implications	Sign-off
Equalities	The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users. Further, given the nature of the report it has a remote or low relevance to the Councils Equity and Equality Charter and the Council's Equality Objectives 2020-2024.	Vivian Uzoечи Head of Financial Governance, Insurance & Risk 3rd June 2024
Climate change	The decision recommended through this paper has a remote or low relevance to the substance of the Greenwich Carbon Neutral Plan, as agreed by Cabinet on 18th November 2020.	Vivian Uzoечи Head of Financial Governance, Insurance & Risk 3rd June 2024
Risk Management	If the work of the Audit & Risk Management Panel is not reported and considered in line with the Constitution, then the Council may not be compliant and able to demonstrate that its statutory responsibilities are met.	Vivian Uzoечи Head of Financial Governance, Insurance & Risk 3rd June 2024

11. Report Appendices

- Appendix A : Audit & Risk Management Panel Meeting Items 2023/24

12. Background Papers

None

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Audit & Risk Management Panel Meeting	Items Considered
21 June 2023	<ul style="list-style-type: none"> • Internal Audit and Anti-Fraud Performance 2022/23 • Internal Audit Plan 2023/24 • Draft Report on the work of the Audit and Risk Management Panel 2022/23 • Draft work programme of the Audit and Risk Management Panel 2023/24 • Internal Audit Special Topic Report – Operation Grace
06 July 2023	<ul style="list-style-type: none"> • External Audit Plan • Annual Governance Statement • Internal Audit Charter 2023-24 • Treasury Management and Capital Outturn 2022-23
19 October 2023	<ul style="list-style-type: none"> • Internal Audit and Corporate Anti-Fraud – Quarter I Performance Report • Draft Statement of Accounts 2022/23
22 November 2023	<ul style="list-style-type: none"> • Annual Audit Letter • Auditor Risk Assessment 2022/23 • Statement of Accounts 2022/23 • Treasury Management and Capital Mid-Year Update • Internal Audit and Anti-Fraud – Performance Report • Royal Borough of Greenwich Strategic Risk Register
24 January 2024	<ul style="list-style-type: none"> • Temporary Accommodation - Implementation Progress Update • Public Sector Internal Audit Standards (PSIAS) Internal Assessment of the Internal Audit Function • Internal Audit and Anti-Fraud – Performance Report
05 March 2024	<ul style="list-style-type: none"> • Treasury Management and Capital Strategy 24/25
21 March 2024	<ul style="list-style-type: none"> • Draft Report on the work of the Audit & Risk Management Panel 2023-24

ITEM 5 – APPENDIX A

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COUNCIL	DATE 26 June 2024	ITEM NO. 6
TITLE Overview and Scrutiny - Annual Work Programme 2024-25	WARD(S) All	
CHIEF OFFICER Chief Executive	CABINET MEMBER N/A	
DECISION CLASSIFICATION <i>Non-Exempt</i>	IS THE FINAL DECISION ON THE RECOMMENDATIONS IN THIS REPORT TO BE MADE AT THIS MEETING Yes	

1. **Decision Required**

The Council is requested to:

- 1.1 Consider the proposed work programme for the Overview and Scrutiny Committee and its Scrutiny Panels for 2024-25 as set out at Appendix A, put forward in accordance with the Council's Constitution.
- 1.2 Delegate authority to the Chief Executive to vary the programme in consultation with the Chair of the Overview and Scrutiny Committee.

2. **Links to Our Greenwich missions**

- 2.1 This report relates to the delivery of all the high-level missions contained within the Royal Greenwich Strategy. The Overview and Scrutiny Work Programme covers all areas of the Council and reviews the work of the Executive in delivering the objectives of the Corporate Plan.
- 2.2 This report relates to the Council's agreed missions as follows:
 - People's health supports them in living their best life.
 - People will not experience discrimination.
 - Those in financial need can access the right support, advice and opportunities to improve their situation.
 - Children and young people can reach their full potential.
 - Everyone in Greenwich is safer, and feels safer.
 - People in Greenwich have access to a safe and secure home that meets their needs.

- It is easier, safer and greener to move around the borough and the rest of London.
- Development delivers positive change to an area for existing and new communities.
- Neighbourhoods are vibrant, safe and attractive with community services that meet the needs of local residents.
- Greenwich plays an active role in tackling the climate crisis and improving environmental sustainability, in line with our commitment of being carbon neutral by 2030.
- Everyone has the opportunity to secure a good job.
- Town centres, high streets and shopping parades are vibrant, prosperous, well-maintained places that meet the needs of local people.
- Our economy attracts new high value businesses whilst strengthening its foundations.
- The voluntary, community and socially motivated sectors in Greenwich are strengthened and able to provide more support to the most in need
- Our Council is better at listening to communities, and communities feel they are heard.
- We develop networks with communities, key partners and businesses to meet need and address challenges together.
- We design our services around the needs of our residents.
- Our Council is an adaptive organisation, enabling it to navigate the increasing number of challenges it faces while remaining financially sustainable.
- Our Council works in the most efficient and effective ways possible.
- Our Council is a great place to work, with a diverse workforce who have the right skills and are motivated and empowered to deliver.

3. **Purpose of Report and Executive Summary**

- 3.1 To determine the 2024-25 work programme for the Overview and Scrutiny function as required under the Council's Constitution.

3. **Introduction and Background**

- 3.1 The Council's Constitution [Part B4(a)] states:
"The work programme of overview and scrutiny activities will be prepared on an annual basis and agreed by the Council" and makes it clear that the Overview and Scrutiny Committee has responsibility for drawing up the work programme and making recommendation to Council.

3.2 The Overview and Scrutiny Committee reviewed the work programme and will agree on 18 June 2024 to recommend the programme set out at Appendix A for adoption by Council.

4. **Developing the Work Programme 2023-24**

4.1 The Overview and Scrutiny Committee applied the following good practice guidelines in compiling its work programme, that it be -

- Informed by the priorities and concerns of local people.
- Led by scrutiny members.
- Manageable and realistic.
- Integrated effectively with corporate budget-making and strategic planning and policy setting processes and add value in contributing to the achievement of the Council's corporate objectives.
- Reflect a proactive approach to driving service improvement, rather than being simply reactive in response to decisions of the Executive.

4.2 The work programme should reflect the Council's priorities and should be targeted on issues where scrutiny can add real value. To enable this to happen, it is proposed to select items for the work programme on the basis of the following criteria:

- Relevance to Council priorities.
- Evidence of public demand or interest.
- Concerns about current performance.
- Opportunities to achieve savings or efficiencies.
- Potential to improve services.
- Realistic chance of making changes.
- Resources required to undertake the review.

4.3 It is recommended that the Chief Executive be given authority to vary the programme in consultation with the Chair of Overview and Scrutiny Committee in order that matters arising from consideration of the Council's Corporate Plan and Performance Framework may be incorporated throughout the year.

5. **Options**

5.1 Option 1 – Do nothing.

5.2 Option 2 - To agree the Scrutiny Work Programme for 2024 – 2025 and that the Chief Executive be given delegated authority to vary the programme in consultation with the Chair of the Overview and Scrutiny.

6. **Preferred Option**

6.1 Option 2.

7. **Reasons for Recommendations**

7.1 In line with the Constitution, the annual work programme has been prepared by the Overview & Scrutiny Committee and submitted to Full Council for agreement.

8. **Consultation results**

8.1 Consultation on items for the work programme was undertaken with the public through requests for ideas on the website and in Greenwich Info. Councillors, community groups and the voluntary sector were also consulted and gave suggestions.

9. **Cross-Cutting Issues and Implications**

Issue	Implications	Sign-off
Legal including Human Rights Act	There are no legal implications arising directly from this report.	Azuka Onuorah Interim Director of Legal Services 4 th June 2024
Finance and other resources including procurement implications	There are no financial implications arising from this report.	Damon Cook Director of Finance 10 June 2024
Equalities	The decisions recommended through this paper have a remote or low	Nassir Ali

	relevance to the substance of the Equality Act. There is no apparent equality impact on end users. This report makes no direct contribution to the Council's Equality and Equity Charter and the Council's Equality Objectives 2020-2024.	Corporate Governance Manager 04 June 2024
Climate change	This report makes no direct impact to the Greenwich Carbon Neutral Plan agreed by Cabinet on 18 October 2020.	Nassir Ali Corporate Governance Manager 04 June 2024
Risk Management	Key risks attaching to the proposals in this report, together with applicable mitigating actions have been considered and detailed in the Background section above.	Nassir Ali Corporate Governance Manager 04 June 2024

10. **Report Appendices**

10.1 The following documents are to be published with and form part of the report:

- *Appendix A: Scrutiny Work Programme 2024-2025*

11. **Background Papers**

11.1 None

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DRAFT 2024-25 Scrutiny Work Programme

Overview and Scrutiny

Proposal	Brief Scope	Our Greenwich Mission(s)
Overview and Scrutiny Work Programme	Discussion and agreement of the work programme items and scopes.	
Councillor Anthony Okereke, Leader of the Council Update	Questions and recommendations to the Leader of the Council on his: <ul style="list-style-type: none"> • Achievements from last year • Priorities for next year 	18
Equality and Equity Action Plan – Annual Update	Receive an update on progress made against our Equality and Equity Action Plan and review and make recommendations for the proposed Equality and Equity Objectives 2024-2028	2
Medium Term Financial Strategy (MTFS) Dashboards x 4	To receive and review quarterly MTFS dashboards	18
Review of Our Greenwich Annual Plan 2023-2024	Report on performance of RBG against the objectives set out in the Annual Plan 2023-2024	1-20
Carbon Neutral Plan Update	To consider and review the progress of the Carbon Neutral Plan and associated Action Plan.	10

Air Quality Monitoring and Action Plan	To consider and make recommendations on the air quality monitoring and action plan	10
Medium Term Financial Strategy (Budget)	Pre-decision scrutiny of the budget to be presented by the Leader of the Council and Cabinet Member for Finance, Resources and Social Value.	18
Housing Revenue Account Medium Term Financial Strategy	<p>Pre-decision scrutiny of the Housing Revenue Account MTFS to be presented by:</p> <ul style="list-style-type: none"> • The Leader of the Council • The Cabinet Member for Housing Management, Neighbourhoods and Homelessness • The Cabinet Member for Planning, Estate Renewal and Development 	18

Task and Finish Groups 2024/25

*Please note that only 3 of the Task and Finish Groups will be commissioned for 2024/25

Proposal	Brief Scope	Our Greenwich Mission(s)
L&G NHS Trust – Improving CQC Ratings	<p>There is a particular concern around the results of the latest NHS Adult Inpatient Survey (2021) carried out by the Care Quality Commission (CQC) and their most recent inspection of the local NHS Trust, which received a combined rating of “requires improvement”. Greenwich Scrutiny therefore wishes to carry out an in-depth investigation into local hospital services and the preparations for a future inspection, while focusing on the core services in Queen Elizabeth Hospital that were rated as “requires improvement” (listed below):</p> <ul style="list-style-type: none"> • Urgent and emergency care • Services for children and young people • End of life care <p>I. Review what strategies and plans are in place to address the concerns raised by patients and the CQC and understand the mechanisms by which the Trust ensures improvements are made.</p>	I

	<p>2. How does the Trust prioritise and ensure that sufficient resources are in place to deliver the improvements in CQC ratings.</p> <p>3. Note the progress and challenges that remain for the Trust in this improvement programme.</p>	
Thames Path Connectivity and Upgrade review	<p>RBG has the biggest river frontage in London; alongside which we will see significant population growth over the coming decade as much of the borough's car-free development is built alongside it.</p> <p>The Thames Path is an asset; with the potential to be an active travel route (Mission 7) and a place new and existing communities will want to use and enjoy (Mission 8).</p> <p>The potential scope of the review could include, but is not limited to, answering:</p> <ul style="list-style-type: none"> a) Does the Thames Path connect along the whole borough? b) Is the Thames Path accessible to all users? c) What is the requirement for surfacing and width? d) Is there sufficient signage and lighting along the path? e) What is the expectation for landowners and future developers of the land that the path runs through? f) How does the path work with any future flood defence requirements? g) How does the path interact with existing (and any future) piers and jetty's? h) Who is responsible for the management and maintenance of the 	7 & 8

	<p>entire path? What are the implications of that?</p> <p>i) What are the implications of it being a National Cycle route and National trail for walking?</p> <p>If the panel though it suitable, the findings of the time limited review would be the foundation on which a council wide Thames Path strategy is developed.</p> <p>Other benefits to reviewing the Thames Path could include; promoting active travel and healthy lifestyles (public health); promoting the local and tourist economy; transport strategy and modal shift; improving the quality of life for residents; regenerating the waterfront.</p> <p>Depending on resources available, the review could also include the Capital Ring / Green Chain Walk. Or otherwise be used as a template for future work on the Capital Ring / Green Chain Walk.</p>	
Zero carbon retrofit (Time Limited Review)	<p>The Time Limited Revoew will consider the programme for ensuring the RBG housing stock meets the high energy efficiency standards required by the RBG Carbon Neutral Plan and the UK Clean Growth Strategy to all be at EPC grade C or above by 2035, and by 2030 for “fuel poor” households.</p> <p>Looking at the governance, programme, financing and taking account of best practice and experience elsewhere in the UK, the review will report and make recommendations to further support achievement of these objectives both to support carbon neutrality and to minimise fuel poverty.</p>	10 & 6

*Will consider carrying out the following review once the above have been completed.

Community Engagement

A time limited review on how we communicate effectively with residents.

15 & 16

- Bringing together Community Groups
- Reviewing the outcome of the Resident Survey
- Reporting on the measure in Our Greenwich Plan
 - Do residents feel there are support networks they can rely on in your community?
 - Do residents have a voice in defining and designing services received?
 - Resident survey – Digital inclusion, are residents confidence in accessing services online?
 - Do residents feel that the Council listens and understands them?

Health and Adult Social Care Scrutiny Panel

Proposal	Brief Scope	Our Greenwich Mission(s)
Cabinet member Update	To receive an update on the Cabinet Member for Health, Adult Social Care and Borough of Sanctuary's priorities.	I
MTFS (Health and Adult Services)	To receive an update and review the changes to the MTFS plan.	I
Update on Musculoskeletal (MSK) tendering	To receive a presentation from representatives of the NHS South East London Integrated Care Board on the process so far.	I
Commissioning and managing social care contracts.	To review the Quality and quantity of social care providers in the borough and commissioning of Continuing Health Care.	I
Care Quality Commission (CQC) assurance.	To review how the Authority is preparing for the inspection.	I
Vaccination rates	To review uptake of flu, success of last year's polio vaccination drive, uptake of vaccination offers by NHS staff.	I
GP access and recovery plans.	To receive update on the Implementation of the NHS England improvement process and strategy locally.	I
Neighbourhood health plans	To review the neighbourhood health plans.	I
Addiction Strategy	To review how the resources are being used to support residents.	I

Breast cancer screening campaign March – May 2024.	To receive an update on the breast cancer campaign – tackling inequalities and screening uptake.	I
Long and medium term workforce strategies across health and care.	To review long and medium-term workforce strategies across health and care.	I
Health Ambassadors programme	Receive an update on the Health Ambassadors programme led by Dr Eugenia Lee out of the Gallions Reach GP Practices.	I

Young People and Education Scrutiny Panel

Proposal	Brief Scope	Our Greenwich Mission(s)
Cabinet Member Report – Children & Young People	A report outlining priorities for the Portfolio for the next 6 months.	4
Children’s Services Performance Monitoring	To monitor Children’s Services performance. Quarterly Performance Monitor x 4.	4
Sufficiency strategy and draft plan for 2024-25.	To receive an update on the impact of the new sufficiency strategy and draft plan for 2024-25.	4
GSCP extended review of children with SEND in residential placements.	To review Greenwich Safeguarding Children Partnerships review of children with SEND in residential placements.	4
School Place Planning and Capital Programme 2023/2024 – 2025/2026	To review the School Place Planning and Capital Programme. To ensure there is the right amount of school places for our young people.	4
Schools Admissions & School Resilience Strategy	To review the annual report on Greenwich School Admissions.	4
DCS Complaints Annual Report.	To review themes in complaints and compliments in the directorate and future learning.	4

School based hubs	Review the implementation of the wellbeing hubs in schools	4
Fostering and Adoption Services	To review the annual report on the work and performance of the Fostering and Adoption Services in 2023-24. To ensure the fostering and adoption services are fit for purpose, operating safely and being advertised effectively.	4
Annual Report on Corporate Parenting	To receive the annual report on children in our care during 2023-2024 and on the areas identified for further action in 2024-25.	4
Independent Reviewing Officer (IRO) Annual Report 2023-2024	To review how independent reviewing officers (IROs) are independently supporting looked after children.	4
Annual Report on Adoption	To review the 2023-2024 Annual Report in respect of Adoption	4
Early Years Provision	Review the early years provision, and whether its sufficient in Greenwich in the coming years.	4
Insight and Influence Service – Annual Impact Report	To review an update from the Insight and Influence Service	4
Virtual Schools Headteacher’s Annual Report	To review the provision of the Virtual School’s service for children in our care.	4
Special educational needs and disabilities (SEND) Update	To explore how the borough is supporting children with SEND including those with an update on EHC (Education, Health and Care) plans.	4

Annual Education Standards and Achievements	To review how Greenwich schools are performing in terms of achievement/exam results.	4
Social worker recruitment, retention and wellbeing	To review how social workers (challenging area to recruit) are recruited, retained, supported and developed when in post.	4
Medium Term Finance Strategy Update (Children's Services Directorate)	Understand the impact of the MFTS on children services including the provision of children centres.	4
Elective Home Education (EHE) Annual Report	To explore how children and families home educating are supported.	4
Children Missing Education Annual Report	To explore the key reasons for children missing education. Review how children and families are supported back into school.	4
Suspensions, Exclusions and FAP Report	Review the exclusion/suspension reasons, and how are steps put in place to prevent these?	4

Transport and Place Scrutiny Panel

Proposals	Brief Scope	Our Greenwich Mission(s)
Cabinet Member for Climate Action, Sustainability and Transport update	To receive a verbal update on how the cabinet member has delivered mission 7 during 2022-24; their plans for 2024-2025; with reference to relevant council strategies.	7
Cabinet Member for Planning, Estate renewal and Development update	To receive a verbal update on how the cabinet member has delivered mission 8 during 2022-24; their plans for 2024-2025; with reference to relevant council strategies.	8
Transport Work Programme	To receive an update on the transport work programme over 2024-2025.	7
Income from Development	To receive an update on incomes from development.	8
Flood Risk / Water Management	To receive a report on the current status and future work programme related to flood risk and water management.	7
Planning	To receive an update on the key areas of planning enforcement, the council planning service and the local plan.	7
Highways Asset and Risk Management	To receive an update on the current highways assets and risk management, and the future work programme.	8

Regenerating Our Greenwich policy	To receive an update on the progress of the Regenerating Our Greenwich policy	8
Annual Transport Scrutiny Meeting	A meeting with transport providers and stakeholders operating within RBG, specifically focusing on inter-borough public transport and how the providers help the Mayor of London's transport strategy.	7
Third Party Strategic Projects	To receive an update on strategic transport projects being delivered within the borough by third parties.	7
Capital Projects update	To receive update on specific capital projects being delivered by the Council.	8
Strategic Asset Review	To review the process and progress of the Strategic Asset Review	7

Housing and Neighbourhoods Scrutiny Panel

Proposal	Brief Scope	Our Greenwich Mission(s)
Cabinet Member for Housing Management, Neighbourhoods and Homelessness Update	To receive an update on Cabinet Members' portfolio priorities	6
Cabinet Member for Community Safety and Enforcement Update	To receive an update on Cabinet Members' portfolio priorities	5
Garages Update	To receive an update on the plans and current situation regarding garages on neighbourhood estates.	6
Grounds Maintenance and Refuse.	To receive an update on grounds maintenance and refuse.	6
Leaseholder Charges	To receive and update on the leaseholder charges.	6
Temporary Accommodation	To receive a report on the provision and resident experience in temporary accommodation housing.	6
Homelessness and at-risk residents	To receive an update on homelessness and at-risk residents.	6
Statutory Scrutiny of the Safer Greenwich Partnership (SGP)	Review and scrutinise decisions and actions taken by the partnership in connection with the discharge of its crime and disorder function.	5
Community safety including CCTV	To receive update on community safety initiatives and CCTV	5
Annual meeting with registered providers of social housing.	To receive an update from the registered providers of social housing on management of anti-social behaviour and hate crime,	6

	lettings and shared ownership, engagement with ward members and management of repairs.	
Private Housing Providers	To receive an update on their work in the Borough.	6
Repairs Update	To receive an update on the Repairs Transformation Programme.	6
Compliance and Building Safety Update.	To receive an update on compliance and building safety.	6

Inclusive Economy and Culture Scrutiny Panel

Proposal	Brief Scope	Our Greenwich Mission(s)
Cabinet Member for Inclusive Economy, Business, Skills and Greenwich Supports update	To receive an update on Cabinet Members' portfolio priorities for the upcoming year and reflections on capacity for delivery.	3, 11-14
Community Wealth building 2022 – Evaluation	<p>To provide a report on the 2 year impact of the Community Wealth building strategy, outlining:</p> <ul style="list-style-type: none"> • Whether the short and medium term objectives in the strategy were met and a progress update on the long term objectives • On overview on the key successes from the strategy • Any reflections on challenges and limitations. • Plans to address the aims and objectives that have not been met moving forward. <p>Areas of focus could include</p> <ul style="list-style-type: none"> • Progress of the Anchored in Greenwich partnership • Access to Council and local procurement for anchor institutions and small and medium size businesses 	13

Inclusive Economy Strategy – plan for delivery	To receive a update on the Inclusive Economy Strategy, including: <ul style="list-style-type: none"> • The priorities for the strategy • The plan for delivery of the first year • An analysis on potential barriers for delivery 	11,12 & 13
Inclusive Economy Strategy – one year review	To receive a one-year check in on the progress of the Inclusive Economy Strategy, focusing on key objectives in the strategy, such as: <ul style="list-style-type: none"> • the proposed Town Centre Strategy • the proposed map and review of employability provision in the borough • performance of Greenwich Local Labour and Business (GLLaB) • the proposed Affordable Workplace Strategy 	11,12 & 13
Employability for young people	To receive a summary on the Council’s approach to supporting young people into education, work or training, with a particular focus on apprenticeships and SMEs, considering: <ul style="list-style-type: none"> • How the Council is encouraging businesses in Greenwich to take on local apprenticeships and to access the apprenticeship levy, • The Council’s approach to employing apprenticeships internally • How is the Council encouraging and supporting SMEs to employ local young people. To receive an overview of a proposed Post-16 skills strategy to enable pre-decision scrutiny.	11
Anti-Poverty Strategy	To receive a draft of the proposed Anti-poverty Strategy to enable pre-decision scrutiny.	3
Culture Strategy	To receive a update on the Culture Strategy, including	14

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	<ul style="list-style-type: none"> • The priorities for the strategy • The plan for delivery of the first year • An analysis on potential barriers for delivery 	
Royal Greenwich Heritage Trust	<p>To receive an update from Royal Greenwich Heritage Trust on:</p> <ul style="list-style-type: none"> • Objectives for the year ahead • The relocation of, and public access to, the Borough Archives • Renovation and maintenance works at Charlton House. 	14
Woolwich Creative District	<p>To receive an update on the progress of Woolwich Creative District regeneration by the Council and third parties including Woolwich Works and Punchdrunk.</p>	14
Nighttime Economy	<p>To receive a update from the Council and partners on the delivery of the Woolwich Night Time Enterprise Zone.</p> <p>To receive an evaluation on the 2022 Night-Time Town Centre strategy for Greenwich Town Centre, outlining:</p> <ul style="list-style-type: none"> • Key successes from the past two years • Whether the objectives in the strategy and action plan were met or are in progress • Reflections on challenges and limitations 	14

	<ul style="list-style-type: none"> Plans to address the aims and objectives that have not been met moving forward. 	
Small and medium size arts and cultural organisations	To receive an assessment on the environment in Greenwich for small and medium size arts and culture organisations.	14
High value businesses	To receive a summary on the Council's approach for attracting and supporting high-value businesses.	13
UK Shared Prosperity Fund (UKSPF)	To receive a evaluation of the UKSPF programme.	

Organisation and Communities Scrutiny Panel

Proposal	Brief Scope	Our Greenwich Mission(s)
Cabinet Member for Finance, Resources and Social Value Update	To receive an update on Cabinet Members' portfolio priorities	
Contract Standing Orders Exemptions and Variations	To provide an update on the Exemptions and Variations to Contract Standing Orders.	19
Procurement monitoring	To receive an update on the Procurement Strategy and Social Value Policy	19
Human Resources update	<p>Reporting on the developments of the Council's Workforce Strategy and people management practices, as well as key actions for the future.</p> <ul style="list-style-type: none"> ➤ Are the HR Policies fit for purpose? ➤ What are the main Workforce Challenges? 	20
Legal Services Performance	Reporting on the performance of Legal department and review key metrics as to performance.	19

Members Casework Management	Reporting on Members' Casework Management	17
Community Engagement	Review of Implementation	15
Customer Services Performance	An update on the Customer Services Performance (telephone call handling / website / social media). An update/progress report on the Customer Services Review Monitoring/Action plan.	17
Digital Strategy	An update on ICT and progress of the Digital Improvement Programme.	17
Financial Operations Performance	Financial Operations Performance, Revenue and Corporate Debt Management Performance	19
Electoral Services Performance	Electoral Services Performance	19
Freedom of Information Monitoring	Freedom of Information Monitoring	19

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COUNCIL	DATE	ITEM NO 7
TITLE Proposed changes to the Constitution	WARD (S) Not applicable	
CHIEF OFFICER Interim Director of Legal Services/Monitoring Officer	CABINET MEMBER Leader of the Council	
DECISION CLASSIFICATION Non-exempt report	IS THE FINAL DECISION ON THE RECOMMENDATIONS IN THIS REPORT TO BE MADE AT THIS MEETING? Yes	

1. **Decision required**

This report makes the following recommendations to the decision-maker.

Council is requested to:

- 1.1 Approve the changes to Part 4, Schedule G of the Councils Constitution as set out in Appendix A.
- 1.2 Approve the changes to Part 5, Section B of the Councils Constitution as set out in Appendix B.
- 1.3 Approve the changes to Part 3, Schedule E of the Councils Constitution as set out in Appendix C.

2. **Introduction and Background**

- 2.1 The Monitoring Officer is responsible for maintaining an up-to-date version of the Constitution. Article 15.02(a) of the Council's Constitution states that Full Council may change the Constitution, but only after considering a proposal by the Monitoring Officer.
- 2.2 The Monitoring Officer has established a four year rolling review of the Constitution in order to ensure that the overall Constitution is kept up to date. Any changes which are required outside of the programme will be brought forward to Full Council separately.

2.3 A Constitution Review Working Group has been set up to provide a sounding board and discussion forum for the Monitoring Officer's proposed changes to the Constitution before they are submitted to Full Council. The Working Group is an advisory group with no formal decision making powers. It sits outside the Council's Constitution.

2.4 The membership of the Working Group is as follows:

- Leader of the Council
- Chief Whip
- Chair of Overview & Scrutiny Committee
- Leader of the Opposition or nominated representative
- Monitoring Officer
- Head of Corporate Governance
- Other Officers and/or Members may attend as appropriate depending upon the subject matter being discussed

2.5 The Monitoring Officer is proposing the following changes to the Constitution as follows:

- **Part 4, Schedule G of the Council Constitution (Contract Standing Orders) as set out in Appendix A.** The current Contract Standing Orders are based on the Public Contracts Regulations 2015. These will be out of date in October 2024 when the Procurement Act 2023 comes into force. The effect of the changes can be summarized as follows:
 - Social Value: There will be a strong emphasis on supporting local suppliers and delivering community benefits wherever possible.
 - There will be earlier engagement pre a tendering exercise. This means that there will be an opportunity to review contracts, what is being procured, why and how much it will cost at an early stage.
 - The introduction of a Corporate Procurement Board will make recommendations on high risk procurement activities including awards.
 - Improved Contracts Register.
- **Part 5, Schedule B of the Council Constitution (Officers Code) as set out in Appendix B.** The proposals update the current Officer Code which sets out expectations and has been agreed with the Trade Unions.

- **Part 3, Schedule E of the Council Constitution (Terms of Reference of member Level Bodies: Overview and Scrutiny) as set out in Appendix C.** The proposal is to change the name “Young People and Education” Scrutiny Panel to “Children and Young People” Scrutiny Panel to reflect the fact the Council is a Corporate Parent with responsibilities specifically to children.

Other parts of the Constitution will need to be updated as a consequence of the changes referred to above to ensure consistency.

3. **Available Options**

- 3.1 Approve the changes to as set out in Appendix A, B and C
- 3.2 Make no changes.
- 3.3 Ask the Monitoring Officer to consider alternative changes.

4. **Preferred Option**

- 4.1 Approve the changes set out in Appendix A,B and C.

5. **Reasons for Recommendations**

- 5.1 The proposals are necessary to
 - ensure that the Council complies with new legislation in the case of decision 1.1
 - update requirement in respect of the conduct of officers in the case of section 1.2 and
 - reflect the fact the Council is a Corporate Parent with responsibilities specifically to children in the case of decision 1.3.

6. **Consultation Results**

- 6.1 Consultation has taken place with the Constitution Review Working Group. The proposals incorporate the views of the Working Group.

8. Cross-Cutting Issues and Implications

Issue	Implications	Sign-off
Legal including Human Rights Act	Section 9P of the Local Government Act 2000 requires local authorities to prepare and keep up to date constitutions containing their standing orders, code of conduct for members, any other information they considered appropriate and ‘such information as the Secretary of State may direct’. Given that this report recommends changes to the Constitution, it requires approval by Full Council.	Azuka Onuorah Interim Director of Legal Services, 2 nd June 2024
Finance and other resources implications	There are no financial implications arising from this report.	Joanne Stark Head of Accounting & Business Change 3 rd June 2024
Equalities	The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users.	Azuka Onuorah Interim Director of Legal Services, 2 nd June 2024
Risk Management	Given the nature of the decisions recommended in this report there is a remote or low risk to the Council.	Azuka Onuorah Interim Director of Legal Services, 2 nd June 2024

9. Report Appendices

9.1 The following documents are to be published with and form part of the report:

- Appendix A: Existing Part 4, Schedule G of the Councils Constitution with track changes and Proposed Part 4, Schedule G of the Councils Constitution
- Appendix B: Existing Part 5, Section B of the Councils Constitution and proposed Part 5, Section B of the Councils Constitution
- Appendix C: Existing Part 3, Schedule E of the Councils Constitution and proposed Part 3, Schedule E of the Councils Constitution.

10. **Background Papers**

None.

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Contracts Standing Orders

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Glossary of Terms

In these Contract Standing Orders:

Approved List — means a list of suppliers whose basic credentials have been checked. This would normally cover financial stability, compliance with any laws or licences needed to operate, adequate insurance, health and safety policies and the like.

Best Value — means the Council's duty to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. Set out in section 3 of the Local Government Act 1999.

Most Advantageous Tender — means award criteria based on consideration of price, quality and wider benefits e.g. social value to the Royal Borough

National Law — means the Public Contract Regulations 2015 (SI 2015/102) and all other legislation and regulatory requirements in force from time to time which apply to public procurement.

National Threshold — means the value in pounds sterling above which the Public Contracts Regulations 2015 apply to a proposed public contract.

Procurement Forward Plan — means a list of annual projects or contracts identified for future procurement exercises.

Scheme of Management — means a plan providing the director's delegation of authority; showing the names and posts of Council officers, who may seek quotations and tenders, enter into Contracts, place orders and authorise payments on their behalf

General

Introduction

~~1.1 These Standing Orders are part of the Council's Constitution and govern all contracts for the supply of services, goods or materials or for the execution of works entered into by the Council.~~

~~1.2 These Standing Orders apply to all Contracts except for the following types of Contracts:~~

- ~~• Grants that the Council is applying for or issuing.~~
- ~~• Contracts of employment which make an individual a direct employee of the Council;~~
- ~~• Agreements directly associated with the acquisition, disposal, or transfer of assets or land (to which the Financial Regulations shall apply).~~

~~1. Purpose and Principles~~

~~1.1 These Standing Orders are designed to ensure:~~

- ~~• best value for the Council~~
- ~~• non-discrimination and equal treatment~~
- ~~• transparency and accountability~~
- ~~• propriety~~
- ~~• compliance with national (i.e. English) law~~
- ~~• furtherance of the Council's corporate policies (including social value) and procurement strategy.~~

~~1.2 The Head of Strategic Procurement provides guidance on the matters to be taken into account as part of any procurement process. These Standing Orders regulate the process when a decision has been made to procure externally.~~

~~2. Compliance~~

~~2.1 Every contract made by or on behalf of the Council must comply with National Law, these Standing Orders and the Council's Financial Regulations.~~

~~2.2 — Every person who lets, manages or supervises a contract will:~~

- ~~• — comply with National Law, these Standing Orders and the Council's Financial Regulations;~~
- ~~• — comply with the Council's best value duty (i.e. make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.)~~
- ~~• — consider overall value, including economic, environmental and social value, when reviewing service provision. As a concept, social value is about seeking to maximise the additional benefit that can be created by procuring or commissioning goods and services, above and beyond the benefit of merely the goods and services themselves;~~
- ~~• — seek to promote all relevant and current corporate policies;~~
- ~~• — act in accordance with the highest standards of propriety and proper practice; and~~
- ~~• — ensure that adequate records are kept.~~

~~2.3 — Where there is a conflict between any provision of these Standing Orders and any other part of the Constitution, there shall be a presumption that the more recently amended, inserted or updated part shall prevail.~~

~~2.4 — Any reference in these Standing Orders to the making of any decision or carrying out any procedure as part of the procurement shall be interpreted in a manner consistent with the requirement to comply with relevant national rules where the contract is over the National Threshold.~~

~~Delegation to Chief Officers~~

~~3. — Delegation~~

~~3.1 — Chief Officers may accept quotations and tenders and enter into contracts as set out in these Standing Orders, subject to the provisions of:~~

- ~~Standing Order 5 ————— annual plan and list of contracts~~
- ~~Standing Order 6 ————— key decisions~~
- ~~Standing Order 9.4, 20 and 21 ————— negotiating tenders~~
- ~~Standing Order 28 ————— accepting tenders~~

~~3.2 — Each Chief Officer will maintain a Scheme of Management, showing the names and posts of Council officers who may seek quotations and tenders,~~

~~enter into Contracts, place orders and authorise payments on their behalf. The scheme will set out the maximum contract value allocated to each member of staff for these purposes. The scheme shall not include the granting of waivers under Standing Order 7.~~

~~3.3 Each Chief Officer will send their Scheme of Management to the Director of Finance before the start of each financial year and within 7 days of making any changes to the Scheme.~~

~~3.4 Officers must declare to their Chief Officer and the Director of Legal & HR any personal interest in a matter they are dealing with, including one which may impinge on their impartiality to apply these Standing Orders. It is a requirement that all Council officers and external advisors complete a Declaration of Interest in prescribed form prior to any involvement in any drafting of tender documents or any involvement in evaluation of applicants or tenderers. In the event that a conflict of interest materialises during the procurement process, officers must additionally notify their Chief Officer and the Director of Legal & HR, in writing, as soon as is reasonably practicable.~~

~~4. Annual Plan and list of contracts~~

~~4.1 As part of the annual budget setting process, each Chief Officer will provide the Director of Finance with a Procurement Forward Plan, which will include the planned procurement activity for the coming year. The Director of Finance will collate the information into an Annual Procurement Forward Plan.~~

~~5. Key decisions~~

~~5.1 Chief Officers must comply with the rules relating to Key Decisions in the Constitution.~~

~~5.2 The Key Decision Appendix is found in Part 4 of the Constitution – Rules of Procedure; Section D – Access to Information Procedures~~

~~Waivers~~

~~6. Waivers~~

~~6.1 Cabinet, the Leader, or any Chief Officer may only authorise a waiver of compliance with these Standing Orders in accordance with this Standing Order 7.~~

~~6.2 — No waiver may be authorised to Standing Orders 2 and 3 or compliance with National Law.~~

~~6.3 — Only Cabinet may authorise a waiver of Standing Orders 4, 5, 6 and 28.~~

~~6.4 — All reports seeking a waiver must include the comments of the Director of Finance, Director of Legal & HR and Head of Strategic Procurement. If the comments recommend that a waiver should not be made, a waiver may only be authorised by Cabinet.~~

~~6.5 — Chief Officers must keep a register of waivers and the reasons they were granted, and must summarise these in a report every 6 months to Cabinet and to Overview and Scrutiny Committee.~~

~~Pre contract requirements~~

~~7. — Contract value and evaluation criteria~~

~~7.1 — Before starting any procurement, the Chief Officer will:~~

- ~~• — estimate and record the value of a proposed contract. The value of Contracts which are subject to these Standing Order is calculated net of VAT and over the total duration of the Contract, including any pilot phases or stages of delivery. The Head of Strategic Procurement will issue guidance which explains how to estimate the value of separate or renewable contracts;~~
- ~~• — during the annual procurement forward planning exercise obtain confirmation from the Director of Finance that the estimated value of the contract is within the approved in the budget prior to commencement of a tender exercise. Where the estimated value of a new procurement exercise is not included in the procurement forward plan, complete a Procurement Initiation Proposal Form (PIP Form) for contracts valued at £100,000 and over in consultation with Director of Finance and Head of Strategic Procurement before the commencement of the tendering exercise~~
- ~~• — produce a Business Case report if the value of the contract is estimated to be £500,000 and over for a services or supplies contract and £1m and over if it is a works contract. The Business Case shall be produced in consultation with Director of Finance and Head of Strategic~~

~~Procurement and submitted to the Corporate Procurement Board for approval. In the case of an urgency, the Business Case can be approved by the Director of Finance.~~

- ~~• ensure the expenditure has been included in approved estimates or in capital or revenue accounts, or has been otherwise approved by the Council.~~

~~7.2 Before starting any procurement which requires competition, the Chief Officer will determine whether the contract will be awarded to the tender which offers the most advantageous tender. In addition, the Chief Officer will determine the outcomes that are required from the procurement in terms of:~~

- ~~• what the contract is to deliver~~
- ~~• the timescales in which outcomes are to be delivered~~
- ~~• how outcomes will support the Corporate Plan~~
- ~~• how the supplier's/contractor's performance will be monitored~~
- ~~• the social value and community benefit that could be delivered~~

~~7.3 Where the contract will be awarded to the most advantageous tender, the Chief Officer will determine the evaluation criteria.~~

~~8. Consultation~~

~~8.1 Before purchasing services or supplies which are also provided in house, the Chief Officer will consult the relevant Head of Service and the Head of Strategic Procurement to explore the opportunity of using the existing contract and ensure the Council obtains Best Value.~~

~~9.3 Before engaging consultants for training or development purposes, the Chief Officer will consult the Head of Human Resources.~~

~~9.4 Before negotiating tenders or starting a competitive dialogue in the circumstances set out in Standing Order 20 & 21 respectively, the Chief Officer will consult the Director of Finance, Head of Strategic Procurement and Director of Legal & HR who will determine how negotiations or dialogue should be carried out so as to achieve the purposes set out in Standing Order 2.~~

~~9.5 The Chief Officer will record the outcome of each consultation.~~

~~9. Pre tender/ market testing/quotation enquiries~~

~~9.1 Chief Officers may make enquiries of firms before tenders or quotations are invited for all proposed contracts of £25,000 and over in value:~~

- ~~• to establish whether goods, works or services the Royal Borough wishes to purchase are available, and within what price range;~~
- ~~• to establish whether particular firms wish to be invited to tender or quote.~~

~~9.2 In making enquiries:~~

- ~~• no information may be disclosed to one firm which is not disclosed to all those which may be invited to tender or quote;~~
- ~~• no firm may be led to believe that the information they offer will necessarily lead to them being invited to tender or quote, or awarded the contract;~~
- ~~• the Chief Officer will keep a written record, including notes of any telephone calls and meetings and the responses received.~~

Competition requirements

~~10. Requirement to consider Social Value~~

~~10.1 The Public Services (Social Value) Act 2012 requires public bodies in England and partly in Wales, to consider the economic, environmental and social benefits of their approaches to commissioning and procurement before the process starts. The Act requires authorities to make the following considerations at the pre-procurement stage: a) How, what is proposed to be procured, might improve the economic, social and environmental well-being of the 'relevant area'; b) How in conducting a procurement process, the Authority might act with a view to securing that improvement and whether to undertake a consultation on these matters.~~

~~10.2 The Chief Officer will use this Act including any updates to it, the Council's Social Value Policy and Social Value Framework to consider social value outcomes which may improve the social, economic or environmental well-being of a relevant area, relevant to what is proposed to be procured. The Chief Officer must only consider those matters to the extent to which it is proportionate and the outcomes of the procurement aligns with the subject matter of the contract.~~

~~10.3 The Chief Officer shall keep records of all the Social Value outcomes delivered by the Supplier on each contract and summarise them on a report every 6 months to the Director of Finance.~~

~~11. Contracts not requiring competition~~

~~11.1 Competition is not required:~~

- ~~• where a waiver from compliance with Standing Order 13 is granted under Standing Order 7 on one of the following grounds:~~
 - ~~• where a tendering exercise produced no tenders or inappropriate tenders; or~~
 - ~~• where tendering was discontinued because of irregular tenders.~~
 - ~~• where works supplies or services can be supplied only by a particular economic operator.~~
 - ~~• where the aim of the procurement is the creation or acquisition of a unique work of art or artistic performance,~~
 - ~~• where competition is absent for technical reasons,~~
 - ~~• where the protection of exclusive rights, including intellectual property rights is required.~~
 - ~~• where because of extreme urgency caused by events unforeseeable by the Royal Borough, the time limits for the open, restricted or competitive negotiation procedures cannot be complied with.~~
 - ~~• for contracts for research and development.~~
 - ~~• where additional deliveries by the original supplier are required.~~
 - ~~• for public services contracts following a design contest.~~
- ~~• for contracts valued below National Light Touch threshold with registered providers of social services and health services for individual clients or groups of clients;~~
- ~~• for contracts valued below National Light Touch threshold with registered providers of education for individual pupils with special educational needs;~~
- ~~• to engage Counsel (Barristers).~~

~~Provided that the Chief Officer has the agreement of the Director of Finance, Director of Legal & HR and Head of Strategic Procurement.~~

~~13 Contracts valued below the relevant National Threshold~~

~~13.1 Where the estimated value of a contract is £500,000 or more for services or supplies, and £1m if it is a works contract, the Chief Officer will be required to~~

APPENDIX A

~~produce a completed business case using the Royal Borough's corporate~~

~~template for reports before commencing any procurement. This applies even if the proposed contract does not require competition in accordance with Standing Order 12.~~

~~13.2 Subject to Standing Order 13.1, Chief Officers may enter into contracts where the estimated value is:~~

- ~~• less than £15,000, by seeking one quotation from local firms in accordance with Standing Order 13.3.~~
- ~~• £15,000 to £25,000 after seeking at least 2 written quotations. This should include two local firms in accordance with Standing Order 13.3~~
- ~~• £25,000 or more but less than the relevant National threshold for a services or supplies contract, and up to £500,000 for works contract, after seeking at least 4 written quotations. Two of the firms to be invited to quote should be from local firms in accordance with Standing Order 13.3.~~

~~The table below provides a summary of the process~~

Value	Minimum number of firms required	Places to source suppliers from
less than £15,000 for services, suppliers and works contracts	One firm	Invite from local firms in accordance with CSO 13.3
£15,000 to £25,000 for services, suppliers and works contracts	Invite at least 2 firms	Invite two from local firms in accordance with CSO 13.3.
£25,000 to below National threshold for services/supplies and up to £500,000 for works contracts	Invite at least 4 firms	Invite at least two from local firms in accordance with CSO 13.3

~~13.3 The Chief Officer shall use the list of local firms which are onboarded on the Royal Borough's e-procurement portal to seek quotes for the provisions of the works, supplies and services sought. Where there is no appropriate local firms available then the Chief Officer will seek quotations from firms which~~

~~are competent and financially stable from neighbouring boroughs first before consider firms from other places.~~

~~13.4 For ensuring transparency, fairness and accountability, contracts valued at £25,000 or more, Chief Officers will ensure that all procurements use the Royal Borough's e-tendering system as prescribed by the Director of Finance and in accordance with procedures issued by the Director of Finance. Any other tendering method may be used only with prior authorisation from the Director of Finance as a request for a waiver in accordance with Standing Order 7. Where e-tendering is used, there is no requirement for hard copies of quotations to be returned. All documentation will be electronic and will be securely accessed and retained on the Royal Borough's e-procurement website.~~

~~14. Contracts valued above the relevant National Threshold~~

~~14.1 Where the estimated value of a contract is above the relevant National Threshold, Chief Officers will invite tenders in accordance with the National Law and will record their reasons for deciding which procedure to use.~~

~~14.2 The Chief Officer in consultation with the Head of Strategic Procurement shall select and follow through the national rules outlined for each procedure for their procurement namely:~~

- ~~a) Open procedure~~
- ~~b) Restricted procedure~~
- ~~c) Competitive procedure without negotiation~~
- ~~d) Competitive Dialogue~~
- ~~e) Innovative Partnership~~
- ~~f) Negotiation without prior publication~~

~~14.3 Further guidance on each of the procedure will be provided by the Head of Strategic Procurement.~~

~~Tendering Approaches/Commercial procurement tools~~

~~15. Tendering from the Approved List~~

~~15.1 This Standing Order applies where the contract is above the National Threshold for Services and Supplies but below the thresholds for Works contract, or where the Chief Officer considers that using the Approved List is appropriate.~~

~~15.2 Where there is an Approved List e.g. constructionline, Chief Officers will invite at least four tenders from firms within the appropriate category. If there are fewer than 4 firms, Chief Officers will invite tenders from all of them.~~

~~15.3 Chief Officers will invite firms to tender in rotation. However, 1(one) firm may be nominated where it is the existing contractor or has carried out similar work for the Royal Borough.~~

~~15.4 Chief Officers will record how they compiled the tender invitation list and, if fewer than 4 firms are invited to tender, the reasons for this.~~

~~16. Framework agreement and call off contracts.~~

~~16.1 Before starting a procurement exercise to conclude a framework agreement, the Chief Officer will consult with the Head of Strategic Procurement to determine if there are other frameworks agreements or existing RBG call off contracts which can be used to meet their requirement.~~

~~16.2 When setting up a new Framework Agreement, the Chief Officer shall determine the estimated value of the Framework Agreement in accordance with CSO 8.1~~

~~16.2 If the Chief Officer wish to consider permitting other contracting authorities to use the Framework Agreement, they will need to ensure the Tender Documents and Framework Agreement are structured to enable this.~~

~~16.3 The tendering process for concluding a framework agreement will follow either the open or restricted procedure as outlined in CSO 18 or 19 respectively and all related principles of concluding a framework agreement as outlined in the Public Contracts Regulation 2015.~~

~~16.4 The tender documents should clearly set out the process to call off from the framework agreement i.e. whether this will be through a direct award, mini competition or both.~~

~~Calling off from an external framework agreement~~

~~16.5 Before starting the process to call off from an external concluded framework agreement, the Chief Officer will consult with the Head of Strategic Procurement. They will advise on whether the proposed framework agreement is compliant, or an alternative framework agreement approved by the Royal Borough already exist and whether it delivers best value.~~

~~16.6—The Chief Officer will ensure that the Framework Agreement has been procured in accordance with the Public Contract Regulations 2015, and will check that required criteria for the Royal Borough to use the Framework Agreement are satisfied.~~

~~16.7—The Chief Officer will ensure that the call off process is compliant with the principles set out in the Public Contracts Regulations 2015 and the guidance provided by the organisation which owns the Framework Agreement.~~

~~17—Dynamic Purchasing System~~

~~17.1—Where a Dynamic Purchasing System is considered to be the most suitable solution for procuring the works, goods and services, the Chief Officer will seek guidance on how to set it up, manage the rounds and call offs, from the Head of Strategic Procurement.~~

~~17.2—The process for setting up and awarding contracts from a Dynamic Purchasing System must follow rules set out in the Public Contracts Regulation 2015.~~

~~18. Open tendering~~

~~18.1—Where Standing Order 15 does not apply, then unless the Chief Officer considers that using this procedure is inappropriate, tenders will be invited in accordance with the Open tendering procedure as outlined in the Public Contracts Regulation 2015.~~

~~18.2—For works, goods and services contracts, the Chief Officer may publish a prior information notice in Find a Tender Services (FTS) as soon as possible after deciding to proceed with the tendering exercise.~~

~~18.3—The Chief Officer will advertise the proposed contract in a manner best calculated to bring it to the attention of the contractors in the trade or profession. The notice will give details of the contract, say how tender documents may be obtained or inspected and state the last date for receipt of tenders. The Chief Officer will place a notice in FTS at the same time.~~

~~18.4—The Chief Officer will send contract documents to firms via the e-procurement portal within 6 days of request.~~

~~18.5 The last date for receipt of tenders will be at least 35 days from the date of the notice, or at least 15 days where a prior information notice was published.~~

~~19. Restricted tendering~~

~~19.1 Where Standing Orders 15 or 18 do not apply, then unless the Chief Officer considers that using this procedure is inappropriate, tenders will be invited in accordance with the Restricted procedure as outlined in the Public Contract Regulations 2015 as follows.~~

~~19.2 For works, goods and services contracts, the Chief Officer may publish a prior information notice in FTS as soon as possible after approving the requirement.~~

~~19.3 For all contracts, the Chief Officer will advertise the proposed contract in a manner best calculated to bring it to the attention of the contractors in the trade or profession. The notice will invite expressions of interest and state the last date for receipt of expressions of interest. The Chief Officer will place a notice in FTS at the same time.~~

~~19.4 The last date for receipt of expressions of interest will be at least 30 days from the date of the notice, or at least 15 days in case of urgency.~~

~~19.5 The Chief Officer will select at least 5 firms to tender. If fewer than 5 firms express an interest, the Chief Officer will invite tenders from all of them.~~

~~19.6 Firms will be given at least 30 days to return tenders, or at least 10 days in case of urgency. These periods will be extended if necessary:~~

- ~~• to allow for extra time to be given to firms to inspect the premises on which the works or services are to be carried out, or~~
- ~~• to inspect documents relating to the contract documents. Reasonable requests for further information relating to the contract documents will be granted, provided the request enables the Council to supply the information not less than 6 days (or 4 days in case of urgency) before the date specified for receipt of tenders.~~

~~19.7 The Chief Officer will record how he/she compiled the tender invitation list and, if fewer than 5 firms are invited to tender, the reasons for this.~~

~~20. Competitive procedure with negotiation~~

~~20.1 Chief Officers may use the competitive procedure with negotiation to award a contract:~~

- ~~• where tendering under Standing Orders 15, 18 or 19 is inappropriate;~~
- ~~• where at the beginning of the procurement exercise, only the minimum requirement to be met by all tenders can be defined and negotiation will be required to award of contract~~

~~20.2 Before negotiating tenders, the Chief Officer will consult the Director of Finance, Director of Legal & HR and Head of Strategic Procurement who will determine how the negotiations should be carried out so as to achieve the purposes set out in Standing Order 2.~~

~~20.3 The Chief Officer will advertise the proposed contract in a manner best calculated to bring it to the attention of the contractors in the trade or profession. The notice will invite requests to be selected to negotiate and state the last date for receipt of requests. The Chief Officer will place a notice in FTS at the same time.~~

~~20.4 The last date for receipt of requests to be selected to negotiate will be at least 30 days from the date of the notice, or at least 15 days in case of urgency.~~

~~20.5 The Chief Officer will select at least 3 firms to tender. If fewer than 3 firms express an interest, the Chief Officer will invite tenders from all of them.~~

~~20.6 The Chief Officer will record how they compiled the tender invitation list and, if fewer than 3 firms are invited to tender, the reasons for this.~~

~~20.7 The terms of the contract must remain substantially unaltered. All tenderers will be invited to amend their tenders, in writing, in such matters as the Chief Officer specifies. All negotiations will be conducted by at least two officers, one of whom is not involved in the contract award. The Chief Officer will keep a written record of all negotiations, including notes of all meetings and the names of all individuals present.~~

~~21. Competitive dialogue~~

~~21.1 Chief Officers may use competitive dialogue procedure to award a contract:~~

- ~~• where the nature of the procurement or the risk does not permit prior overall pricing;~~

- ~~where the nature of the procurement is such that a precise specification cannot be drawn up to permit tendering under Standing Orders 15, 18 or 19;~~
- ~~where the rules of a design contest require the contract to be awarded to one of the successful candidates, provided all successful candidates are invited to negotiate.~~

~~21.2 Before starting a competitive dialogue tender process, the Chief Officer will consult the Director of Finance, Director of Legal & HR and Head of Strategic Procurement who will determine the conduct of the competitive dialogue process to be followed so as to achieve the purposes set out in Standing Order 2.~~

~~21.3 The Chief Officer will advertise the proposed contract in a manner best calculated to bring it to the attention of the contractors in the trade or profession. The notice will invite expressions of interest and state the last date for receipt of expressions of interest. The Chief Officer will place a notice in FTS at the same time.~~

~~21.4 The last date for receipt of expressions of interest will be at least 30 days from the date of the notice.~~

~~21.5 The Chief Officer will select at least 3 firms to participate in the dialogue. If fewer than 3 firms express an interest, the Chief Officer will invite all of them.~~

~~21.6 The Chief Officers shall open a dialogue with firms selected from the assessment of the information provided in response to the qualitative selection stage and invite the successful firms to participate in the dialogue.~~

~~21.7 Following the conclusion of the dialogue, firms shall be asked to submit their final tenders on the basis of the solution or solutions presented and specified during the dialogue.~~

~~21.8 The Chief Officer will record how he/she compiled the tender invitation list and, if fewer than 3 firms are invited to tender, the reasons for this.~~

~~22 Innovation partnership~~

~~22.1 Where the aim of the procurement exercise is to develop an innovative product, service or works, then unless the Chief Officer considers that using~~

~~this procedure is inappropriate, tenders will be invited in accordance with the Innovative Partnership procedure as outlined in the Public Contracts Regulations 2015.~~

~~22.2 Before using the Innovative Partnership procedure, the Chief Officer shall ensure that product, service or works being procured, cannot be met by purchasing products, services or works already available on the market.~~

~~22.3 The Chief Officer will consult the Director of Finance, Director of Legal & HR and Head of Strategic Procurement who will determine the conduct of the negotiation during the Innovative Partnership process to be followed so as to achieve the purposes set out in Standing Order 2.~~

~~22.4 The Chief Officer will advertise the proposed contract in a manner best calculated to bring it to the attention of the contractors in the trade or profession. The notice will invite expressions of interest and state the last date for receipt of expressions of interest. The Chief Officer will place a notice in FTS at the same time.~~

~~22.5 The last date for receipt of expressions of interest will be at least 30 days from the date of the notice.~~

~~22.6 The Chief Officer will select at least 3 firms to tender. If fewer than 3 firms express an interest, the Chief Officer will invite tenders from all of them.~~

~~23. Negotiated procedure without prior publication (Direct Award)~~

~~23.1 Chief Officers may negotiate and award tenders:~~

- ~~• where tendering under Standing Orders 15, 18 or 19 produced no tenders or inappropriate tenders; or~~
- ~~• where tendering under Standing Orders 15, 18 or 19 was discontinued because of irregular tenders.~~
- ~~• where works supplies or services can be supplied only by a particular economic operator.~~
- ~~• where the aim of the procurement is the creation or acquisition of a unique work of art or artistic performance.~~
- ~~• where competition is absent for technical reasons.~~
- ~~• where the protection of exclusive rights, including intellectual property rights is required.~~

- ~~where because of extreme urgency caused by events unforeseeable by the Council, the time limits for the open, restricted or competitive negotiation procedures cannot be complied with.~~
- ~~For contracts for research and development.~~
- ~~where additional deliveries by the original supplier are required.~~
- ~~for public services contracts following a design contest.~~
- ~~For the repetition of similar works or services awarded to the economic operator, to which the Council awarded an original contract within the past three years and this was disclosed at the outset.~~

~~23.2 The Chief Officer will consult the Director of Finance, Director of Legal & HR and Head of Strategic Procurement who will determine the conduct of the negotiation process to be followed so as to achieve the purposes set out in Standing Order 2 and 3.~~

~~23.3 Contracts awarded under this Standing Order must not exceed three (3) years and a notice of the award published on FTS.~~

~~24. Selecting tenderers~~

~~24.1 A firm may not be invited to tender or negotiate if:~~

- ~~it is bankrupt, or is being wound up, or is having its affairs administered by a court, or has entered into an arrangement with creditors, or has suspended its business activities, or is subject to court proceedings regarding any of these matters;~~
- ~~it or any of its current directors have been convicted of an offence concerning professional conduct, or have been guilty of grave professional misconduct;~~
- ~~it has not fulfilled obligations relating to the payment of taxes or social security contributions;~~
- ~~it has seriously misrepresented information supplied to the Council;~~
- ~~it is not registered in the professional or trade register of the state in which it is established;~~
- ~~it may otherwise be excluded from tendering in accordance with National Law.~~

~~24.2 Firms will be invited to tender by applying criteria of financial and economic standing and of technical ability. Firms may not be invited to tender on the basis of non-commercial considerations, except for social value consideration or where permissible.~~

~~24.3 The Chief Officer will record which firms were invited to tender, negotiate, or dialogue, the reasons they were invited and the reasons unsuccessful firms were not invited.~~

~~24.4 The Chief Officer will comply with the relevant National provisions concerning the notification of unsuccessful firms.~~

~~25. Inviting tenders~~

~~25.1 Where the estimated value of a contracts is valued at £25,000 or more, Chief Officers will ensure that all procurements use the Royal Borough's e-tendering system as prescribed by the Director of Finance and in accordance with procedures issued by the Director of Finance. Any other tendering method may be used only with prior authorisation from the Director of Finance as a request for a waiver in accordance with Standing Order 7. Where e-tendering is used, there is no requirement for hard copies of tenders to be returned. All tender documentation will be electronic and will be securely accessed and retained on the Royal Borough's e-procurement website.~~

~~25.2 Where the contract will be awarded to the Most Advantageous Tender, the Chief Officer will state the evaluation criteria in the tender documents.~~

~~25.3 Unless a waiver has been granted in accordance with Standing Order 7, all tenders will be submitted electronically. Where such a waiver is in place, all tenders will be submitted on a form approved by the Director of Finance, and addressed to the appropriate Chief Officer.~~

~~25.4 Where the e-tendering system is not used, the Chief Officer will endorse all tender envelopes with the time and date of receipt, and will keep them secure until the time specified for tender opening. Any tender received after the closing date and time for tenders will not be considered for evaluation and will be returned promptly to the tenderer. This will not apply if no eligible tenders have been opened and the Chief Officer is satisfied that there is evidence of posting or hand delivery in time for receipt by the closing date and time in the normal course of events. A late tender may be opened to ascertain the name of the tenderer but no details of the tender may be disclosed.~~

~~25.6 No one may communicate with any firm proposing to tender once the invitation to tender has been posted, or collected by the tenderer. No information relating to that tender process may be disclosed to anyone not involved directly in arranging the contract, except where it is necessary:~~

- ~~for an officer and/or tenderer to carry out an inspection of works, in which case all tenderers must be offered an equal opportunity to carry out an inspection; or~~
- ~~to inform tenderers of a change in the tendering arrangements, including the supply of additional or changed information, in which case all tenderers will be sent the same information at the same time.~~

26. ~~Opening tenders~~

~~26.1 Except where e-tendering procedures apply, all tenders will be opened at the same time and place in the presence of the Head of Strategic Procurement and one other officer designated by him or her.~~

~~26.2 The Chief Officer will record the following details of each tender in a register of tenders:~~

- ~~the closing date and time for the receipt of tenders;~~
- ~~the date and time each tender was received;~~
- ~~the name of each tenderer and the amount of each tender;~~
- ~~the date and time the tenders were opened~~

~~26.3 All persons present at the tender opening will initial each tender, and sign the register as evidence that they were present.~~

~~26.4 Where e-tendering applies, the matters set out in this Standing Order 26 will be dealt with by the e-tendering procedures and recorded electronically~~

27. ~~Evaluating tenders~~

~~27.1 Where a contract is to be awarded to the Most Advantageous Tender, the criteria will be stated in the tender documents, and tenders will be evaluated in accordance with them.~~

~~27.2 Where the lowest tender is valued £500,000 or more, or the contract is considered to be critical, the Chief Officer will:~~

- ~~involve at least one senior officer nominated by the Director of Finance;~~
~~or~~
- ~~in consultation with Director Finance obtain an independent financial appraisal or consultant;~~

~~The information will be considered by those involved in evaluating the tenders and kept by the Chief Officer.~~

~~27.3 Tenders may be amended to correct genuine arithmetic errors. Otherwise, where errors affect the tender figure in an otherwise successful tender, the tenderer will be given details of the errors and an opportunity of confirming or withdrawing its tender.~~

~~27.4 The Chief Officer may in writing authorise contact with a tenderer in order to clarify any aspect of its tender not falling within Standing Order 27.3, providing such contact does not distort competition.~~

~~27.5 The Director of Finance, Director of Legal & HR and Head of Strategic Procurement will provide advice based on National Law in respect of how to process abnormally low tenders and Chief Officers will comply with that advice.~~

~~28. Accepting tenders~~

~~28.1 No tender may be accepted unless the expenditure has been included in approved estimates or on capital or revenue accounts, or has been otherwise approved by, or on behalf, of the Council.~~

~~28.2 Before awarding the contract or accepting a tender, a formal written report using the Royal Borough's corporate template for reports shall be approved by the relevant person authorised to accept tenders. Such report must have comments from Legal, Finance and Procurement.~~

~~28.3 Contracts may be awarded by:~~

- ~~• the Chief Officer if the tender is within budget and below £500,000~~
- ~~• the Chief Officer if the tender is within budget and over £500,000 provided they are the lowest price, or within 10% of the lowest if it is Most Advantageous Tender.~~

~~The table below provides a summary:~~

Functions	Leader (also as lead member)	Chief Officer
Accept tenders within budget and below £500,000		*

Accept tenders within budget and £500,000 and over, provided they are the lowest price, or within 10% of the lowest if it the Most Advantageous Tender		✗
Accept all other tenders	✗ ^g	

~~28.4— Following the acceptance of a tender, the Chief Officer will disclose the name of the successful tenderer to an unsuccessful tenderer, provide feedback on their submission and allow the mandatory standstill to expire before entering into a contract with the winning supplier.~~

~~28.4— Chief Officers will keep a register of all contracts awarded by them and provide the relevant information to the Head of Strategic Procurement for the contract to be recorded on the corporate contracts register.~~

~~28.5— For all contracts value above the National Threshold, Chief Officers will send a Contract Award Notice to FTS within 30 days of the award.~~

Contracts

29.— Contract execution

~~29.1— Every contract where the value exceeds £100,000 will either be made under seal, or will be signed by two officers nominated by the Director of Legal & HR.~~

~~29.2— Every other contract will be in writing and be signed by a Chief Officer or a person whom a Chief Officer has authorised to sign on their behalf.~~

30.— Contract conditions

~~30.1— Every contract where the value exceeds £100,000 will include terms and conditions of contract approved by the Director of Legal & HR.~~

~~30.2— No tender or quotation shall be invited unless it includes relevant terms and conditions of contract previously approved by the Director of Legal & HR.~~

31.— Contract specifications

| APPENDIX A

| & ————— In consultation with the Lead Member

~~31.1 Chief Officers will ensure contracts specify any appropriate quality, performance, safety and other characteristics describing the requirement.~~

~~31.2 Technical specifications will be defined by reference to relevant National specifications where they exist.~~

~~31.3 Specifications will not refer to supplies of a particular make or source unless:~~

- ~~• the contract requirement justifies it, or~~
- ~~• the contract requirement cannot otherwise be described precisely and intelligibly.~~

~~32. Contract performance, monitoring and management~~

~~32.1 A lead contract officer or contract manager must be identified for each contract. Where no lead contract officer is identified, the lead contract officer will be deemed to be the budget holder of the section from which the contract is funded or where there is no budget holder, the lead contract officer will be the Chief Officer.~~

~~32.2 Contract Performance will be measured against the following minimum criteria but may be subject to change:~~

- ~~a. Performance and compliance with specification and contract~~
- ~~b. Cost and any value for money requirements~~
- ~~c. User satisfaction and risk management~~
- ~~d. Equality and fairness~~
- ~~e. Supplier Financial Health Check~~
- ~~f. Supplier Tax Status Check~~
- ~~g. Relevant Due Diligence clarifications including Modern Slavery~~

~~32.3 The Chief Officer shall keep records of performance of contracts value at £100,000 and above, or 'critical' contracts, and produce a summary report 6 months or more frequently if appropriate to the Director of Finance.~~

~~32.4 The Chief Officer will raise incidents of poor performance with the contractor in writing, or at a meeting where notes are made and sent to the contractor. In cases of particularly poor performance, or persistent poor performance, the Chief Officer will consider whether to take formal action under the default provisions of the contract and recommend suspension or exclusion if the contractor is on an Approved List.~~

~~32.5 Chief Officers will comply with any guidance issued by the Director of Finance and Head of Strategic Procurement relating to performance management of contractors.~~

~~33. Contract variation during the life of the contract~~

~~33.1 A formal written report approved by the Chief Officer shall be required where any variation decision would:~~

- ~~• extend the contract period by 50% or by more than four calendar months, whichever is the lesser, for service or supplies contracts. For works contracts the contractual process is used to extend the contract for a period of no more than 12 calendar months, and the Chief Officer shall keep a record of these matters; or~~
- ~~• add more than 10% to the estimated value of service or supplies contracts which are above the National Threshold or add 15% to work contracts which are above £1m. The Chief Officer shall keep a record of all changes; or~~
- ~~• increase it from below the relevant National Threshold to above the relevant National Threshold; or~~
- ~~• mean the works, services or goods to be added to or deleted from the contract are substantially different in scope.~~

~~33.2 The value of a variation is calculated by taking the aggregate value of all variations made to the contract and/or in accordance with the applicable National rules where the contract is over the relevant National Threshold.~~

~~33.3 No variation may be made until funding has been identified in accordance with the Council's Financial Regulations.~~

~~33.4 Standing Order 33.1 does not apply in cases of urgency, where the Chief Officer may approve a variation.~~

~~33.5 Comments of the Director of Finance and Director of Legal & HR and Head of Strategic Procurement shall be required on any report recommending a variation to a contract which has a value, whether before or after the proposed variation, that is above the relevant National Threshold.~~

~~33.6 Chief Officers will keep a record of all variations and summarise them in a report every 6 months to Cabinet and to Overview and Scrutiny Committee.~~

~~34. Nominating products/contractors/suppliers~~

~~34.1 These Standing Orders will be used where a sub-contractor or supplier is to be nominated to a main contractor. Sub-contractors or suppliers will send with their tender an undertaking to work for the main contractor and to indemnify them in respect of the sub-contracted works or supplies.~~

G Contract Standing Orders

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PART I: GENERAL PRINCIPLES

1. Introduction

- 1.1 These Contract Standing Orders are part of the Council's Constitution and govern the award of all contracts for the supply to the Council of services, goods or materials or for the execution of works.
- 1.2 The purpose of these Contract Standing Orders is to provide a structure that enables the Council to make purchasing decisions that will:
 - (a) ensure compliance with all applicable legislation;
 - (b) further its corporate objectives;
 - (c) use its resources efficiently;
 - (d) procure the supply of quality services, goods and works for the Council that deliver value for money; and
 - (e) safeguards its reputation from any inference of dishonesty or corruption.
- 1.3 Purchasing by the Council, from planning to delivery, shall incorporate (where appropriate) the principles of sustainability, efficiency, whole life costings and cost savings.
- 1.4 These Contract Standing Orders do not provide guidelines on what is the best way to purchase works, supplies (goods) or services. They set out the minimum requirements that must be followed. Further information and guidance in the form of a Procurement Manual, to which due regard must be given, will be provided by the Procurement Team.

2. Application and Compliance with Contract Standing Orders

- 2.1 These Contract Standing Orders (CSOs) apply to the purchase by or on behalf of the Council of works, supplies (goods) and services.
- 2.2 These CSOs apply to all contracts including all purchase orders, the proposed award of concession contracts and all types of other contractual arrangement of any value entered into by or on behalf of the Council, except for the specific types of contracts and purchasing methods listed in CSO 2.3 and 2.4:
- 2.3 The following types of contracts fall outside of the scope of these CSOs:

- (a) contracts of employment which make an individual a direct employee of the Council.
 - (b) agreements directly associated with the acquisition, disposal, or transfer of assets or land (to which the Financial Regulations shall apply).
 - (c) engagement of barristers (Counsel); and
 - (d) the allocation of grant funding which is governed under Part 3 of the Constitution.
- 2.4 For the avoidance of doubt, contracts between the Council and an entity with which it has a vertical arrangement as defined by Schedule 2, Part 1 of the Procurement Act 2023 (also known as (“Teckal”) companies) for the main purpose of delivering services to the Council, are governed by these CSOs.

2.5 Financial Parameters and Values

- 2.5.1 Where monetary figures refer to contract values against which an estimate of contract expenditure is made, the requirements shall not be artificially split to avoid competition, neither shall any other form of disaggregation be accepted for similar purposes.
- 2.5.2 All monetary values referred to within this document are total contract values, including all proposed extensions, not annual values, and exclude Value Added Tax unless otherwise stated.

2.6 Waivers

- 2.6.1 No waiver may be authorised to the application of CSO 1 or CSO 2 or compliance with the National Law.
- 2.6.2 The process required to waive the requirement for competitive procurement (direct award) is set out in CSO 22 (Award without Competition) and CSO 22.2 (Route 1: Waivers).

3. Regulatory Context

- 3.1 All purchasing shall be conducted in accordance with Regulatory Provisions which are:
- (a) National Law and all relevant statutory provisions;
 - (b) the relevant and applicable procurement legislation, including:

- (i) the Procurement Act 2023; and
- (ii) the Health Care Services (Provider Selection Regime) 2023 – otherwise known as the NHS Provider Selection Regime

as amended and updated from time to time; and

- (c) the Council's Constitution including these CSOs, the Council's Financial Regulations and Directorate Scheme of Delegation.

3.2 In the event of conflict between the above, the National Law and other UK legislation will take precedence then the Council's Constitution, the Council's Procurement Manual and guidelines, policies and procedures.

4. Purchasing Responsibilities

4.1 Each Chief Officer shall:

- (a) be responsible for all purchasing undertaken by his/her Directorate;
- (b) be accountable to Cabinet for the performance of his/her duties in relation to purchasing;
- (c) comply with the Council's decision-making processes including, where appropriate, implementing and operating a Scheme of Delegation;
- (d) appoint an Assistant Director with responsibility for overseeing purchasing activity in their specific area and where relevant, acting as an authorised signatory on behalf of their Chief Officer through the Directorate Scheme of Delegation and set out in the Scheme of Management;
- (e) appoint a Responsible Officer to undertake relevant purchasing and contract management activities within the service to which they are assigned; and
- (f) take immediate action in the event of breach of these CSOs by reporting the breach to the Director of Legal Services.

4.2 A Responsible Officer is an Officer with responsibility for conducting purchasing processes or managing contracts for the purchase of works, supplies (goods) or services on behalf of the Council.

- 4.3 A Responsible Officer's duties in respect of purchasing are to ensure:
- (a) compliance with Regulatory Provisions, these CSOs, and to maintain the integrity of the procurement process;
 - (b) compliance with Regulatory Provisions and the Council's obligations relating to declarations of interest (including gifts and hospitality) affecting any purchasing or procurement process;
 - (c) that there is an appropriate analysis of the requirement, timescales, procedure and documentation to be used;
 - (d) that the purchasing process, from planning to delivery, incorporates (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings;
 - (e) compliance with the Council's decision-making processes;
 - (f) that all contracts of £25,000 or more are included on the Council's Contract Register which is maintained by the Procurement Team;
 - (g) that they maintain records of all contracts and purchases below £25,000.
 - (h) that value for money is achieved;
 - (i) that appropriate advice is sought from Legal Services, Finance and Procurement and then followed;
 - (j) that the Council's document retention policy and any requirements on record keeping as set out in these CSOs are complied with;
 - (k) that for tenders above £100,000 a financial evaluation is or has been made of the financial standing of Suppliers as advised by the Director of Finance; and
 - (l) that contracts are managed in accordance with CSO 10, and all relevant details required for publication under the Regulatory Provisions including under the Procurement (Transparency) Regulations 2023 and the Provider Selection Regulations 2023 are supplied to the Procurement Team for publication in a timely and compliant fashion.
- 4.4 It is a disciplinary offence to fail to comply with these CSOs. All employees have a duty to report breaches of the CSOs to their Director.
- 4.5 Any Officer or Member who suspects any misconduct or corruption in relation to the purchase or procurement by or on behalf of the Council of works, supplies (goods) and services must immediately report that suspicion to the relevant Director.

4.6 Each Chief Officer will send their Directorate Scheme of Delegation to the Director of Finance before the start of each financial year and within 7 days of making any changes to the Scheme of Delegation.

5. Role of the Procurement Team

5.1 The Head of Procurement and the Procurement Team will provide advice and guidance to officers within the Council on all aspects of procurement, including routes to market, compliance with legislation and these CSOs and wider strategic ambitions such as achievement of Social Value outcomes.

5.2 The Procurement Team will support the Responsible Officer to ensure contracts specify any appropriate quality, performance, safety and other characteristics describing the requirement and meet all Regulatory Provisions.

5.3 The Procurement Team will be responsible for issuing and managing the eTendering process for all procurements valued at £25,000 or more unless where expressly permitted further to call-off procedures under Approved Frameworks, Dynamic Markets or Dynamic Purchasing Systems.

5.4 All communications the Council has with Suppliers during a tender process, from the commencement of the process until its conclusion, must be managed by the Procurement Team. Any other communication between Suppliers and the Council during a procurement process is not permitted.

5.5 The Procurement Team will maintain the corporate contracts register for all contracts awarded valued at £25,000 and above.

5.6 The Procurement Team will submit all required Transparency Notices to the dedicated electronic portal/s specified by the Cabinet Office as required by the Regulatory Provisions.

6. Conflicts of Interest

6.1 In accordance with Regulatory Provisions, all officers must declare any personal interest in a matter they are dealing with, including one which may affect their impartiality in applying these CSOs.

- 6.2 All officers involved in a procurement process must complete a declaration of interest in the prescribed form prior to any involvement in any drafting of tender documents or any involvement in the evaluation of applicants or Suppliers tender submissions. This also applies to external consultants acting on behalf of the Council.
- 6.3 Specifically relating to contracts within the scope of The National Law, the Procurement Team will prepare a Conflicts Assessment in accordance with Section 83 of the Procurement Act 2023 before issuing a relevant Transparency Notice for any Covered Procurement and keep this under review throughout the process, as required.
- 6.4 In the event that:
- 6.4.1 the Council becomes aware of a conflict of interest during a procurement process; and
 - 6.4.2 the conflict of interest may confer on a potential Supplier an unfair advantage in the procurement process; and
 - 6.4.3 the unfair advantage cannot be removed or otherwise neutralised,

the Council must exclude the Supplier from any further involvement in the relevant procurement process.

7. Community Benefits

7.1 Local Suppliers

- 7.1.1 The Council is committed to Community Wealth Building, and this includes supporting local businesses and services where these can provide best value to the Council and to the borough.
- 7.1.2 Where legally and practically possible, the Responsible Officer shall include local (within the Royal Greenwich Borough boundary) Suppliers in requests for quotations and/or tenders at all values.
- 7.1.3 Details of how local Suppliers will be included in the procurement process shall be evidenced in either the Procurement Strategy Decision or where there is no Procurement Strategy Decision, in the Contract Award Decision.

7.2 Social Value

- 7.2.1 The Public Services (Social Value) Act 2012 requires public bodies to consider the economic, environmental and social benefits of their approaches to commissioning and procurement before the process starts, subject to complying with the Procurement Act 2023.
- 7.2.2 The Responsible Officer shall utilise the Council's Social Value Policy and Social Value Framework, as may be published, to determine suitable outcomes for their procurement exercise in conjunction with support from the Procurement Team.
- 7.2.3 Where the value of the contract is over £100,000 the Responsible Officer shall set out within the Procurement Strategy Decision the Social Value being sought.

7.3 Outcome Reporting

- 7.3.1 Chief Officers shall include within their annual contract management report as set out in CSO 10.3:
- (a) a summary of spend with local Suppliers both directly and through their supply chain;
 - (b) the Social Value outcomes achieved against commitments agreed through the procurement process for all contracts where applicable.

8. Corporate Procurement Board

- 8.1 In order to ensure robust and consistent scrutiny of procurement and contracting processes, the Council has established a Corporate Procurement Board.
- 8.2 The responsibilities of the Corporate Procurement Board are to review and make recommendations to the Chief Officer including, but not limited to, the following matters:
- (a) procurement strategies;
 - (b) contract awards; and
 - (c) contract modifications;

as are set out in these CSOs and where identified by Responsible Officers for review by the Corporate Procurement Board.

9. Procurement Decisions

- 9.1 The processes for approval of procurement activities are set out in these CSOs. Before approval is given, the Responsible Officer shall ensure that all the relevant information is fully documented and recorded in the decision (“Procurement Decision”).
- 9.2 Responsible Officers should seek advice from the Procurement Team regarding the correct documentation to be used to request and record a Procurement Decision.
- 9.3 For the avoidance of doubt, the Approver is the Chief Officer unless all of the following apply:
- (a) the Directorate Scheme of Delegation has been published; and
 - (b) the Directorate Scheme of Delegation includes the specified decision relating to the proposed Procurement Decision; and
 - (c) the Directorate Scheme of Delegation has Delegated the officer postholder authorised to make the specified decision(s) relating to the proposed Procurement Decision.

10. Contracts

10.1 General Principles

- 10.1.1 All purchasing decisions, however small the value, shall be made and evidenced in writing.
- 10.1.2 Confirmation of orders below £25,000 must be accompanied by an authorised Council purchase order in advance of the goods or services being delivered, or where the purchase is made in the case of unavoidable urgency, as soon as practicable thereafter.
- 10.1.3 All contracts of a value of £25,000 or more shall be made in writing in terms approved by the Director of Legal Services, and shall include clauses which set out, as a minimum:
- (a) the nature and extent of, as appropriate, the works, supplies (goods), services, material, matters or things to be carried out or supplied;

- (b) the start date and the time within which the contract is to be performed;
- (c) quality requirements and/or standards which must be met;
- (d) requirements on the Supplier to hold and maintain appropriate insurance;
- (e) what happens in the event that the Supplier fails to comply with its contractual obligations (in whole or in part);
- (f) requirements on the Supplier to comply with all relevant National Law (which includes equalities and health and safety legislation).

10.2 Execution of Contracts

10.2.1 All contract must be in writing and comply with paragraph 10.1 above.

10.2.2 Where the value of a proposed contract:

- (a) is between £25,000 and up to £150,000, the contract must (unless otherwise required to be executed as a deed) be signed under hand by either the Chief Officer or by an Assistant Director where Delegated to do so within the Directorate Scheme of Delegation;
- (b) exceeds £150,000 the contract must be executed as a deed under the Common Seal of the Council attested by at least one officer, or must be signed by two officers nominated by the Director of Legal Services.

10.3 Contract Management and Performance

10.3.1 The Responsible Officer shall manage the contract effectively and with due regard to quality of service and budget in all cases.

10.3.2 The Responsible Officer shall keep records of contract performance in a format or electronic contract management system as may be agreed by the Director of Finance. Contracts will be measured against the following minimum criteria but may be subject to change:

- (a) Performance and compliance with specification and contract
- (b) Key Performance Indicators
- (c) Cost and any value for money requirements
- (d) User satisfaction and risk management
- (e) Social Value (delivery against targets)

- (f) Equality, Diversity and Inclusion
- (g) Supplier Financial Health Check
- (h) Relevant Due Diligence clarifications including Modern Slavery

10.3.3 Chief Officers shall produce a report on an annual basis summarising the performance against the criteria set out above of their key contracts (over £2M whole life cost) in a format to be agreed and reported to the appropriate Scrutiny Committee.

10.3.4 Specific contract management and reporting requirements that apply individually to the Procurement Act and the NHS Provider Selection Regime are covered in Parts 2 and 3 respectively of these CSOs.

11. Transparency Notices

11.1 Both the Procurement Act and the NHS Provider Selection Regime set out a range of circumstances when it is necessary to publish Transparency Notices relating to the procurement, award and contract management of contracts within the scope of the Procurement Act or the NHS Provider Selection Regime. A list of these notices is included at Appendix I.

11.2 Responsible Officers shall ensure that they maintain records of required transactions including details of contract management performance and contract modifications. The Procurement Team will be responsible for submitting Transparency Notices by the required electronic means.

PART 2: CONTRACTS UNDER THE PROCUREMENT ACT

12. Scope

12.1 The majority of contracts and procurement undertaken by the Council fall within the scope of the Procurement Act. This includes:

- All supplies
- All construction / engineering or works contracts
- Most services with the exception of Health-Related Services within the scope of the NHS Provider Selection Regime¹.

12.2 Part 2 of these Contract Standing Orders relate to contracts and procurement within the scope of the Procurement Act.

12.3 Part 3 of these Contract Standing Orders covers the requirements of the NHS Provider Selection Regime.

13. Pipeline Notices

13.1 The Procurement Act requires the Council to publish an annual procurement forward plan - a Pipeline Notice within 56 days of the beginning of each financial year. Chief Officers will provide the required information to the Procurement Team by the first week of January in each calendar year for all planned procurement activities in their department for the next 18 months from 1 April in that calendar year.

13.2 The Procurement Team will ensure that the information is collated and supplied in full to each of Finance and Legal Services by the end of January in each calendar year for their respective review and will facilitate its publication in accordance with the requirements.

14. Requirements for Covered Procurements²

14.1 Technical Specifications

14.1.1 Responsible Officers must ensure that when preparing contract documentation, and specifically when designing specifications of requirements, these must refer to performance or functional requirements and do not refer to:

¹ Contracts within the scope of the NHS Provider Selection Regime are set out in Part 3.

² A Covered Procurement is a contract above the relevant National Threshold – see Glossary

- (a) a trademark, trade name, patent, design or type;
- (b) a place of origin, a producer or supplier
- (c) a design, a particular licensing model or a description of characteristics unless a United Kingdom standard applies unless:
 - (i) the standard adopts an internationally recognised equivalent; or
 - (ii) there is no internationally recognised equivalent.

14.1.2 Where there are no other means by which to communicate the requirement accurately, the specification must allow equivalent products or services for which the Responsible Officer can request certification or other evidence that the required standard is met.

14.2 Duty to Consider Lots

14.2.1 Section 18 of the Procurement Act requires the Council to consider:

- (a) whether the goods, services or works to be supplied under the contract could reasonably be supplied under more than one contract; and
- (b) whether such contracts could appropriately be awarded by reference to lots.

14.3 Consideration of Barriers to Small and Medium Enterprises

14.3.1 Section 12 of the Procurement Act requires the Council to have regard to the fact that small and medium-sized enterprises may face particular barriers to participation in procurement processes and consider whether such barriers can be removed or reduced.

14.3.2 Responsible Officers must explain their rationale against the duties set out in CSOs 14.2 and 14.3 in the Procurement Strategy.

15. Financial Thresholds and Procedures

15.1 The table below sets out the rules applying to the choice of purchasing procedure for contracts at the stated threshold values.

15.2 There is a general presumption in favour of competition. The table below sets out the financial thresholds and procedures to be followed

for all procurements within the confines of the Procurement Act³. Nothing in these CSOs prohibits the Responsible Officer seeking a greater number of quotations or following an open tender process if this is believed to be advantageous.

PROCUREMENT THRESHOLDS AND PROCEDURES		
Value	Type of Contract	Procedure
Value Below £100,000		
less than £15,000	All	Seek at least one written quotation in advance
£15,000 to less than £25,000	All	Seek at least two written quotations in advance
£25,000 to less than £100,000	All	Seek at least three written quotations in advance
Value of £100,000 and above to National Threshold⁴		
£100,000 to less than £1,000,000	Works	Any of the four options as applicable: <ul style="list-style-type: none"> • Below Threshold invitation to tender • Mini Competition or Direct Award from an Approved Framework or Dynamic Market <u>or</u> Dynamic Purchasing System awarded under the Public Contracts Regulations 2015 • Seek at least four written quotations (Supplies and Services up to Threshold and Works up to £1,000,000) • Seek at least four written quotations from a construction related Approved List to be advised by the Procurement Team (Works any value up to National Threshold)
£100,000 to less than the National Threshold	Supplies and Services	
	Light Touch Services	
£1,000,000 and above to less than the National Threshold	Works	

³ For procurements that fall within the Provider Selection Regime, see Part 3 of these Contract Standing Orders

⁴ The National Threshold value is published annually by the Cabinet Office. Please refer to the Council's Intranet Page for the current value or seek advice from the Procurement Team. National Threshold amounts are inclusive of VAT.

PROCUREMENT THRESHOLDS AND PROCEDURES		
Value	Type of Contract	Procedure
Above National Threshold		
All values	All Contracts	Either: <ul style="list-style-type: none"> • Open or Competitive Flexible Tender process in accordance with the Procurement Act procedures; or • Mini Competition or Direct Award from an Approved Framework or Dynamic Market

16. Approval to Proceed - Procurement Strategy Decision

16.1 Value Below £100,000

16.1.1 Approval

The process of inviting quotations where the whole life cost of the purchasing requirement is below £100,000 may only be carried out, by the Responsible Officer as authorised by the Chief Officer.

16.1.2 Process

Where the contract value is £25,000 or more, the Procurement Team will manage the process via the Council's selected eTendering system. The Procurement Team will advise and support the Responsible Officer in the choice of procurement procedure, market and required documentation.

16.2 Value of £100,000 and above

16.2.1 All applications for approvals to proceed to seek quotations or invite tenders for procurement valued at £100,000 or above must be the subject of a Procurement Strategy Decision, set out in the approved format, and submitted in advance to the relevant Approver. The Procurement Strategy Decision shall set out as a minimum the following:

- (a) an appropriate and proportionate business case setting out the requirements and costings;
- (b) the high-level specification detailing the quality required that is proportionate to the priorities of the Council;

- (c) the social value outcomes to be sought as part of the procurement process;
- (d) project and contract management arrangements;
- (e) all other key issues such as data governance, strategic implications for other council services etc., and management or risk as may be appropriate;
- (f) confirmation from Legal Services, the Procurement Team and Finance that they have been consulted and endorse the proposed Procurement Strategy Decision insofar as it gives rise to legal, procurement and finance implications

16.2.2 The Responsible Officer must, in addition, complete a risk assessment of the proposed procurement using the Greenwich Risk Assessment Process (GRAP) and then forward the completed assessment to the Procurement Team who will advise on the proposals and confirm the risk rating as either High Risk or Low Risk, as appropriate.

16.2.4 Where the proposed Procurement Strategy Decision is a Key Decision the approval process shall include compliance with the rules relating to Key Decisions in the Constitution included in the Key Decision Appendix found in Part 4 of the Constitution.

- (a) Rules of Procedure; Section D - Access to Information Procedures including publication and call-in requirements; and
- (b) the Key Decision is taken at this stage and provided no Procurement Strategy Deviation arises, any subsequent report relating to the procurement or award of contract will not be a Key Decision.

16.2.5 The Procurement Strategy Decision may encompass a programme of multiple procurement activities of a similar nature over a period of time where this is beneficial and efficient for the Council. In such cases the Procurement Strategy Decision shall include details of financial impact, procurement process and a date of expiry of the recommended procurement route, which in all circumstances shall be no longer than five (5) years.

16.3 Approval Process – Pre-Quote/Tender

Approval to proceed to quotation or tender for procurements valued £100,000 and above will be a Procurement Strategy Decision in accordance with the process set out in the table below.

PROCUREMENT STRATEGY DECISION APPROVAL ROUTE		
Risk	Value	Approver
Non-Key Decision		
Low Risk	From £100,000 to less than £1,000,000	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
High Risk	£1,000,000 and above	Chief Officer following the recommendations of the Corporate Procurement Board
Key Decision		
Low Risk	£1,000,000 and above	Chief Officer subject to the publication and call-in requirements relating to Key Decisions
High Risk	£1,000,000 and above	Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions
High Risk with Service Policy Change	£1,000,000 and above	Cabinet following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions

17. Approval of Competitive Contract Awards

17.1 Awards below £100,000

17.1 All procurements of below £100,000 will require the written approval of the relevant Chief Officer unless otherwise Delegated within the relevant Directorate Scheme of Delegation.

17.2 Award of £100,000 or more

17.2.1 Following the conclusion to the quotation or tendering process, the Contract Award Decision will be made following Competitive Award Approval Route A as set out in the table below providing that the procurement is compliant with the relevant Procurement Strategy Decision and is within the Approved Budget.

COMPETITIVE AWARD APPROVAL ROUTE A	
Compliant with the relevant Procurement Strategy Decision and within budget	
Risk	Approver
Low Risk	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
High Risk	Chief Officer

17.2.2 In certain cases the outcome of the procurement process may deliver the most advantageous or only solution at a cost higher than the agreed budget, or there has been a Procurement Strategy Deviation. In either of these cases, the Contract Award Decision will be made in accordance with Competitive Award Approval Route B as set out in the following table:

COMPETITIVE AWARD APPROVAL ROUTE B		
Deviation from Procurement Strategy and/or above budget		
Risk	Key Decision Status⁵	Approver
Low Risk	Either Key or Non-Key	Chief Officer
High Risk		Chief Officer following the recommendations of the Corporate Procurement Board.
All Risks	Where the original Procurement Strategy Decision was not a Key Decision but the revised value of the proposed contract award results in the award becoming a Key Decision.	Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions.

18. Procurement Routes

18.1 Choice of Routes

18.1.1 The Procurement Act allows for different procurement routes for Covered Procurements and Below Threshold procurements. Responsible Officers shall seek guidance from the Procurement Team as to the appropriate process to use in each circumstance, using the Procurement Thresholds and Processes table set out in CSO 15 as a guide to the minimum requirements.

18.2 Below Threshold Routes

The threshold requirements set out in the table at Section 7 of the Procurement Act sets out the minimum competitive procedures for procurements below the relevant National Thresholds for the purchasing need. In all cases the Responsible Officer may select an enhanced procedure if this is felt to be advantageous.

⁵ Where a procurement exercise is a Non-Key Decision at Procurement Strategy Stage it will normally be estimated to be below the Key Decision Value Threshold – “the Value Threshold” (£1,000,000 at March 2024). If the resulting recommended bid value remains below the Value Threshold, then the decision is still Non-Key. However, if the value of the recommended bidder is now above the Value Threshold, the award of the contract becomes a Key Decision. Where the estimate at Procurement Strategy Stage was above the Value Threshold, the Key Decision has already been made.

18.3 Above Threshold Routes

18.3.1 Where procurement is an Above Threshold procurement, the choice of procedures is limited by the Procurement Act to:

- (a) Open Procedure
- (b) Competitive Flexible Procedure
- (c) Competition or Direct Award through an Approved Framework
- (d) Use of Dynamic Markets or an existing Dynamic Purchasing System procured in accordance with the Public Contracts Regulations 2015
- (e) Direct Award in accordance with Chapter 3 of the Procurement Act (CSO 22.3)

18.3.2 The Procurement Team will advise Responsible Officers on the best choice of procedure to be selected for the need.

18.4 Pre-Selection Criteria - Above-Threshold Contracts

For contracts valued above the relevant National Threshold, the Responsible Officer will implement the prescribed selection criteria set out within the Procurement Act as Mandatory or Discretionary Exclusion Grounds in Schedules 6 and 7. The Procurement Team will advise on suitable formats and electronic means of applying these criteria.

18.5 Exclusion and Debarment

18.5.1 Chapter 6 of the Procurement Act sets out the conditions against which a supplier may be excluded or debarred from a procurement process or contract award.

18.5.2 Suppliers to whom the mandatory exclusion grounds apply shall be automatically excluded and those to whom discretionary exclusion grounds apply shall be excludable if in both cases the Council considers the circumstances could arise again.

18.5.3 The Council may also exclude a supplier for improper behaviour if it is felt that this Supplier has:

- (a) failed to provide information requested by the Contracting Authority,

- (b) provided information that is incomplete, inaccurate or misleading,
- (c) accessed confidential information,
- (d) unduly influenced the Contracting Authority's decision-making.

18.5.4 In the case of exclusion for improper behaviour, the Council must allow reasonable opportunity for the supplier to make representations and/or provide relevant evidence to support their application.

19. Submission and Opening of Tenders

19.1 All competitive procurements valued at or above £25,000, whether requests for quotation or invitation to tender shall be submitted and received by the Procurement Team utilising the Council's eTendering system.

19.2 The procurement of apprenticeship placement contracts is excluded from the requirement to use of the Council's eTendering system.

19.3 No tender received after the closing time and date specified for receipt of tenders shall be accepted unless the Council's Head of Procurement is satisfied that there is sufficient evidence of the tender having been dispatched in time for it to have arrived before the closing date and time, or other exceptional circumstances apply, and the other tenders have not yet been opened.

19.4 If it is necessary that the period of time for submitting tenders be extended, this should be communicated to all Suppliers in writing in a fair and equal manner.

20. Evaluation of Quotes and Tenders

20.1 All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in the tender or quotation documentation, in advance.

20.2 Save in exceptional circumstances and subject to approval in advance by the Director of Finance, all Covered Procurements shall be awarded on the basis of Most Advantageous Tender and not the lowest price.

21. Standstill Period and Assessment Summaries

21.1 Where the contract is a Covered Procurement; after award approval in accordance with CSO 17 has been completed and before the Council enters into the contract, the process below must be followed:

1. Assessment Summaries⁶ must be issued to all participants in the tender process. These will set out full details of scoring and comments against all scoring criteria included in the evaluation process. For unsuccessful suppliers this must include the scores and comments achieved by the most advantageous tender.
2. A Contract Award Notice must be published
3. A Mandatory Standstill period of eight (8) Working Days beginning on the day the Contract Award Notice is published

21.2 A contract may not be entered into until all of the above has been completed.

22. Award of Contract without Competition

22.1 Principles of Direct Award

22.1.1 Whilst competitive procurement is the preferred route in the majority of cases, there are circumstances where a single source (one quote only) award is the most suitable or the only viable option.

22.1.2 Direct Awards are only permissible where:

- Route 1: a waiver is obtained from the requirements to comply with the competition requirements as set out in the table at CSO 15.2. This only applies to Below Threshold contract awards; or
- Route 2: a contract award complies with the requirements of Chapter 3 of the Procurement Act; or
- Route 3: a Direct Award is permitted under the terms of an Approved Framework

OR

⁶ Assessment Summaries are provided to suppliers to set out their scores against the published criteria, and in case of unsuccessful bidders, why they were not awarded the contract.

Part 3 of these CSOs applies and the Direct Award relates to contracts awarded in accordance with the provisions of the NHS Provider Selection Regime.

22.1.3 For avoidance of doubt, where invitations to tender are advertised on the open market but only one tender submission is received it is permissible, subject to meeting the necessary criteria, to award the contract to the sole tenderer. For the avoidance of doubt, there is no requirement to follow the Direct Award procurement route process because that process only applies if the original invitation to tender had not been advertised on the open market.

22.2 Route 1: Waiver (Direct Awards - Below Threshold)

22.2.1 Responsible Officers must fully document the rationale for the request in the Procurement Decision.

22.2.2 All Procurement Decisions seeking a waiver must include reference to the approval of the use of the waiver on behalf of the Procurement Team, Finance and Legal Services. If approval of the use of the waiver is not given the waiver may only be authorised by Cabinet.

22.2.3 A waiver from having to apply the competitive procurement routes set out in CSO 15 may be granted subject to one or more of the following conditions having been met:

- (a) a competitive exercise produced no tenders or inappropriate tenders;
- (b) a competitive process is inappropriate because there is no market or because there are legal or technical reasons that rule it out;
- (c) the urgency of the procurement justifies a direct award because it outweighs the harm and risks associated with not following a competitive process;
- (d) the need to protect the personal welfare of service users justifies a direct award because it outweighs the harm and the risks associated with not following a competitive process; and/or
- (e) additional deliveries (supplies or services) by the original supplier are required and the total spend remains Below Threshold.

22.3 Route 2 - Direct Award - Above Threshold

22.3.1 Chapter 3 of the Procurement Act sets out certain specific circumstances that an Above Threshold contract may be awarded as a Direct Award.

22.3.2 A Direct Award may be made to Suppliers that are “not excluded” (CSO 18.5) where there is either a need to:

(a) protect human, animal or plant life or health;

OR

(b) protect public order or safety

in accordance with regulations as may be made under Section 42 of the Procurement Act.

OR

(c) no suitable tenders have been received because one of the following applies:

(i) tender/s would be disregarded in an assessment or do not satisfy the Council’s requirements or the award criteria when assessed by reference to the assessment methodology and the relative importance of the published criteria;

(ii) there is evidence of corruption or collusion between Suppliers or between Suppliers and contracting authorities;

(iii) it materially breaches a procedural requirement in the tender notice or associated tender documents;

OR

(d) one or more of the conditions set out in Schedule 5⁷ of the Procurement Act is met.

⁷ Direct Award Justifications are set out in Appendix 3

22.4 **Route 3 - Direct Award under an Approved Framework**

Where an Approved Framework satisfies the conditions for award of contract without competition between suppliers as set out in Chapter 4 of the Procurement Act, the Responsible Officer may recommend a Direct Award for approval, ensuring that the rationale for this is clearly set out in the Contract Award Decision and demonstrates best value for the Council.

22.5 **Direct Award Approval Route**

The table below sets out the approval routes for requests to make direct award of contract. The Responsible Officer will undertake the risk assessment (GRAP) for Direct Awards over £100,000. Direct Awards Above Threshold are all considered to be High Risk and therefore approval must be sought from the Corporate Procurement Board.

DIRECT AWARD APPROVALS			
Decision / Risk	Contract Type	Value	Approver
Low Value Direct Award	All	£15,000 or more and less than £25,000	Chief Officer, unless otherwise Delegated in the Scheme of Delegation
NON-KEY DECISION			
Direct Award Route 1 - Waiver Below Threshold			
Direct Award above £25K	All	£25,000 or more and less than £100,000	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Low Risk	Supplies or Services	£25,000 or more and less than the National Threshold	Chief Officer
	Works	25,000 or more and less than £1,000,000	Chief Officer

DIRECT AWARD APPROVALS			
Decision / Risk	Contract Type	Value	Approver
High Risk	Supplies or Services	£25,000 or more and less than the National Threshold	Chief Officer following the recommendations of the Corporate Procurement Board
	Works	£25,000 or more and less than £1,000,000	Chief Officer following the recommendations of the Corporate Procurement Board
Direct Award Route 2 – Over National Threshold			
High Risk	Supplies or Services	The National Threshold and above to less than £1,000,000	Chief Officer following the recommendations of the Corporate Procurement Board
Direct Award Route 3 – Approved Framework			
Low Risk ⁸	All	£25,000 or more and less than £1,000,000	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
KEY DECISION			
Direct Award Route 1 – Waiver Below Threshold			
Low Risk	Works	£1,000,000 and above to less than the Works National Threshold	Chief Officer subject to the publication and call-in requirements relating to Key Decisions
High Risk			Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions

⁸ Approved Framework Direct Awards below the Key Decision threshold will be Low Risk unless there are exceptional circumstances, in which case the approval route will be as Route 2.

DIRECT AWARD APPROVALS			
Decision / Risk	Contract Type	Value	Approver
Direct Award Route 2 – Above National Threshold			
High Risk	Supplies or Services	£1,000,000 and above	Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions
High Risk	Works	the Works National Threshold and above	Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions
Direct Award Route 3 – Approved Framework			
Low Risk	All	£1,000,000 and above	Chief Officer subject to the publication and call-in requirements relating to Key Decisions
High Risk	All	£1,000,000 and above	Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions

22.6 Direct Awards Register

The Procurement Team will maintain a register of Direct Awards valued at £100,000 or above.

23. Procurement of Personal Social Care and SEND Placements

23.1 The Chief Officer having responsibility for the provision of personal social care services to individual adults or children and or Special Educational Needs and Disabilities (SEND) placements to children, shall

be able to directly award contracts without the requirement for a formal award report where the following conditions are met:

- (a) the services fall within the definition of “User Choice Contracts” as set out in Schedule 5 of the Procurement Act; and
- (b) where the purchase is required in order that the Council may meet its statutory obligations and the application of these CSOs would prevent or delay the discharge of those statutory obligations.

23.2 The Chief Officer shall, however, maintain written records of decisions made in the award of social care or placement services and make arrangements to ensure that evidence exists to show that all such purchases are systematically reviewed to ensure that they appropriately meet the needs of the user and that they provide value for money in relation to national and local cost indicators.

23.3 All social care or placement services contracts (including the provision of nursing care, residential care, supported living) shall be made in writing, or, where this has not been possible due to urgency, confirmed in writing at the earliest opportunity and in any event within one calendar month of contract commencement. Any subsequent amendment of the contracted services shall similarly be made or confirmed in writing within one calendar month of the change.

23.4 This exemption shall not apply to block, Framework or term contracts for social care or to contracts for other types of goods, services or works; these shall be let in accordance with the general provisions of these Contract Standing Orders. The Chief Officer shall also take all reasonable steps to ensure that the use of collaborative procurement arrangements and the use of block, Approved Framework and term contracts for social care are maximised.

24. Contract Management under the Procurement Act

24.1 For Public Contracts within the scope of the Procurement Act; with the total value over its lifespan of £4,000,000 or more, the Responsible Officer must publish at least three Key Performance Indicators (KPIs) in respect of this contract.

24.2 Performance against the KPIs specified in the contract shall be reported via the Central Digital Platform at least once every 12 months.

Additionally, if in the case performance has not been satisfactory, a Contract Performance Notice shall be published including details of the breach, the action taken to resolve the breach or details of the termination, within 30 days of the breach occurring.

24.3 The Responsible Officer shall ensure that full details of contract modification, early termination and general performance are recorded centrally and notified to the Procurement Team who will be responsible for issuing all Transparency Notices required by the Procurement Act.

24.4 Where a Contract Performance Notice indicates serious failure or termination details, the notice shall be approved in writing by the Chief Officer responsible for the service prior to publication.

25. Modifications (Variations and Extensions) to existing contracts

25.1 Where Modifications to existing contracts are made, these must be determined in accordance with the contract terms or agreement of the parties, for a specified period and made in accordance with the principles set out in the relevant legislation.

25.2 All Modifications must be fully documented and approved in advance of the execution of the Modification in accordance with the approvals in the table below.

25.3 Modifications to existing contracts will only constitute a Key Decision in circumstances where:

- (1) the initial procurement process and/or award of contract was not a Key Decision; and
- (2) the financial value of the proposed modification (of if more than one modification has been made the cumulative total value to date of all modification made added to the proposed modification) when added to the unmodified contract value results in the value of the contract following modification meeting the Key Decision threshold; and/or
- (3) the modified contract would meet the first Key Decision criteria

25.4 The table below sets out the requirements for Modifications together with the approvals route. Further guidance on Modifications will be

available from the Procurement Team and set out in the Procurement Manual.

- 25.5 Where the modification is to a contract for works (construction) through an approved Construction Form of Contract that allows for change controls and where the overall value does not exceed the initial budget (including contingency) for the works, no formal report is required.

CONTRACT MODIFICATION APPROVALS			
Description	Contract Type	Conditions	Approver
Modification Category 1: Permitted Variation or Extension			
Contract Extension or scope increase	Services and Supplies	The extension or scope change (e.g. optional service) is clearly set out in the terms and conditions of contract.	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Modification Category 2: Simple Modifications			
Below Threshold Modification	Supplies or Services	Change in value up to 10% whole life cost over agreed budget or term.	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
	Works	Change in value up to 15% whole project cost over agreed budget	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Modification of Light Touch Contract	Light Touch Services	Provided no material change in scope or transfer of economic balance in favour of the Supplier	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation

CONTRACT MODIFICATION APPROVALS			
Description	Contract Type	Conditions	Approver
Modification Category 3: Complex Modifications			
All Other Modifications	All	In accordance with permitted modifications within Section 74 and Schedule 8 of the Procurement Act	Chief Officer following the recommendations of the Corporate Procurement Board
Modifications that are Key Decisions			
Any Modification	All	Where the modification is a Key Decision in accordance with CSO 25.3	Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions

25.6 No Modification to increase scope and/or cost may be made until funding has been identified in accordance with the Council's Financial Regulations.

25.8 Modifications Register

The Procurement Team will maintain a register of all Category 3 and Key Decision contract modifications as set out in the table above.

26. Record Keeping

26.1 In accordance with Section 98 of the Procurement Act, the Council must keep sufficient records to justify the rationale for awarding or entering into a public contract as defined by section 3 of the Procurement Act.

26.2 This will include all Procurement Decisions and all correspondence between the supplier and the Council prior to the contract being entered into.

26.4 These records shall be maintained for a period of three years post contract award or until the point that a notice is published that there will be no award.

PART 3: NHS PROVIDER SELECTION REGIME

27. Scope

27.1 The NHS Provider Selection Regime (“PSR”) came into force on 1 January 2024 and applies to specific contracts relating to the delivery of health services to individuals as set out below:

CPV ⁹ Code	Description
85323000-9	Community health services, but only in respect of community health services which are delivered to individuals
85312330-1	Family-planning services, but only insofar as such services are provided to individuals to support sexual and reproductive health
85312500-4	Rehabilitation services, but only insofar as such services are provided to individuals to tackle substance misuse or for the rehabilitation of the mental or physical health of individuals

27.2 Contracts and procurement processes falling within the scope of the PSR will follow different routes to procurements under the Procurement Act. For example, there are no thresholds against which to test the services, and therefore the standard Council Procurement thresholds in CSO 15 do not apply.

27.3 In all cases the Responsible Officer shall engage with the Procurement Team and Legal Services on the suitability and application of the appropriate process to use.

⁹ CPV = Common Procurement Vocabulary. Method of categorising procurement requirements.

28. Direct Award Procedure

28.1 The PSR is positive towards the potential for Direct Awards at all levels of contracting. The three Direct Award Procedures are set out in the table below:

PROVIDER SELECTION REGIME DIRECT AWARD PROCESSES		
Process	Value	Criteria for Award
Direct Award Process A	All Values	There is an existing provider for the services and that provider is the only provider
Direct Award Process B		Where patients have a choice of provider and the number of providers is not restricted by the relevant authority
Direct Award Process C		Where the existing provider is satisfying the contract and is likely to satisfy the new contract and the proposed contracting arrangements are not changing considerably from the existing contract

28.2 The Responsible Officer shall seek advice from the Procurement Team on the selection and application of the Direct Award Process.

28.3 Where one of the Direct Award Processes is chosen as the most appropriate, there will be no need for a business case report, however the rationale for the choice of process and award of provider shall be fully documented in the relevant form or report as set out in the request for approval below.

PSR DIRECT AWARD APPROVAL (A, B OR C)		
Risk	Value	Approver
NON-KEY DECISION		
Low Risk	Less than £1,000,000	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
High Risk		Chief Officer following the recommendations of the Corporate Procurement Board

PSR DIRECT AWARD APPROVAL (A, B OR C)		
Risk	Value	Approver
KEY DECISION		
Low Risk	£1,000,000 and above	Chief Officer subject to the publication and call-in requirements relating to Key Decisions
High Risk		Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions.

28.4 The PSR is specific about certain information that shall be retained regarding the process for audit purposes. This information must be included within the report requesting approval.

29. Most Suitable Provider and Competitive Processes

29.1 The PSR also includes provision for a “Most Suitable Provider” and “Competitive” Process which accommodate different levels of comparison and competition.

29.2 The table below sets out the pre-tender and post-tender approvals route for these processes. A Procurement Strategy Decision is required in this case.

MOST SUITABLE PROVIDER AND COMPETITIVE PROCESSES		
PRE-TENDER - NON-KEY DECISION		
Risk	Value	Approver
Low Risk	less than £1,000,000	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
High Risk		Chief Officer following the recommendations of the Corporate Procurement Board
PRE-TENDER - KEY DECISION		
Low Risk	£1,000,000 and above	Chief Officer subject to the publication and call-in requirements relating to Key Decisions
High Risk		Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions
CONTRACT AWARD		
Competitive Award Approval Route A		
Compliant with budget and Procurement Strategy	All values	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Competitive Award Approval Route B		
Above budget and / or deviant from procurement strategy	All values	Chief Officer following the recommendations of the Corporate Procurement Board

30. Modifications of Contracts within the PSR

30.1 The following table sets out the conditions and approvals process for modifications within the PSR.

PERMITTED MODIFICATIONS OF PSR CONTRACT	
Condition¹⁰	Approver
Type 1 Modification: Contracts Awarded Under Direct Award Process A or B	
Where the modification does not materially alter the character of the contract	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Type 2 Modification: Contracts Awarded Under	
<ul style="list-style-type: none"> • Direct Award Process C; or • the Most Suitable Provider Process or the Competitive Process; or • to contracts originally awarded under the Public Contracts Regulations 2015 	
Where the modification meets one or more of the following conditions: (a) It is clearly and unambiguously provided for in the original contract; (b) Optional additional service provision (such as pilot activities or projects) which are covered in the original contract; or (c) It is solely a change in the identity of the provider	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Type 3 Modifications: Contracts Awarded Under	
<ul style="list-style-type: none"> • Direct Award Process C; or • the Most Suitable Provider Process or the Competitive Process; or • to contracts originally awarded under the Public Contracts Regulations 2015 	
Where the modification meets one or more of the following conditions: (a) It is made in response to factors outside of the control of the Council as long as the contract is not rendered materially different.	Chief Officer following the recommendations of the Corporate Procurement Board

¹⁰ The Conditions for modification approval are set out in detail in Regulation 13 of the Provider Selection Regime.

PERMITTED MODIFICATIONS OF PSR CONTRACT

Condition ¹⁰	Approver
(b) It is attributable to a decision of the Council as long as it does not materially alter the character of the contract and the cumulative change in the lifetime value is below £500K or below 25%.	

30.2 Contracts that do not meet the above criteria may not be modified.

31. Urgency

31.1 There are limited occasions where the Council may need to act urgently and award or modify contracts to address immediate risks to patient or public safety. In these circumstances the Responsible Officer may seek approval for award or modification of contracts as set out in the table below:

PSR Urgency Provisions		
Condition	Additional Requirements	Approver
<p>Where one or more of the following circumstances occur, the Council may award or modify a contract without full application of the PSR procedures:</p> <p>(a) An unforeseen emergency (b) Urgent quality or safety concerns (c) An existing provider can no longer deliver the service</p>	<p>The modification or award must be long enough ONLY to manage the emergency and then apply the PSR requirements in full</p> <p>An urgent award notice must be issued</p>	<p>Chief Officer</p> <p>Submitted to the Corporate Procurement Board for noting</p>

32. PSR Standstill Period and Representations

32.1 All contracts awarded under the Provider Selection Regime are subject to a mandatory eight (8) Working Day standstill period.

32.2 The PSR allows for a process of “Representations” to be followed should any provider who might otherwise have been able to deliver the process

believes that the Council has failed to apply the regime correctly and is able to set out reasonable grounds to support its belief and the representation is submitted in writing (which includes electronically) within eight working days of the start of the standstill period.

32.3 The Procurement Team and Legal Services will provide advice on the process to follow should a Representation be received under the PSR. This will include extension of the Standstill Period, the potential for further review by an external “Independent Patient Choice and Provider” panel at the provider’s request and must include maintenance of a full audit trail.

33. PSR Transparency Notices and Contract Management

33.1 Responsible Officers must provide to the Procurement Team all relevant information as required to meet the Transparency Notices requirements relating to procurement and contract award. Transparency Notices relating to the PSR are listed at Appendix 2.

33.2 Whilst contract management reporting is not required under the PSR, Responsible Officers must keep records of contract management details for the annual performance report as set out in CSO 10.

Appendix I: Transparency Notices

AI.1 Procurement Act

Notice	Details	Mandatory?
Planning Stage		
Pipeline Notice	Publish information on potential future procurements they expect to conduct that year (where the estimated contract value exceeds £2 million for the particular contract)	Yes
Planned Procurement Notice	Similar to the current Prior Information Notice (PIN), may be published to inform the market that a public body intends to publish a Tender Notice at a future date.	No
Preliminary Market Engagement	Published when a public body chooses to carry out preliminary market engagement. Under the current regime, details of a preliminary market engagement would typically be included in a PIN but the new regime splits this into two separate notices.	Yes
Procurement Stage		
Tender Notice	Renamed “contract notice” which must be published to commence a competitive procurement and invite tenders.	Yes
Transparency Notice	Required when a Direct Award is made	Yes
Below Threshold Tender Notice	Published prior to advertising a 'notifiable' below-threshold contract, which, in the case of central government is a contract with a value of £30,000 (inc VAT) or more and less than - £213,477 (inc VAT)	Yes
Contract Award and Execution		
Contract Award Notice	Published when a public body intends to make a contract award (i.e. following conclusion of the procurement but before the contract has been executed).	Yes
Procurement Termination Notice	Published if the Council wishes to abandon a procurement which has been initiated.	Yes if applicable

Notice	Details	Mandatory?
Contract Details Notice	Published within 30 days of contract execution (30 days following publication of the Contract Award Notice or 120 days for Light Touch Contracts) Where the contract has a value exceeding £2M a copy of the contract must also be published.	Yes
Below Threshold Contract Details Notice	As above, as soon as reasonably practicable.	Yes for notifiable awards
Contract Performance		
Contract Change Notice	Published when an above-threshold modification is made to a contract. No publication is required if the intended modification neither increases nor decreases the value of the contract by 10% or less (in the case of goods or services contracts), or 15% or less (in the case of works contracts).	If applicable
Contract Performance Notice	Publish information relating to achievement against KPIs, performance in general including poor performance. Also includes any breaches of contract.	Yes for contracts of £2,000,000 or more
Payments Compliance Notice	Published when a public body makes a payment under a contract, or when a payment becomes payable. These notices must be published within 30 days of the last day of the reporting period (quarterly)	Yes
Contract Termination Notice	Published within 30 days of contract termination (natural expiry or otherwise)	Yes

AI.2 NHS Provider Selection Regime

Notice Type	Direct award process A	Direct award process B	Direct award process C	Most suitable provider process	Competitive process
Clear intentions: Publish the intended approach in advance				Yes	
Clear intentions: Publish a notice for a competitive tender					Yes
Communicating decisions: Publish the intention to award notice			Yes	Yes	Yes
Confirming decisions: Publish a confirmation of award notice	Yes	Yes	Yes	Yes	Yes
Contract modification: Publish a notice for contract modifications	Yes	Yes	Yes	Yes	Yes

Appendix 2: Schedule 5: Above Threshold Justifications Direct Awards

1. Prototypes and development

The public contract concerns the production of a prototype, or supply of other novel goods or services, for the purpose of

- (a) testing the suitability of the goods or services,
- (b) researching the viability of producing or supplying the goods or services at scale and developing them for that purpose, or
- (c) other research, experiment, study or development.

2. Single suppliers

- (a) The public contract concerns the creation or acquisition of a unique work of art or artistic performance;

OR:

- (b)(i) due to a particular supplier having intellectual property rights or other exclusive rights, only that supplier can supply the goods, services or works required, and
- (b)(ii) there are no reasonable alternatives to those goods, services or works.

OR:

- (c)(i) due to an absence of competition for technical reasons, only a particular supplier can supply the goods, services or works required, and
- (c)(ii) there are no reasonable alternatives to those goods, services or works.

3. Additional or repeat goods, services or works

The public contract concerns the supply of goods, services or works by the existing supplier which are intended as an extension to, or partial replacement of, existing goods, services or works in circumstances where:

- (a)(i) a change in supplier would result in the Contracting Authority receiving goods, services or works that are different from, or incompatible with, the existing goods, services or works, and

- (a)(ii) the difference or incompatibility would result in disproportionate technical difficulties in operation or maintenance.

OR

- (b)(i) the existing goods, services or works were supplied under a public contract that was awarded in accordance with a competitive tendering procedure within the period of five years ending with the day on which the transparency notice is published, and
- (b)(ii) the tender notice or any tender document in respect of that earlier contract set out:
 - (1) the Contracting Authority's intention to carry out a subsequent procurement of similar goods, services or works in reliance on this direct award justification, and
 - (2) any other information specified in regulations under section 95.

4. Commodities

The public contract concerns goods purchased on a commodity market.

5. Advantageous terms on insolvency

The award of the public contract to a particular supplier will ensure terms particularly advantageous to the Contracting Authority due to the fact that a supplier, whether or not the one to whom the contract is to be awarded, is undergoing insolvency proceedings – ie. if the supplier has:

- (a) become bankrupt or, in Scotland, the estate of the supplier has been sequestrated,
- (b) become subject to insolvency or winding-up proceedings,
- (c) had its assets subject to administration or receivership, including by a liquidator or court,
- (d) entered into an arrangement with its creditors,
- (e) become subject to a petition or application for any such procedures or arrangements, or
- (f) in any jurisdiction, been subject to a procedure or an application that corresponds to any procedure or application mentioned in this section.

6. Urgency

Where the goods, services or works to be supplied under the public contract are strictly necessary for reasons of extreme and unavoidable urgency, and as a result the public contract cannot be awarded on the basis of a competitive tendering procedure.

Note that urgency is unavoidable if it is not attributable to any act or omission of the Contracting Authority and could not have been foreseen by the Contracting Authority.

7. User choice contracts

User choice contracts are specified as “Light Touch” and also are supplied for the benefit of a particular individual where the Contracting Authority would, in awarding a contract for their supply, be required under an enactment to have regard to the views of the individual, or a person providing care to the individual (their “carer”), in relation to who should supply the services.

Direct award can be made when:

- (a) the individual to whom the services are to be supplied or their carer has expressed a preference as to who should supply the services, or the nature of the services to be supplied is such that only one supplier is capable of providing them, and
- (b) the Contracting Authority considers that it is not in the best interests of the individual to carry out a competitive tender

GLOSSARY OF TERMS

Term	Definition
Above Threshold	A procurement for a contract at or above the relevant National Threshold specified for Works, Supplies or Services. This applies only to the Procurement Act.
Approved Budget	The maximum budget available for a competitive procurement exercise as set out within the Procurement Strategy Decision at the Procurement Strategy stage.
Approved Framework	An internal or external Framework for specific services that has been approved by the Head of Procurement and the Director of Legal Services for use within the Royal Borough.
Approved List	A list of suppliers whose basic credentials have been checked. This normally relates to construction contract lists such as Constructionline for works contracts.
Approver	The Chief Officer unless all of the following apply: (a) the Directorate Scheme of Delegation has been published; and (b) the Directorate Scheme of Delegation includes the specified decision relating to procurement; and (c) the Directorate Scheme of Delegation has Delegated the officer postholder authorised to make the specified decision relating to procurement.
Assessment Summaries	Detailed responses provided to Suppliers setting out the results of the procurement process. This only applies to Above Threshold contracts and replaces the “Standstill Letter”
Award without Competition (also known as a Direct Award)	See the Glossary definition of “Direct Award” below
Below Threshold	A procurement process and/or a contract where the whole life cost falls below that specified as the National Threshold for those Services/Supplies/Works. This applies only to the Procurement Act

Term	Definition
Best Value	The Council's duty to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. Set out in section 3 of the Local Government Act 1999
Central Digital Platform	The Central Government online reporting platform for contract and procurement information.
Competitive Flexible Procedure	A Covered Procurement that includes a number of different stages in accordance with Section 20 (2)(b) of the Procurement Act
Construction Form of Contract	Industry standard contract such as JCT or NEC that is commonly used for construction and engineering contracts.
Contracting Authority	A body as defined by section 2 of the Procurement Act
Covered Procurement (also called "Above Threshold" or a "Public Contract")	A procurement where the whole life costs is above the relevant National Threshold for services/supplies/works. This applies only to the Procurement Act.
Contract Award Decision	The decision to award a contract, either as following a competitive process, or as a Direct Award without competition.
Direct Award (also known as Award without Competition)	<p>Award of contract where only one quotation/tender has been sought for the specific requirement. This can be through a Framework where Direct Awards may be permitted, or outside, in accordance with the rules set out.</p> <p>It is not a Direct Award where the requirement was competitively tendered, but only one bid was received.</p>
Delegated	means the Chief Officer has delegated their power to make a decision, seek quotations and tenders, sign contracts, place orders and authorise payments, to an officer or officers as identified in the Directorate Scheme of Delegation.

Term	Definition
Directorate Scheme of Delegation	<p>A scheme setting out the Chief Officer’s delegation of authority in relation to Contract Standing Orders which identifies:</p> <ul style="list-style-type: none"> (a) the Assistant Director(s) authorised to sign contracts on the Chief Officer's behalf under CSO 10.2, and (b) which Directorate officer postholders to whom the Chief Officer has Delegated the power to make decisions, seek quotations and tenders, place orders and authorise payments.
Dynamic Market	A form of electronic “Approved List” under the Procurement Act. This replaces the provision for a Dynamic Purchasing System under the Public Contracts Regulations 2015.
Dynamic Purchasing System	An electronic “Approved List” set out in the Public Contracts Regulations 2015. Existing Dynamic Purchasing Systems procured before October 28 th 2024 will remain active for their lifetime.
Framework	A contract between a Contracting Authority and one or more suppliers that provides for the future award of contracts without any guarantee of the volume of supplies by a Contracting Authority (or contracting authorities where they act collectively) being given to the supplier or suppliers.
Greenwich Risk Assessment Process “GRAP”	Format for determining whether a procurement (and its outcome) is “Low Risk” or “High Risk”. Must be completed for all procurements valued above £100,000
High Risk	Outcome of the GRAP where applying a range of criteria indicates that the proposed procurement is high risk
Low Risk	Outcome of the GRAP where applying a range of criteria indicates that the proposed procurement is low risk

Term	Definition
Most Advantageous Tender	Award criteria based on consideration of price, quality and wider benefits e.g. social value to the Royal Borough.
Modifications	Variations, extensions or other changes to any Contract.
National Law	The Procurement Act, the NHS Provider Selection Regime and all other legislation and regulatory requirements in force from time to time which apply to public procurement.
National Threshold	The value in pounds sterling above which the contract is a Public Contract. This value includes VAT for the purpose of determining the threshold.
NHS Provider Selection Regime or “PSR”	The NHS Provider Selection Regime 2023 – implemented in accordance with the Health Care Services (Provider Selection Regime) Regulations 2023.
Open Procurement Procedure	A single stage tendering procedure in accordance with Section 20 (2)(a) of the Procurement Act.
Pipeline Notice	A list of annual projects or contracts identified for future procurement exercises. These are also called either the Procurement Forward Plan or Procurement Pipeline
Public Contract	Any contract or Framework for the supply, for pecuniary interest, of goods, services or works to a contracting authority which has an estimated value of not less than the threshold amount for the type of contract - ie. "Above Threshold".
Procurement Act	The Procurement Act 2023.
Procurement Decision	The process for approval of procurement activity, as set out in CSO 9.
Procurement Manual	A procurement guidance manual issued by the Director of Finance that sets out the requirements for procurement and contracting activity by the Council.
Procurement Strategy	The business case for the procurement, setting out what is intending to be purchased, why it is needed, how

Term	Definition
	much (approximately) will be spent and how the procurement will be undertaken.
Procurement Strategy Decision	A document in an approved form seeking approval to a Procurement Strategy allowing the progress to seek quotes or follow a competitive procurement process. A Procurement Strategy Decision only becomes effective when a decision on its content has been formally made in accordance the appropriate Council decision-making process.
Procurement Strategy Deviation	Where a competitive procurement has taken place but it does not meet all the conditions agreed in the Procurement Strategy. For example, use of a different Framework or a change in the evaluation criteria.
Procurement Team	Officers authorised by the Director of Finance to provide advice, support and guidance on procurement within the Council, as set out in CSO 5.
Regulatory Provisions	All current legislation governing the activities set out within these Contract Standing Orders as set out in CSO 3 and as may apply.
Responsible Officer	The Officer authorised by the Chief Officer to be responsible for leading the procurement and or contract management of a particular requirement.
Service Policy Change	Where there is a requirement to agree a new service policy or amendment to an existing service policy, post consultation, that would result in a Key Decision being taken.
Social Value	<p>The obligation on the Council to consider:</p> <ul style="list-style-type: none"> <li data-bbox="587 1675 1417 1854">(a) how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area, and <li data-bbox="587 1877 1337 2011">(b) how, in conducting the process of procurement, it might act with a view to securing that improvement.

Term	Definition
Social Value Framework	A document setting out the Council's ambition and objectives to be achieved through Social Value
Social Value Policy	The Council's policy to implement its Social Value obligation
Supplier	Procurement Act terminology – means supplier, provider, contractor, bidder and/or tenderer.
Transparency (Notices or Requirements)	Sets of information on procurement and contracting required to be published by electronic methods set out in the Acts for both the Procurement Act and the PSR.
Working Day	A day of the week excluding Saturday, Sunday and public holidays in England and Wales.

~~B — Officers' Code of Conduct~~

Preamble:

~~Nothing in the following is intended to contradict any provision of the 'Whistle-blowing' legislation. The Royal Borough has a Whistleblowing Policy which may be relevant depending upon the circumstances of the case.~~

~~This Code of Conduct applies to everyone who is employed by the Royal Borough so that they know what is expected of them and are treated fairly. As a valued and trusted employee, it is crucial that you understand the importance of adhering to the standards of conduct set out in the code (and any related policies and departmental rules). A breach of these standards could lead to disciplinary action. A serious, or repeated breach, may result in dismissal from the Royal Borough.~~

~~Compliance with the code is an explicit requirement within the conditions of employment of all Royal Borough of Greenwich employees (except school-based employees where separate arrangements are in place). It must be noted that trade union officials are employees of the Royal Borough therefore these standards apply to trade union officials. The matters covered in this code are comprehensive but are not to be considered as being an exhaustive list. Employees should assume that conduct or actions which are not specified but which are similar to those described or relate to similar standards and principles to those set out in the code are also covered. This code should be complementary to any specific departmental procedures or standards of conduct. Similarly, employees who are required to maintain professional registration as a condition of their employment are also bound by standards of professional conduct.~~

~~1. — **General**~~

~~1.1 — Any employee who fails to observe the Royal Borough's or their own departmental rules of conduct or in any other way commits a breach of discipline will be liable to disciplinary action. Such action will be taken in accordance with the Procedure for Managing Discipline.~~

~~Examples of general rules are provided at (1.2) below and examples of gross misconduct at (1.3) below.~~

~~1.2 — **Examples of general rules**~~

- ~~1.2.1 — All employees must be aware that the Royal Borough of Greenwich exists primarily to serve the public. They must always be courteous to the public.~~
- ~~1.2.2 — Employees must carry out their duties in a conscientious manner and must not wilfully neglect their duties nor cause any waste of time and/or productivity.~~
- ~~i. — Employees must not be absent from work without leave and/or a manager's authority without providing their line manager with a reasonable explanation for their absences.~~
- ~~ii. — Employees must not fail to attend disciplinary/grievance investigatory meetings and/or Occupational Health appointments when instructed to do so. If an employee is unable to attend, they must provide their line manager with a reasonable explanation for their absence in advance of the meeting/appointment.~~
- ~~1.2.5 — All employees must comply with legitimate instructions, and/or procedures and/or codes of conduct.~~
- ~~1.2.6 — Employees must not unlawfully discriminate in contravention of the Equality Act 2010, nor discriminate in contravention of the Royal Borough's equality/diversity policy, against any person with whom they come into contact in carrying out their work, e.g. on the grounds of age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion & belief sex (gender) and sexual orientation. This rule applies equally to bullying, harassment and victimisation.~~
- ~~1.2.7 — Employees must not bully any person with whom they come into contact in carrying out their work. Allegations of bullying will be investigated in line with the Borough's Dignity and Respect at Work procedure.*~~
- ~~1.2.8 — Employees must not undertake any acts within or outside the workplace that conflict with their specific job role/purpose, bring the Royal Borough into disrepute and/or render them unacceptable to the Royal Borough such as destroying trust and confidence between them and the Royal Borough (e.g. domestic violence).~~
- ~~1.2.9 — Employees must not accept any bribe and/or indulge in any corrupt and/or improper practice.~~

- ~~1.2.10 Employees must not abuse any position of authority and/or improperly use or attempt to use their official position for their private advantage, and/or for the private advantage of any other person.~~
- ~~1.2.11 Employees must not indulge in betting or gaming for profit on official Royal Borough premises. This will not include traditional pursuits such as National Lottery syndicates or sweepstakes for sporting events, providing there is no profit accrued by the organiser.~~
- ~~1.2.12 Employees must not lend money to another member of staff at a rate of interest and/or borrow money from a junior member of staff and/or attempt to borrow money from individuals or organisations with whom they have come into contact through their official duties.~~
- ~~1.2.13 Employees must not indulge in private trading nor canvass for trade for any business and/or other venture on official Royal Borough premises unless specifically authorised by the Royal Borough.~~
- ~~1.2.14 Employees must not inappropriately and without authority release any information concerned with the Royal Borough's affairs to the press and/or public, or by way of books or articles or to any organisation including one that is funded by the Royal Borough. Employees must adhere to the Royal Borough's code that covers this issue.~~
- ~~1.2.15 Employees must not falsify, and/or destroy and/or otherwise alter any document, timesheet, etc. to gain benefit and/or financial advantage for themselves and/or others.~~
- ~~1.2.16 Unless specifically authorised by the Royal Borough, employees must not seek to obtain or accept loans of any kind (monies or articles) from clients or contractors with whom the employee comes into contact through work or users of Royal Borough services.~~
- ~~1.2.17 Employees must not take control over clients' financial affairs such as acquiring Power of Attorney unless specifically authorised by the Royal Borough.~~
- ~~1.2.18 Employees who are under investigation by the Police in relation to an allegation that they have committed a criminal act, and/or who have accepted a caution and/or have been charged in a criminal case, must~~

~~disclose this to the Royal Borough, via their line manager, at all times without delay.~~

- ~~1.2.19 Employees must not engage in unauthorised employment during hours when contracted to work for the Royal Borough, nor engage in employment during off-duty hours that is detrimental either to the post holder's ability to carry out their duties or to the interests and/or reputation of the Royal Borough or which results in them working excessive hours and placing themselves and/or service users at risk. The employee must inform the Royal Borough of any other work that they do which, when added to their Royal Borough working hours would take their total working hours above 48 hours per week.~~
- ~~1.2.20 Employees above spinal column point 28 must devote their whole time service to the work of the Royal Borough. Such staff must not engage in any other business, and/or take up any other employment and/or appointment without the express written consent of their manager.~~
- ~~1.2.21 Employees must observe confidentiality of personal information relating to others in compliance with the Data Protection legislation and the General Data Protection Regulations (GDPR).~~
- ~~1.2.22 Employees must not misuse the Royal Borough's communications or information systems. (The Royal Borough monitors the use of its communications systems to detect misuse. Any unauthorised expenditure incurred will be deducted from the employee's pay.)~~
- ~~1.2.23 Employees must not incur any unauthorised expense for which the Royal Borough is liable (e.g. costs for consultants' services over and above those allowed under Standing Orders or by specific Committee decision).~~
- ~~1.2.24 Employees must show due respect for the Royal Borough's property, equipment, machinery, transport etc. No employee shall wilfully cause any waste, loss or damage to the property of the Royal Borough or remove it without authority or use it in any manner other than that prescribed or authorised.~~
- ~~1.2.25 In respect of work-related matters, including disciplinary, grievance or capability, unless specifically authorised, employees must not bring any complaint or make any representation or personal appeal, written or oral, directly or indirectly, to the Leader, Chief Executive, or individual Members~~

~~of the Royal Borough. (Work related matters can be handled in accordance with the Royal Borough's relevant policies and procedures.)~~

~~1.2.26 Employees must adhere to working time arrangements such as flexitime arrangements, and observe punctuality when reporting for duty, including adherence to core time (unless permitted to do otherwise). An employee who is unable to comply with the arrangements must notify the appropriate person as soon as is practicable, and explain the reason for lateness etc.~~

~~1.2.27 Employees unable to report for duty because of sickness must comply with the requirements for notification of sickness absence, and the submission of medical certificates (as appropriate) in accordance with the appropriate scheme of conditions of service or departmental rules.~~

~~1.2.28 Employees must observe the provisions of the Royal Borough's Policy on Smoking and must not smoke in any Royal Borough premises or vehicles (if you would like more information or need help or support to help you stop smoking please refer to the Occupational Health Service page on the HR Intranet). This clause applies equally to the use of electronic cigarettes or similar alternatives.~~

~~1.2.29 Employees must observe Safety Rules and Codes of Practice for Safety and use appropriate safety clothing and equipment~~

~~1.2.30 The Royal Borough has a 'zero tolerance' approach to alcohol and drugs at work. Therefore, no employee should be under the influence of alcohol or drugs to a degree that causes an inability to perform work satisfactorily or safely. Employees must observe the provisions of the Royal Borough's Alcohol and Drugs Policy, and (where this exists) their departmental alcohol policy.~~

~~1.2.31 Employees are required to present a professional image at work at all times. Where your role involves or may involve attendance at formal meetings or contact with internal or external customers you are expected to present a professional image. Employees may follow the traditions of their ethnic /cultural /religious background provided they are safe and appropriate to the job. Where uniform or protective clothing has been issued employees are required to wear these. Every employee whilst at work is expected to observe the Royal Borough's or their departmental dress codes where applicable.~~

~~1.2.32 Employees must not be insubordinate to management.~~

~~1.2.33 Employees must not display aggressive or offensive behaviour towards any colleague, which causes alarm or distress and/or is likely to cause alarm or distress to that person and/or any other person.~~

~~1.2.34 In order to be able to practice, employees in roles requiring professional registration to practice are required to maintain their professional registration through payment of fees and re-registering within the required timescales determined by the relevant professional body. Therefore,~~

~~evidence of ongoing registration is required and must be provided upon request. Failure to maintain registration may result in disciplinary action being taken against the employee.~~

~~1.3. Examples of Gross Misconduct~~

~~1.3.1 An explanation of 'gross misconduct' is provided in the Procedure for Managing Discipline.~~

~~1.3.2 Examples of offences, which will be regarded as gross misconduct, are as follows :-~~

~~1.3.3 Employees must not display gross insubordination to management~~

~~1.3.4 Employees must not display blatant and persistent refusal to obey reasonable and proper instruction/s.~~

~~1.3.5 Employee must not be regularly and/or continually absent from work without leave and/or a manager's authority without providing their line manager with a reasonable explanation for their absences.~~

~~1.3.6 Employees must not commit serious or wilful breaches of safety rules in such a way that the individual endangers himself/herself or others and/or including deliberate neglect and/or damage and/or misuse of safety equipment.~~

~~1.3.7 Employees must not publicly promote ideas that contravene the Royal Borough's Equal Opportunities Policy, e.g. inciting racial hatred in a public place.~~

~~1.3.8 The Royal Borough has a 'zero tolerance' approach to alcohol and drugs at work. Employees must not be under the influence of alcohol or drugs to such~~

~~a degree that the individual is a danger to himself/herself and/or to others and/or a hindrance or threat to others.~~

~~1.3.9 Employees must not accept bribes or attempt to bribe and/or indulge in other corrupt and/or dishonest practices.~~

~~1.3.10 Employees must not falsify documents and/or withhold relevant and essential information for financial and/or other personal gain and/or for the gain of other persons.~~

~~1.3.11 Employees must not commit theft and/or cause malicious damage to property and/or assets belonging to the Royal Borough, its Members, members of staff or the public.~~

~~1.3.12 Employees must not accept or seek to obtain loans of any kind (monies or articles) from clients and/or users of Royal Borough services without specific authority from the Royal Borough.~~

~~1.3.13 Employees must not accept or give 'gifts and/or hospitality' contrary to the Royal Borough's provisions.~~

~~1.3.14 During the recruitment process, applicants must disclose details of any criminal record(s), caution(s) etc. or charge(s) pending where required to do so.~~

~~1.3.15 During employment employees who are under investigation by the Police in relation to an allegation that they have committed a criminal act and/or who have accepted a caution and/or have been charged in a criminal case, must disclose this to the Royal Borough, via their line manager, at all times, without delay.~~

~~1.3.16 Employees must not indulge in inappropriate use of communications and/or information systems, whether computerised or manual, for purposes that seriously conflict with Royal Borough policy. (The Royal Borough monitors its communications facilities to detect misuse and reserves the right to reclaim from the employee any costs incurred.)~~

~~1.3.17 Employees must not indulge in physical assault or fighting. In this context, physical assault or fighting shall be interpreted as the actual delivery of a blow or blows in any form as an attack on another person or any other sort of violence or aggression on another person that could result in injury.~~

- ~~1.3.18 Employees must not wilfully and seriously discriminate against any person with whom the employee comes into contact in carrying out their work, in contravention of the Equality Act 2010 and/or the Royal Borough's equality/diversity policy e.g. on the grounds of protected characteristics as outlined in the Equality Act 2010: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion & belief sex (gender) and sexual orientation. This rule applies equally to harassment and victimisation.~~
- ~~1.3.19 Employees must not wilfully and seriously use racist and/or sexist and/or homophobic language and/or use discriminatory language relating to any of the protected characteristics outlined in the Equality Act 2010, towards and/or in reference to any colleague and/or member of the public which is liable to cause harassment and/or offence and/or distress.~~
- ~~1.3.20 Employees must not administer corporal punishment and/or seriously ill-treat in any way any person within the care of, or dealt with by, the Royal Borough.~~
- ~~1.3.21 Employees must not publicly perpetrate a serious malicious falsehood against the Royal Borough and/or participate in such an act, i.e. seek to seriously damage the Royal Borough's reputation without reasonable cause.~~
- ~~1.3.22 Employees must not use their personal communication or information systems, including Social Media, in an inappropriate manner such as to seriously conflict with Royal Borough policy and destroy trust and confidence between themselves and the Royal Borough.~~
- ~~1.3.23 Employees must always comply with the arrangements applicable to the political restriction legislation.~~
- ~~1.3.24 Employees must not commit a criminal offence outside or within the working environment that makes the employee unsuitable for their job role/purpose or for remaining in the Royal Borough's employ, including, but not restricted to, those related to domestic violence.~~
- ~~1.3.25 Employees must not conduct their role in a manner that is in contravention with statutory regulations and guidance applicable role.~~

~~1.3.26 Employees must not use their position, regulatory and investigatory power, access to the system to obtain or provide information that has not been requested through a formal process or to undertake a 'fishing exercise' or obtain and issue information that contravenes the Data Protection Act.~~

~~1.3.27 Employees must not record hearings and meetings including informal meetings and adjournments between meetings and hearings.~~

~~1.3.28 In order to be able to practice, employees in roles requiring professional registration to practice are required to maintain their professional registration through payment of fees and re-registering within the required timescales determined by the relevant professional body. Therefore, evidence of ongoing registration is required and must be provided upon request. A failure to maintain registration that results in the employee being~~

~~unable to undertake their role would amount to a breach of contract and/or a fundamental breach of statutory requirements. This will be regarded as gross misconduct.~~

~~The above list of examples is neither exclusive nor exhaustive.~~

~~* Examples of bullying and harassment, as referred to in the Dignity and Respect at Work Policy, paragraphs 2.7 and 4, are as follows:~~

- ~~● Physical conduct ranging from unwelcome touching to serious assault~~
- ~~● Conduct such as "banter", flirting etc. which continues after the recipient has made it clear that behaviour is unacceptable to him/her (although a single incident can be harassment)~~
- ~~● Ridicule, unwanted nicknames, obscene gestures, demeaning comments about a person's appearance~~
- ~~● Remarks related to a protected characteristic~~
- ~~● Something intended as a "joke" that may offend another person.~~
- ~~● Excluding someone at work, including isolation or non-cooperation at work~~
- ~~● Excluding someone from social activities~~

- ~~• Cyberbullying, harassment or victimisation that takes place on blogs, email or social networking sites e.g. Facebook and Twitter.~~

~~Allegations of bullying, harassment and/or victimisation will be investigated in line with the Borough's Procedure for Managing Discipline and the Dignity and Respect at Work Policy.~~



RESOURCES

General Code of Conduct

[APPENDIX B](#)

CODE OF CONDUCT

Preamble:

Nothing in the following is intended to contradict any provision of the 'Whistle-blowing' legislation. The Royal Borough has a [Whistleblowing Policy](#) which may be relevant depending upon the circumstances of the case.

This Code of Conduct applies to everyone who is employed by the Royal Borough so that they know what is expected of them and are treated fairly. As a valued and trusted employee, it is crucial that you understand the importance of adhering to the standards of conduct set out in the code (and any related policies and departmental rules). A breach of these standards could lead to disciplinary action. A serious, or repeated breach, may result in dismissal from the Royal Borough.

Compliance with the code is an **explicit requirement** within the conditions of employment of all Royal Borough of Greenwich employees (except school-based employees where separate arrangements are in place). It must be noted that trade union officials are employees of the Royal Borough therefore these standards apply to trade union officials. The matters covered in this code are comprehensive but are not to be considered as being an exhaustive list. Employees should assume that conduct or actions which are not specified but which are similar to those described or relate to similar standards and principles to those set out in the code are also covered. This code should be complementary to any specific departmental procedures or standards of conduct. Similarly, employees who are required to maintain professional registration as a condition of their employment are also bound by standards of professional conduct.

1. General

1.1 Any employee who fails to observe the Royal Borough's or their own departmental rules of conduct or in any other way commits a breach of discipline will be liable to disciplinary action. Such action will be taken in accordance with the [Procedure for Managing Discipline](#).

Examples of general rules are provided at (1.2) below and examples of gross misconduct at (1.3) below.

1.2. Examples of general rules

1.2.1	All employees must be aware that the Royal Borough exists primarily to serve the public. They must always be courteous to the public.
1.2.2	Employees must carry out their duties in a conscientious manner and must not wilfully neglect their duties nor cause any waste of time and/or productivity.
1.2.3	Employees must not be absent from work without leave and/or a manager's authority without providing their line manager with a reasonable explanation for their absences.
1.2.4	Employees must not fail to attend disciplinary/grievance investigatory meetings and/or Occupational Health appointments when instructed to do so. If an employee is unable to attend, they must provide their line manager with a reasonable explanation for their absence in advance of the meeting/appointment.

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1.2.5	All employees must comply with legitimate instructions, and/or procedures and/or codes of conduct.
1.2.6	Employees must not unlawfully discriminate in contravention of the Equality Act 2010, nor discriminate in contravention of the Royal Borough's equality/diversity policy, against any person with whom they come into contact in carrying out their work, e.g. on the grounds of age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion & belief sex (gender) and sexual orientation. This rule applies equally to bullying, harassment and victimisation.
1.2.7	Employees must not bully any person with whom they come into contact in carrying out their work. Allegations of bullying will be investigated in line with the Borough's Dignity and Respect at Work procedure. *
1.2.8	Employees must not undertake any acts within or outside the workplace that conflict with their specific job role/purpose, bring the Royal Borough into disrepute and/or render them unacceptable to the Royal Borough such as destroying trust and confidence between them and the Royal Borough (e.g. domestic violence).
1.2.9	Employees must not accept any bribe and/or indulge in any corrupt and/or improper practice.
1.2.10	Employees must not abuse any position of authority and/or improperly use or attempt to use their official position for their private advantage, and/or for the private advantage of any other person.
1.2.11	Employees must not indulge in betting or gaming for profit on official Royal Borough premises. This will not include traditional pursuits such as National Lottery syndicates or sweepstakes for sporting events, providing there is no profit accrued by the organiser.
1.2.12	Employees must not lend money to another member of staff at a rate of interest and/or borrow money from a junior member of staff and/or attempt to borrow money from individuals or organisations with whom they have come into contact through their official duties.
1.2.13	Employees must not indulge in private trading nor canvass for trade for any business and/or other venture on official Royal Borough premises unless specifically authorised by the Royal Borough.
1.2.14	Employees must not inappropriately and without authority release any information concerned with the Royal Borough's affairs to the press and/or public, or by way of books or articles or to any organisation including one that is funded by the Royal Borough. Employees must adhere to the Royal Borough's code that covers this issue.
1.2.15	Employees must not falsify, and/or destroy and/or otherwise alter any document, timesheet, etc. to gain benefit and/or financial advantage for themselves and/or others.
1.2.16	Unless specifically authorised by the Royal Borough, employees must not seek to obtain or accept loans of any kind (monies or articles) from clients or contractors with whom the employee comes into contact through work or users of Royal Borough services.
1.2.17	Employees must not take control over clients' financial affairs such as acquiring Power of Attorney unless specifically authorised by the Royal Borough.
1.2.18	Employees who are under investigation by the Police in relation to an allegation that they have committed a criminal act, and/or who have accepted a caution and/or have been charged in a criminal case, must disclose this to the Royal Borough, via their line manager, at all times without delay.

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1.2.19	Employees must not engage in unauthorised employment during hours when contracted to work for the Royal Borough, nor engage in employment during off-duty hours that is detrimental either to the post holder's ability to carry out their duties or to the interests and/or reputation of the Royal Borough or which results in them working excessive hours and placing themselves and/or service users at risk. The employee must inform the Royal Borough of any other work that they do which, when added to their Royal Borough working hours would take their total working hours above 48 hours per week.
1.2.20	Employees above spinal column point 28 must devote their whole-time service to the work of the Royal Borough. Such staff must not engage in any other business, and/or take up any other employment and/or appointment without the express written consent of their manager.
1.2.21	Employees must observe confidentiality of personal information relating to others in compliance with the Data Protection legislation and the General Data Protection Regulations (GDPR).
1.2.22	Employees must not misuse the Royal Borough's communications or information systems. (The Royal Borough monitors the use of its communications systems to detect misuse. Any unauthorised expenditure incurred will be deducted from the employee's pay.)
1.2.23	Employees must not incur any unauthorised expense for which the Royal Borough is liable (e.g. costs for consultants' services over and above those allowed under Standing Orders or by specific Committee decision).
1.2.24	Employees must show due respect for the Royal Borough's property, equipment, machinery, transport etc. No employee shall wilfully cause any waste, loss or damage to the property of the Royal Borough or remove it without authority or use it in any manner other than that prescribed or authorised.
1.2.25	In respect of work-related matters, including disciplinary, grievance or capability, unless specifically authorised, employees must not bring any complaint or make any representation or personal appeal, written or oral, directly or indirectly, to the Leader, Chief Executive, or individual Members of the Royal Borough. (Work related matters can be handled in accordance with the Royal Borough's relevant policies and procedures.)
1.2.26	Employees must adhere to working time arrangements such as flexitime arrangements, and observe punctuality when reporting for duty, including adherence to core time (unless permitted to do otherwise). An employee who is unable to comply with the arrangements must notify the appropriate person as soon as is practicable, and explain the reason for lateness etc.
1.2.27	Employees unable to report for duty because of sickness must comply with the requirements for notification of sickness absence, and the submission of medical certificates (as appropriate) in accordance with the appropriate scheme of conditions of service or departmental rules.
1.2.28	Employees must observe the provisions of the Royal Borough's Policy on Smoking and must not smoke in any Royal Borough premises or vehicles (if you would like more information or need help or support to help you stop smoking please refer to the Occupational Health Service page on the HR Intranet). This clause applies equally to the use of electronic cigarettes or similar alternatives.

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1.2.29	Employees must observe Safety Rules and Codes of Practice for Safety and use appropriate safety clothing and equipment.
1.2.30	The Royal Borough has a 'zero-tolerance' approach to alcohol and drugs at work. Therefore, no employee should be under the influence of alcohol or drugs to a degree that causes an inability to perform work satisfactorily or safely. Employees must observe the provisions of the Royal Borough's Alcohol and Drugs Policy, and <i>(where this exists)</i> their departmental alcohol policy.
1.2.31	Employees are required to present a professional image at work at all times. Where your role involves or may involve attendance at formal meetings or contact with internal or external customers you are expected to present a professional image. Employees may follow the traditions of their ethnic /cultural /religious background provided they are safe and appropriate to the job. Where uniform or protective clothing has been issued employees are required to wear these. Every employee whilst at work is expected to observe the Royal Borough's or their departmental dress codes where applicable.
1.2.32	Employees must not be insubordinate to management.
1.2.33	Employees must not display aggressive or offensive behaviour towards any colleague, which causes alarm or distress and/or is likely to cause alarm or distress to that person and/or any other person.
1.2.34	In order to be able to practice, employees in roles requiring professional registration to practice are required to maintain their professional registration through payment of fees and re-registering within the required timescales determined by the relevant professional body. Therefore, evidence of ongoing registration is required and must be provided upon request. Failure to maintain registration may result in disciplinary action being taken against the employee.

1.3. Examples of Gross Misconduct

1.3.1 An explanation of 'gross misconduct' is provided in the Procedure for Managing Discipline.

1.3.2 Examples of offences, which will be regarded as gross misconduct, are as follows: -

1.3.3	Employees must not display gross insubordination to management
1.3.4	Employees must not display blatant and persistent refusal to obey reasonable and proper instruction/s.
1.3.5	Employee must not be regularly and/or continually absent from work without leave and/or a manager's authority without providing their line manager with a reasonable explanation for their absences.
1.3.6	Employees must not commit serious or wilful breaches of safety rules in such a way that the individual endangers himself/herself or others and/or including deliberate neglect and/or damage and/or misuse of safety equipment.
1.3.7	Employees must not publicly promote ideas that contravene the Royal Borough's <u>Equal Opportunities Policy</u> , e.g. inciting racial hatred in a public place.
1.3.8	The Royal Borough has a 'zero-tolerance' approach to alcohol and drugs at work. Employees must not be under the influence of alcohol or drugs to such a degree that the individual is a danger to himself/herself and/or to others and/or a hindrance or

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	threat to others.
1.3.9	Employees must not accept bribes or attempt to bribe and/or indulge in other corrupt and/or dishonest practices.
1.3.10	Employees must not falsify documents and/or withhold relevant and essential information for financial and/or other personal gain and/or for the gain of other persons.
1.3.11	Employees must not commit theft and/or cause malicious damage to property and/or assets belonging to the Royal Borough, its Members, members of staff or the public.
1.3.12	Employees must not accept or seek to obtain loans of any kind (monies or articles) from clients and/or users of Royal Borough services without specific authority from the Royal Borough.
1.3.13	Employees must not accept or give 'gifts and/or hospitality' contrary to the Royal Borough's provisions.
1.3.14	During the recruitment process, applicants must disclose details of any criminal record(s), caution(s) etc. or charge(s) pending where required to do so.
1.3.15	During employment employees who are under investigation by the Police in relation to an allegation that they have committed a criminal act and/or who have accepted a caution and/or have been charged in a criminal case, must disclose this to the Royal Borough, via their line manager, at all times, without delay.
1.3.16	Employees must not indulge in inappropriate use of communications and/or information systems, whether computerised or manual, for purposes that seriously conflict with Royal Borough policy. (The Royal Borough monitors its communications facilities to detect misuse and reserves the right to reclaim from the employee any costs incurred.)
1.3.17	Employees must not indulge in physical assault or fighting. In this context, physical assault or fighting shall be interpreted as the actual delivery of a blow or blows in any form as an attack on another person or any other sort of violence or aggression on another person that could result in injury.
1.3.18	Employees must not wilfully and seriously discriminate against any person with whom the employee comes into contact in carrying out their work, in contravention of the Equality Act 2010 and/or the Royal Borough's equality/diversity policy e.g. on the grounds of protected characteristics as outlined in the Equality Act 2010: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion & belief sex (gender) and sexual orientation. This rule applies equally to harassment and victimisation.
1.3.19	Employees must not wilfully and seriously use racist and/or sexist and/or homophobic language and/or use discriminatory language relating to any of the protected characteristics outlined in the Equality Act 2010, towards and/or in reference to any colleague and/or member of the public which is liable to cause harassment and/or offence and/or distress.
1.3.20	Employees must not administer corporal punishment and/or seriously ill-treat in any way any person within the care of, or dealt with by, the Royal Borough.
1.3.21	Employees must not publicly perpetrate a serious malicious falsehood against the Royal Borough and/or participate in such an act, i.e. seek to seriously damage the Royal Borough's reputation without reasonable cause.
1.3.22	Employees must not use their personal communication or information systems, including Social Media, in an inappropriate manner such as to seriously conflict with Royal Borough policy and destroy trust and confidence between themselves and the

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	Royal Borough.
I.3.23	Employees must always comply with the arrangements applicable to the political restriction legislation.
I.3.24	Employees must not commit a criminal offence outside or within the working environment that makes the employee unsuitable for their job role/purpose or for remaining in the Royal Borough's employ, including, but not restricted to, those related to domestic violence.
I.3.25	Employees must not conduct their role in a manner that is in contravention with statutory regulations and guidance applicable to their role.
I.3.26	Employees must not use their position, regulatory and investigatory power, access to the system to obtain or provide information that has not been requested through a formal process or to undertake a 'fishing exercise' or obtain and issue information that contravenes the Data Protection Act.
I.3.27	Employees must not record hearings and meetings including informal meetings and adjournments between meetings and hearings.
I.3.28	In order to be able to practice, employees in roles requiring professional registration to practice are required to maintain their professional registration through payment of fees and re-registering within the required timescales determined by the relevant professional body. Therefore, evidence of ongoing registration is required and must be provided upon request. A failure to maintain registration that results in the employee being unable to undertake their role would amount to a breach of contract and/or a fundamental breach of statutory requirements. This will be regarded as gross misconduct.
<u>I.3.29</u>	<u>Employees must not engage in any behaviour which is in breach of the Royal Borough's Child Protection and Safeguarding Policies and Procedures.</u>

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The above list of examples is neither exclusive nor exhaustive.

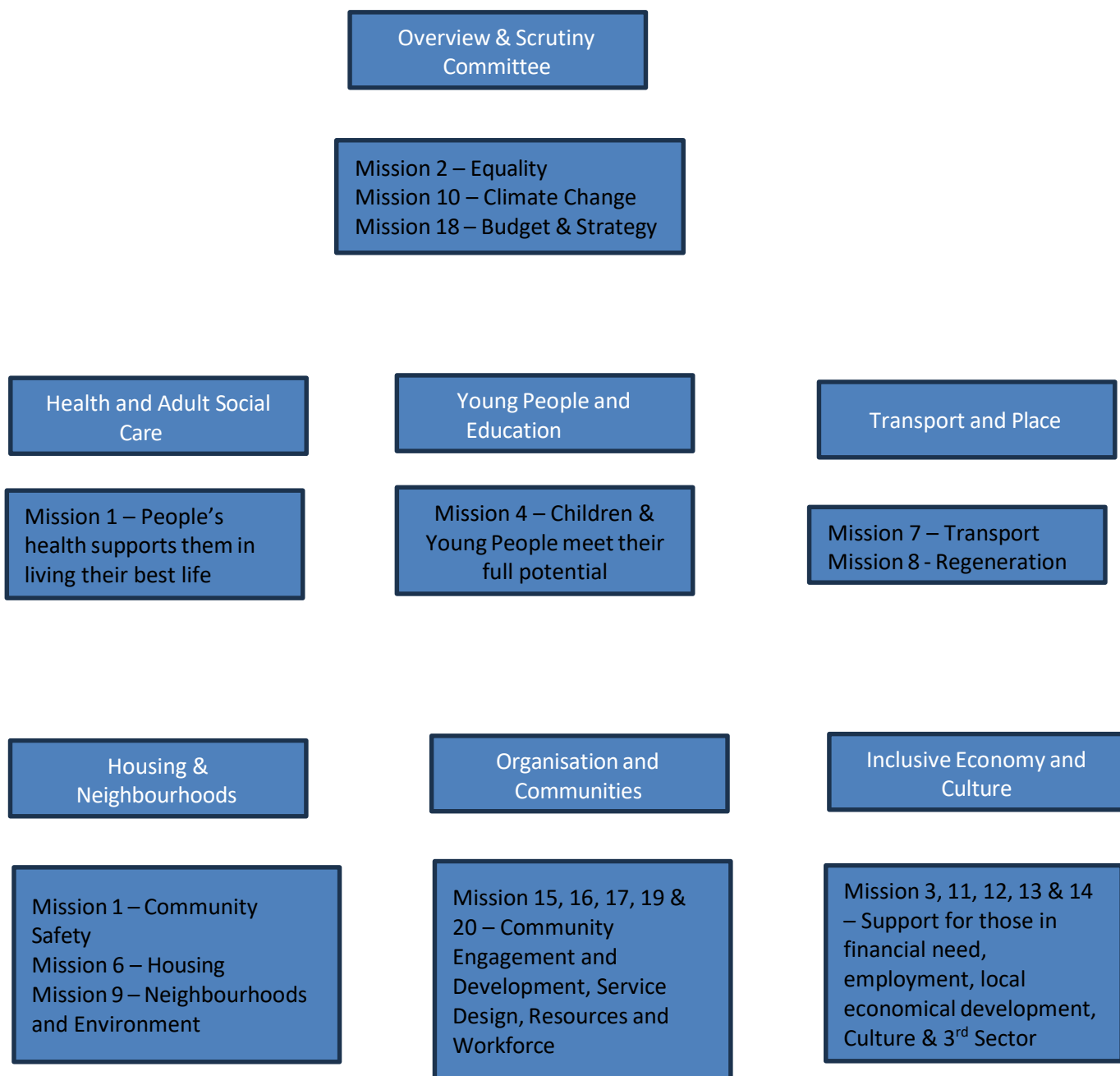
* Examples of bullying and harassment, as referred to in the Dignity and Respect at Work Policy, paragraphs 2.7 and 4, are as follows:

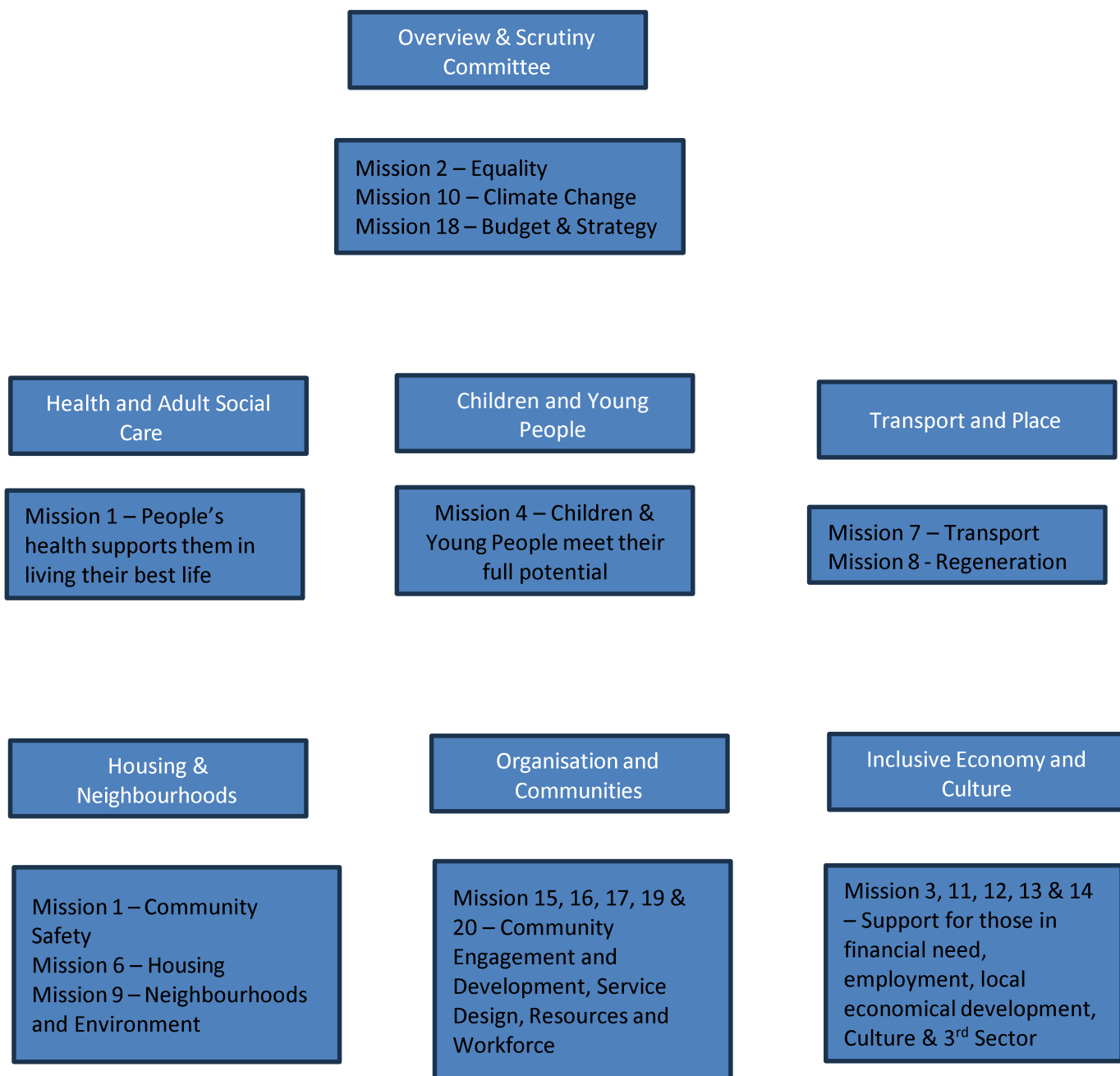
- Physical conduct ranging from unwelcome touching to serious assault
- Conduct such as “banter”, flirting etc. which continues after the recipient has made it clear that behaviour is unacceptable to him/her (although a single incident can be harassment)
- Ridicule, unwanted nicknames, obscene gestures, demeaning comments about a person's appearance
- Remarks related to a protected characteristic
- Something intended as a “joke” that may offend another person.
- Excluding someone at work, including isolation or non-cooperation at work
- Excluding someone from social activities
- Cyberbullying, harassment or victimisation that takes place on blogs, email or social networking sites e.g. Facebook and Twitter.

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Allegations of bullying, harassment and/or victimisation will be investigated in line with the [Royal](#) Borough's Procedure for Managing Discipline and the Dignity and Respect at Work Policy.

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COUNCIL	DATE 26 June 2024	ITEM NO 8
TITLE Changes to the Executive Functions Scheme of Delegation	WARDS All	
CHIEF OFFICER Chief Executive	CABINET MEMBER Leader of the Council	
DECISION CLASSIFICATION Non-exempt report	IS THE FINAL DECISION ON THE RECOMMENDATIONS IN THIS REPORT TO BE MADE AT THIS MEETING? The report is for noting only	

1. **Decision Required**

Council is requested to;

- 1.1 Note the changes made to the executive functions scheme of delegation.

2. **Links to Our Greenwich missions**

- 2.1 This report does not relate to the Council's agreed missions as it is an administrative item.

3. **Purpose of Report and Executive Summary**

- 3.1 Paragraph C1(e) of Part 4C of the Constitution provides that the Leader of the Council may vary or withdraw delegation of an executive function at any time, either generally or in relation to a specific decision, and may allocate the matter to himself or herself or to:

- The Cabinet or a committee of the Cabinet;
- A Cabinet member;
- An officer;
- Joint arrangements with one or more local authorities; or
- Another local authority.

- 3.2 Part 3 "Responsibility for Functions" of the Constitution provides that the Leader of the Council may vary or withdraw a delegation to a Cabinet member at any time, either generally or in relation to a specific decision, and may allocate the matter to himself or herself, to the Cabinet, to another Cabinet member, to a Chief Officer or to a joint committee. Any change

must be in writing and will take effect when only received by the Monitoring Officer. The Leader will provide a written record of any change of delegation to the next Council meeting.

4. Changes to the Scheme of Delegation

The following changes have been made to the scheme of delegation:

- 4.1 On 24 May 2024 the Leader of the Council agreed to vary the scheme of delegation in Part 3 of the Constitution and withdraw the delegation from Cabinet for the decision “Council Homes Acquisition Programme” and allocated the decision to the Leader of the Council.
- 4.2 On 31 May 2024 the Leader of the Council agreed to vary the scheme of delegation in Part 3 of the Constitution and withdraw the delegation from Cabinet for the decision “Introduction of assistive-technology enabled health and care services across Greenwich” and allocated the decision to the Leader of the Council

5. Available Options

- 5.1 To note the report.

6. Preferred Option

- 6.1 Not applicable. The report is for noting only.

7. Reasons for Recommendations

- 7.1 Not applicable. The report is for noting only.

8. Consultation Results

- 8.1 Not applicable.

9. Communication and Implementation of the Decision

- 9.1 The decision will be published on the Council’s website.

10. Cross-Cutting Issues and Implications

Issue	Implications	Sign-off
Legal including Human Rights Act	<p>The Local Government Act 2000 makes provision for the discharge of functions by local authorities with executive arrangements.</p> <p>The Constitutional position is set out in section 3 of the report.</p>	Azuka Onuorah, Interim Director of Legal & HR, 17 June 2024
Finance and other resources including procurement implications	There are no material financial implications arising from this report.	Damon Cook, Director of Finance June 2024
Equalities	<p>The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users.</p> <p>This report as an information report has no impact the Council's Equality and Equity Charter and the Council's Equality Objectives 2020-2024.</p>	Nassir Ali, Corporate Governance Manager 13 June 2024
Climate Change	The decisions recommended in the report have low relevance to or impact on climate change or the Councils carbon reductions commitments.	Nassir Ali, Corporate Governance Manager 13 June 2024
Risk Management	This is an administrative item therefore there are no key risks associated with the proposals in this report.	Nassir Ali, Corporate Governance Manager 13 June 2024

11. **Background Papers**

Written Notices of Amendment

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