



COUNCIL MEETING

7.30 pm Wednesday, 14 September 2016
At Council Chamber - Town Hall

Members of the Council of the London Borough of Havering are hereby summoned to attend a meeting of the Council at the time and place indicated for the transaction of the following business



Kathryn Robinson
Monitoring Officer

For information about the meeting please contact:
Anthony Clements tel: 01708 433065
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Please note that this meeting will be webcast.

Members of the public who do not wish to appear in the webcast will be able to sit in the balcony, which is not in camera range.

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

AGENDA

1 PRAYERS

2 APOLOGIES FOR ABSENCE

To receive apologies for absence.

Apologies have been received from Councillors Gillian Ford, Stephanie Nunn and Ron Ower.

3 MINUTES (Pages 1 - 70)

To sign as a true record the minutes of the meeting of the Council held on 13 July 2016 (attached).

4 DISCLOSURE OF INTERESTS

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any interest in an item at any time prior to the consideration of the matter.

5 ANNOUNCEMENTS BY THE MAYOR, BY THE LEADER OF THE COUNCIL OR BY THE CHIEF EXECUTIVE

To receive announcements (if any).

6 PETITIONS

Councillors Dilip Patel and David Johnson have given notice of intention to present a petition.

To receive any other petition presented pursuant to Council Procedure Rule 23.

7 EXCLUSIONS OF PRIOR APPROVALS FROM COUNCILLOR CALL-IN PROCESS
(Pages 71 - 84)

Note: The deadline for amendments to reports published with the final Council agenda is midnight, Monday 12 September 2016.

To consider a report of the Governance Committee on Exclusions of Prior Approvals from Councillor Call-in Process (attached).

8 PHASE ONE CONSULTATION (IMPROVING THE SAFETY OF OUR SCHOOLS ACROSS THE BOROUGH) (Pages 85 - 88)

To consider a report of the Chief Executive on Phase One Consultation (Improving the Safety of our Schools across the Borough) – attached.

9 FOUR YEAR FINANCIAL SETTLEMENT (Pages 89 - 92)

To consider a report of the Chief Executive on the Four Year Financial Settlement (attached).

10 MEMBERS' QUESTIONS (Pages 93 - 96)

Attached.

11 MOTIONS FOR DEBATE (Pages 97 - 100)

Motions paper attached.



**MINUTES OF A MEETING OF THE COUNCIL OF THE
LONDON BOROUGH OF HAVERING
Council Chamber - Town Hall
13 July 2016 (7.30 - 10.18 pm)**

Present: The Mayor (Councillor Philippa Crowder) in the Chair

Councillors Councillors June Alexander, Clarence Barrett, Robert Benham, Ray Best, Wendy Brice-Thompson, Michael Deon Burton, Joshua Chapman, John Crowder, Keith Darvill, Ian de Wulverton, Osman Dervish, Nic Dodin, Alex Donald, David Durant, Brian Eagling, Gillian Ford, Jason Frost, Jody Ganly, John Glanville, Linda Hawthorn, David Johnson, Steven Kelly, Robby Misir, Ray Morgon, Barry Mugglestone, John Mylod, Stephanie Nunn, Denis O'Flynn, Ron Ower, Garry Pain, Dilip Patel, Viddy Persaud, Roger Ramsey, Keith Roberts, Patricia Rumble, Carol Smith, Frederick Thompson, Linda Trew, Jeffrey Tucker, Linda Van den Hende, Melvin Wallace, Roger Westwood, Damian White, Michael White, Reg Whitney, Julie Wilkes, Graham Williamson, Darren Wise and John Wood

Approximately 35 Members' guests and members of the public and a representative of the press were also present.

The Mayor advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

Father Roderick Hingley, of the Church of St Alban, Protomartyr, Romford opened the meeting with prayers.

The meeting closed with the singing of the National Anthem.

23 APOLOGIES FOR ABSENCE (agenda item 2)

Apologies for absence were received from Councillors Meg Davis, Phil Martin, Barbara Matthews, Lawrence Webb and Michael White (part of meeting).

24 MINUTES (agenda item 3)

The minutes of the meeting of the Council held on 8 June 2016 were before the Council for approval.

It was **AGREED** that the minutes of the meeting of the Council held on 8 June 2016 be signed as a correct record.

RESOLVED:

That the minutes of the Council meeting held on 8 June 2016 be signed as a correct record.

25 DISCLOSURE OF INTERESTS (agenda item 4)

There were no disclosures of interests.

26 ANNOUNCEMENTS BY THE MAYOR, BY THE LEADER OF THE COUNCIL OR BY THE CHIEF EXECUTIVE (agenda item 5)

Tributes were paid and a minute's silence held in memory of former Councillor Don Poole who had recently died.

The Mayor announced that her recent charity ball had raised in the region of £4,000 for the Mayor's charity. A summer garden afternoon in aid of her charity had been arranged for 21 August. The Mayor also thanked Members and local residents who had supported the recent Armed Forces Day Parade as well as the flag raising event and Battle of the Somme commemoration service.

The text of the announcements made by the Leader of the Council is attached as appendix 1 to these minutes.

27 PETITIONS (agenda item 6)

Pursuant to Council Procedure Rule 23, the following petitions were presented:

From Councillor Williamson concerning parking problems in Harlow Road.

From Councillor Durant concerning a photograph that had appeared in an article in the Romford Recorder.

From Councillor Darvill concerning building on green space in Harold Hill.

From Councillor Darvill against the proposed appropriation of land in Priory Road, Noak Hill.

28 RATIFICATION OF THE HRA MAJOR WORKS CAPITAL PROGRAMME 2016/17 - 2018/19 (agenda item 7)

A report of Cabinet requested Council to ratify the HRA Major Works Capital Programme for 2016/17 and subsequent years. This had been approved by Cabinet at its meeting 15 June 2016 and formed part of a framework within

which the Council was proposing to manage, maintain and invest in its housing stock.

The report was **AGREED** without division and it was **RESOLVED**:

That the Council ratify the HRA Major Works Capital Programme, detailed in the HRA Budget for 2016/2017 and the HRA Major Works Capital Programme 2016/17 – 2018/19 (attached as appendix 2 to these minutes).

29 **CONTRACT PROCEDURE RULES AND PROCUREMENT STRATEGY (agenda item 8)**

A report of the Governance Committee recommended that Council approve a revised version of the Contract Procedure Rules which set out the process for achieving improved procurement performance, greater efficiency and improvement in the delivery of community and economic outcomes from the Council's procurement activity.

Council was also asked to note the latest version of the Council's procurement strategy which reflected recent changes to EU thresholds and the introduction of the Public Contracts Regulations 2015.

The report was **AGREED** without division and it was **RESOLVED**:

1. **That the draft Contract Procedure Rules set out in Appendix 3 to these minutes be adopted with immediate effect and the Monitoring Officer be authorised to make any such changes as may be necessary to the Council's Constitution.**
2. **That the Procurement Strategy set out in Appendix B to the report to Council be noted.**

30 **AMENDMENTS TO MEMBERSHIP OF THE HEALTH AND WELLBEING BOARD AND ASSOCIATED CHANGES TO THE COUNCIL'S CONSTITUTION (agenda item 9)**

A report of the Governance Committee proposed some minor changes to the Constitution to reflect the revised membership of the Health and Wellbeing Board which now included representatives of the main provider trusts for the local area.

The report was **AGREED** without division and it was **RESOLVED**:

1. **That the section of the table in the Appendix to Article 12 of the Constitution dealing with the number of members and any special requirements for the Health and wellbeing Board be amended to read as follows:**

Four Councillors

Four Council Officers (Chief Executive, Director of Public Health, Director, Adult Services and Director, Children's Services)

Four representatives of Havering Clinical Commissioning Group

One member from Barking, Havering and Redbridge University Hospitals' NHS Trust (BHRUT)

One member from North East London NHS Foundation Trust (NELFT)

One member from NHS England

One member from Healthwatch Havering

2. **Paragraph 16 (a) of the Committee Procedure Rules of the Constitution be amended to read as follows:**

Quorum for Board meetings shall be nine members.

31 SENIOR MANAGEMENT RESTRUCTURE (agenda item 10)

A report of the Chief Executive asked Council to note a new senior management structure for the Council's workforce. This sought to reflect an unprecedented period of financial challenge along with new working relationships with both Health and Schools. The report also asked Council to approve the appointment of the new Monitoring Officer.

The report was **AGREED** without division and it was **RESOLVED** that:

1. **Kathryn Robinson, Deputy Director for Legal & Governance, be appointed as the Monitoring Officer for the London Borough of Havering.**
2. **The change to the senior management structure for the Council as shown in Appendix 4 to these minutes be noted.**
3. **Power be delegated to the Monitoring Officer to make the necessary changes to the Constitution arising from this report.**

32 OVERVIEW AND SCRUTINY RULES - EXCEPTIONS TO THE CALL-IN PROCEDURE (agenda item 11)

In accordance with paragraph 18e of the Overview and Scrutiny Procedure Rules, a report of the Chief Executive summarised two recent decisions for which exemption to the call-in (requisition) procedure had been granted. These decisions covered the following issues:

- 1) The acquisition of property 35 Briar Road Leasehold flat for vacant possession to enable site assembly for the proposed Briar Road development scheme
- 2) The acquisition of property 23 Briar Road Leasehold flat for vacant possession to enable site assembly for the proposed Briar Road development scheme

The report was **NOTED**.

33 ANNUAL REPORTS OF COMMITTEES, SUB-COMMITTEES AND MEMBER CHAMPIONS (agenda item 12)

Council considered and received the Annual Reports of the following:

Audit Committee
Pensions Committee
Standing Advisory Council on Religious Education
Overview and Scrutiny Board
Children & Learning Overview and Scrutiny Sub-Committee
Crime & Disorder Sub-Committee
Environment Overview and Scrutiny Sub-Committee
Health Overview and Scrutiny Sub-Committee
Individuals Overview and Scrutiny Sub-Committee
Towns & Communities Overview and Scrutiny Sub-Committee
Member Champion for the Armed Forces
Member Champion for Equality and Diversity
Member Champion for the Historic Environment
Member Champion for the Over 50s
Member Champion for the Voluntary Sector Compact
Member Champion for Younger Persons

Each Annual Report was **ADOPTED** without debate or division.

RESOLVED:

That the Annual Reports as listed be approved.

34 MEMBERS' QUESTIONS (agenda item 13)

Fifteen questions were asked and replies given.

The text of the questions, together with their answers, is shown as appendix 5 to these minutes.

35 **LOCAL LONDON INTER-AUTHORITY AGREEMENT (agenda item 14A)****Motion on behalf of the Independent Residents' Group**

This Council agrees to co-operate with other councils in an ad hoc way to promote mutual interests, but wishes to remain a unitary authority within a reformed GLA, rather than become part of a sub-region of the GLA (1 of 5) that could morph into a combined authority as part of the governments EU inspired devolution plans and thus calls on the Executive to withdraw from the Local London Inter-Authority Agreement, details of which contained in 15th June Cabinet agenda

Amendment by the Conservative Group**Amend motion to read:**

This Council agrees to co-operate with other councils and notes that there are no proposals for combined authorities in London.

Amendment by the Labour Group**Amend motion to read:**

This Council agrees to continue co-operating with other London Borough Councils as unitary authorities to ensure effective and wide reaching devolution of powers.

A procedural motion that this matter be dealt with on a vote only basis was **AGREED** without division. The amendment by the Conservative Group was **CARRIED** by 41 votes to 9 (see division 1) and the amendment by the Labour Group was **NOT CARRIED** by 40 votes to 9 (see division 2). The amendment by the Conservative Group was **AGREED** as the substantive motion, without division.

RESOLVED:

This Council agrees to co-operate with other councils and notes that there are no proposals for combined authorities in London.

36 **COUNCILLOR CAR PARKING POLICY (agenda item 14B)****Motion on behalf of the Independent Residents' Group**

That Council recommend an Executive Decision be approved to agree the following revision to the policy on Member car parking:

Parking for councillors is **free** in the following circumstances:

- Attendance at formal meetings or other briefings during the day (e.g. Licencing Committee, School Appeals).
- All evening meetings (using their ID pass to access the CMT/Members car park after [5.00pm](#) or the adjacent public pay and display bays which are free after [6.00pm](#))

Beyond the circumstances above, **paid** parking is available as follows:

- Councillors who need to attend the Town Hall on a daily basis can purchase a permit at a reduced rate. Payment can be deducted at source from Members' Allowances. Paying the full monthly/annual amount will also entitle permit holders to use any of the allocated staff car parks on weekdays and Saturdays (excludes Angel Way Multi-storey on a Saturday) - a windscreen permit will be provided.
- Alternatively, for more occasional parking not involving formal meetings, councillors can purchase a Pay and Display ticket from the public machine near the entrance to the Town Hall.

Access to the CMT/Member car park before [5.00pm](#) can be obtained by 'buzzing' Reception from the entrance barrier and Councillors stating they are engaged upon specified Bona-Fide Council business. Members are asked however to ensure that a valid permit (pre-paid or pay & display) is on display when required.

Amendment by the Conservative Group:

Amend motion to read:

This Council, in recognising that when the charges for staff car parking were introduced they also applied to councillors, who did not wish to impose on staff charges which they were unwilling to accept themselves, wishes this principle to continue and requests Governance Committee to review the implementation of the current scheme in order to ascertain whether any practical adjustments are appropriate.

Following debate, the amendment by the Conservative Group was **CARRIED** by 42 votes to 0 (see division 3) and **AGREED** as the substantive motion, without division.

RESOLVED:

This Council, in recognising that when the charges for staff car parking were introduced they also applied to councillors, who did not wish to impose on staff charges which they were unwilling to accept themselves, wishes this principle to continue and requests Governance Committee to review the implementation of the current scheme in order to ascertain whether any practical adjustments are appropriate.

37 'ROGUE' LANDLORDS (agenda item 14C)**Motion on behalf of the Labour Group**

This Council reaffirms its decision to introduce an Article 4 Direction and an effective Licensing Scheme of Private Landlords as soon as it can and further agrees as a matter of priority to ensure that it takes action under the Housing Act 2004 when it has concerns about the quality of accommodation provided in residential property within the Borough and also to use both housing and planning powers simultaneously to take action against rogue Landlords.

Amendment by the Conservative Group

Amend motion to read:

(Amended wording shown in italics)

This Council reaffirms its decision to bring *an Article 4 Direction into force on 13th July 2016* and an effective Licensing Scheme of Private Landlords as soon as it can and further agrees as a matter of priority to ensure that it takes action under the Housing Act 2004 when it has concerns about the quality of accommodation provided in residential property within the Borough *and to work with the Council's partners to use all available powers* (including anti-social behaviour, housing and planning) to take action against rogue Landlords.

This motion was withdrawn by the Labour Group and resubmitted to the next meeting of Council.

38 VOTING RECORD

The record of voting decisions is attached as appendix 6.

Mayor

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Leader's Statement – Full Council, 13 July 2016

Madam Mayor

As you know it is my practice to update colleagues on some matters of note since our last meeting. Before I move on to do just that I would like to reiterate a statement I made recently.

HATE CRIME

I'm sure this Chamber will agree with me that incidents of intolerant attitude by a small number of residents towards other residents, which have been widely reported in local and national press following the EU Referendum result, will not be tolerated.

We are absolutely against any kind of **hate behaviour** and will not tolerate prejudiced attitudes.

We have always prided ourselves on being a fair and tolerant society and also to recognise that those residents from other countries who are working and in many cases supporting core public services and our way of life are important to us and deserve the same respect as everybody else.

Hate crime is taken very seriously in this borough and I would urge anyone who has been a victim to report it to the police and we will continue to work with the police to ensure the community is free of hate crime and the borough remains a place where people feel safe and are proud to live and work.

I would now like to update you on recent activity of a more pleasant and conducive nature.

NEW SWIMMING POOL FOR HORNCHURCH

One of the papers at Cabinet yesterday was about the award of the sport and leisure contract. I would like to highlight the proposal to build a **new swimming pool in Hornchurch** to replace the current provision at Harrow Lodge Sports Centre. This is a very exciting development for our residents and I know that local people will be very keen to make use of this new facility. And who knows, in future years we may have new Olympian and Paralympians representing their country. The facilities at Central Park Harold Hill will also be enhanced.

I would also like to confirm that it is the Council's intention to continue to fund **the Chafford Sports Complex**, subject to final agreement being reached with Chafford School and the leisure contractor.

The cross borough development of sport and leisure aims to ensure a high quality service, increasing the health and wellbeing of our residents with the advantage of high levels of savings for the Council.

PUPIL REFERRAL SERVICE

Another area of the Council's services which is seeing change is the educational landscape in which we operate, including the shift of responsibilities from local authorities to individual schools and the Regional Schools Commissioner.

The Government's White Paper on these changes highlighted three very clear roles for local authorities, all of which position the authority as champion for all young people and their families, and not least amongst these our most vulnerable pupils.

That is why I am pleased to be able to tell you that we have been working closely with Olive Academies Trust and the Department for Education on the transformation of our current **Pupil Referral Service**. This will provide an exciting opportunity to make available the educational experiences and opportunities to which they are entitled, to some of our most vulnerable young people.

We are committed to supporting Olive Academies Trust realise their vision for this new provision, initially with an investment of £1 million. In addition, work is underway with schools to shape this new approach to alternative provision across the borough.

COUNCIL CHAMBER

And while we are on the subject of investing Madam Mayor, I would just like to bring your attention to the **Chamber** we find ourselves in tonight. I think that many of us are aware that our current surroundings can be a bit challenging in the comfort stakes, so with that in mind funding from the budget which is supporting a number of office moves in the Town Hall has been set aside.

I think we can all agree that the current air conditioning units are not efficient and do not achieve an ambient temperature so they will be replaced with a heating and cooling solution. A number of the chairs are

worn or unsafe. Head of Legal Services can vouch for this in the light of his experience at the last meeting. These will be reupholstered or repaired over the summer and the curtains will be replaced along with the damaged rails. The stained walls and the ceiling are to be made good and painted. And finally all the glazing is being reviewed and cracked windows will be replaced and all glazing will be cleaned and paintwork refreshed. A lot of this work is scheduled for August but reupholstering the chairs may take a little longer so by autumn we will have a Chamber which is cleaner, safer and more civilised for those who use it whether inside the Council or outside it. We must not forget that outside bodies use it also.

OUR TALENTED GROUNDS STAFF

Thinking of pleasant surroundings I hope that everyone has seen the amazing carpet flower bed at the front of the Town Hall celebrating Her Majesty The Queen's 90th Birthday. It really is a terrific piece of work from our very talented grounds staff and that, along with other flower installations that are being placed around the borough, can only impress the **London in Bloom** judges, judging for which is currently underway, and the **Britain in Bloom** judges in August.

The flower bed certainly proved an ideal backdrop to our annual **Armed Forces Day Parade** on Saturday 25 June. Yet again our residents were out in large numbers supporting our local uniformed services and I know that their support is very much appreciated by our serving men and women.

LONDON YOUTH GAMES

To take our minds to sports, the London Youth Games finals weekend at Crystal Palace National Sports Centre is one of the highlights of the youth sports calendar and a notably young Havering Hurricanes team, sponsored by Everyone Active, finished in eighth place overall out of 33 boroughs - one of only three teams in the top ten to improve on last year's finish. Among the team that travelled to the NSC was seven year-old Samuel Gulvin from Towers Infants School, who joined the Archery team, in which Oliver Olson established a new London Youth Games points record for his category over distances of 20, 30 and 40 yards.

Havering's improvement was strengthened with entries into eight events in which the borough had not previously been able to field teams, including angling and male and female hockey, handball and volleyball.

THE HAVERING SHOW

The next event we have to look forward to is of course our annual **Havering Show** on Sunday 28 and Monday 29 August. This year there will be three performance stages – the main stage with headliners Jocelyn Brown and The Real Thing, the Fairkytes Live stage for showcasing local artists and for the first time a performance stage for performing arts. There will be a sports arena, craft marquee, street food, free children's activities and much more. So do put those dates in your diary members.

PSPOs

An area which has had a lot of media attention has been our pilot project of strict measures to minimise the risk to children from dangerous driving and parking around schools. The public consultation over Phase One of the introduction of **Public Space Protection Orders** at some schools in the borough is now complete and parents and residents approved proposals at four of the six schools initially selected. Cameras have now been installed and tested and a report will come to full council in September to authorise the commencement of the first school becoming operational, with the other three following shortly after.

We are the first council in the country to introduce these measures and as such, there has been a lot of interest from authorities around the country. Havering officers are planning to run a seminar so that other authorities can learn from our experience and we expect the project to be widely replicated.

Interest has also spread to the press with several articles in local and national newspapers, on BBC radio and television. We have also taken part in two documentary programmes for BBC One and ITV, both are currently in preparation and likely to be shown in the autumn which may well trigger even more interest.

MERCURY LAND HOLDINGS

The Council's wholly owned housing company is now in business. I can report that it is in the process of completing the acquisition of some 60

apartments which should be ready for occupation next March. This is the first step in an enterprise which will provide housing outside the Housing Revenue Account and generate revenue to help balance the budget following the Austerity cuts in grant. Our professional officers and advisers have worked hard on this and learned from those other councils which are already operating similar schemes.

MEMBERS BULLETIN

Last Friday every member will have received an e-bulletin to their email inbox. This is a new communication specifically for colleagues in this Chamber which has been introduced by the Council's Corporate Communication Team to provide a snapshot of the week's news and social media activity in relation to the Council and also includes Calendar Brief, service highlights, relevant staff changes and current consultations. I hope, like me, that you will find this a useful communication.

ELECTION SERVICES

And finally Madam Mayor I would just like to take this opportunity of publicly thanking our **Election Services**. They had to manage and deliver two votes in a very tight timeframe and I am sure this Chamber would be happy to join with me in congratulating them on the excellent job they did.

Thank you Madam Mayor.

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Major Works Programme 2016-19

	16/17	17/18	18/19	3yr Totals
New Build Programme and pre commitments in 2016/17				
New Build Programme	£ -	£ -	£ -	£ -
Additional Programme approved by Cabinet September 2016	£ -	£ -	£ -	£ -
Total	£ -	£ -	£ -	£ -
Stock Upkeep works to maintain standards including Major Repairs				
Major Voids	£ 500,000	£ 600,000	£ 300,000	£ 1,400,000
Structural	£ 50,000	£ 50,000	£ 50,000	£ 150,000
Electrical Upgrade/Mains Supplies	£ 150,000	£ 150,000	£ 150,000	£ 450,000
Legionella	£ 170,000	£ 170,000	£ 170,000	£ 510,000
Fencing / Boundary Walls	£ 50,000	£ 50,000	£ 50,000	£ 150,000
Drainage/Sewers	£ 50,000	£ 50,000	£ 50,000	£ 150,000
Asbestos Removal/Management	£ 120,000	£ 120,000	£ 120,000	£ 360,000
External Redecorations	£ -	£ 1,199,000	£ 1,199,000	£ 2,398,000
DDA Fire Protection/Mean of Escape	£ 50,000	£ 50,000	£ 50,000	£ 150,000
Careline equipment	£ 50,000	£ 50,000	£ 50,000	£ 150,000
Stock condition surveys 10%	£ -	£ -	£ -	£ -
Aids and Adaptations	£ 500,000	£ 500,000	£ 500,000	£ 1,500,000
Total	£ 1,690,000	£ 2,989,000	£ 2,689,000	£ 7,368,000
Stock Reinvestment to improve conditions including maintaining the Decent Homes Standard				
Stock Investment "Replacements"	£ 2,428,765	£ 3,987,951	£ 5,395,233	£ 11,811,949
Non Trad Houses/Flats System Build	£ 2,725,000	£ -	£ -	£ 2,725,000
Kitchen/Bathrooms at Void stage	£ 600,000	£ 850,000	£ 300,000	£ 1,750,000
Total	£ 5,753,765	£ 4,837,951	£ 5,695,233	£ 16,286,949
Stock Remodelling				
Bedsit Remodelling	£ 98,100	£ 545,000	£ 109,000	£ 752,100
Total	£ 98,100	£ 545,000	£ 109,000	£ 752,100
Future Investment				
Major Improvements (inc hostels)	£ 708,500	£ -	£ -	£ 708,500
Environmental Improvements (Minor)	£ -	£ -	£ -	£ -
Total	£ 708,500	£ -	£ -	£ 708,500

	16/17	17/18	18/19	3yr Totals
Programme Totals	£ 8,250,365	£ 8,371,951	£ 8,493,233	£ 25,115,549
New Build Development	£ -	£ -	£ -	£ -
Works to existing stock	£ 8,250,365	£ -	£ -	£ 8,250,365
	£8,250,365			

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PROCUREMENT GUIDANCE

London Borough of Havering Contract Procedure Rules

Strategic Procurement Unit

February 2016

DRAFT

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1 INTRODUCTION

- 1.1 For the purposes of these Contract Procedure Rules (CPR), and instructions and guidance issued, procurement means the ordering, commissioning or entering into a contract (which includes the granting of a Concession) whatever the value or nature with a third party for Supply, provision of Services or the carrying out of building construction Works required by the Council.
- 1.2 These Contract Procedure Rules shall be effective from the date of adoption by the Council and will be reviewed periodically as required but in their entirety once every 3 years.
- 1.3 Nothing in this CPR shall override the Council's duties under UK national legislation and European Law.
- 1.4 If an Officer experiences difficulty in following any process or procedure or understanding the meaning of any part of this CPR please contact the Head of Procurement.
- 1.5 Throughout CPR, where any action is initiated and taken and a decision made by an Officer with authority to act it will be recorded in writing (on e-tendering suite).
- 1.6 Members of CMT and Directors of Service are responsible for ensuring that all:
 - 1.6.1 Contracts are awarded in accordance with these Rules
 - 1.6.2 Persons responsible for awarding contracts are familiar with the Council's Procurement Strategy, and attend relevant Council training as appropriate
 - 1.6.3 Contracts over £25,000 are recorded on the Contracts Register maintained by the Strategic Procurement Unit
 - 1.6.4 Contracts over £150,000 shall have a nominated Contract Manager
 - 1.6.5 Contracts over £150,000 shall be signed and sealed by Legal and Democratic Services.
- 1.7 Where possible all spend, collective or individual, must be attained through a present contract or be procured by entering into a new contract.
- 1.8 All Officers of the Council are subject to and will comply with CPR and it is a disciplinary offence if an Officer fails to comply with CPR. All procurement activities carried out by or on behalf of the Council must proceed in accordance with CPR.
- 1.9 CPR will not apply to contracts of employment.
- 1.10 CPR will not apply to contracts relating to any interest in land (such as the purchase of land, sale or grant of a lease or licence) unless the transaction means that the Council will receive the benefit of tangible facilities or other tangible benefits (other than money) the value of which is over the EU Thresholds for Works (£4,104,394) Services or Supply (£164,176) and which might be considered to be subject to mandatory EU compliant tender requirements, in which case the CPRs will apply.

2 E TENDERING

- 2.1 All procurements exceeding £25,000 will be processed through the Council's selected e-tendering suite for the life of the contract.
- 2.2 Authorised Procurement Officers (APOs) will conduct a procurement online through the e-tendering suite. The procedure, which is substantially no different from a paper tendering exercise, consists of:
- i. Pre-registration by the applicants/proposed tenderers on the Council's system;
 - ii. Online Pre-Qualification (PQQ) assessments (above threshold only) and drawing up a select list of tenderers where relevant;
 - iii. Access to soft copies of all PQQ documentation (above threshold only);
 - iv. Online clarifications and messaging;
 - v. Availability of all tender documentation online;
 - vi. Electronic tender submissions, including the making of declarations;
 - vii. Online evaluation of tenders;
 - viii. Online E-Auction via an authorised hosted service where relevant;
 - ix. Online award of contracts;
 - x. Electronic storage of all tender material, final contracts and agreements, including changes to a contract during its life.
- 2.3 The Head of Procurement has the overview of all of the Council's procurement systems and processes including training and issuing instructions and directions on their use.
- 2.4 Whilst procurements will be conducted via the e-tendering suite the requirements of the CPR will still apply without exception or reservation.
- 2.5 Final contract agreements will still be entered into in hard format but, unless previously agreed by the Head of Procurement (or authorised deputy), the specification, pricing and other documents where appropriate and practical will be issued in "read only" disk or other soft format.
- 2.6 Copies of all tender and contract documents will be retained and stored on the e-tendering suite.

3 AUTHORITY AND DELEGATIONS

- 3.1 When there is a need to carry out a procurement, Officers must refer to the Council's Scheme of Delegation to ensure they have sufficient delegated authority to proceed with a procurement activity.
- 3.2 No procurement shall proceed unless a budget has been agreed by the relevant Director (or delegated officer) and expenditure has been fully considered. For the avoidance of doubt, no order will be placed or other commitment made (orally or in writing) unless the authority to spend is in place and there are sufficient funds to cover the commitment.

- 3.3 Where procurements are included in the Checkpoint pilot (CPR 8), the Checkpoint Panel will consider proposed procurements and awards prior to seeking a decision from the Executive, or the Chief Officer Scheme of Delegation where the value exceeds EU thresholds.

Authority to Procure

- 3.4 Subject to the rest of this CPR 3, authorisation to start a procurement on the Council's behalf is granted on the basis that:
- 3.4.1 Any and all proposed Works, Supply or Services are subject to CPR, regardless of value or complexity;
 - 3.4.2 Procurement will benefit and assist the Council in achieving its statutory duties and functions, and/or approved strategies, policies and service objectives;
 - 3.4.3 Full consideration has been given (and noted for audit purposes) to the use of any existing corporate and departmental contracts covering the Works, Supply and Services required but, following such assessment, these have been deemed unsuitable to meet the additional requirement imposed by the proposed contract; AND
 - 3.4.4 Full consideration has been given (and noted for audit purposes) to those in-house Services whose area of expertise covers the Works, Supply or Services required and, based on an outcomes-based value for money assessment, social value and other business efficiency review, it has been concluded that procurement is the most suitable option for the Council.
- 3.5 When seeking authority to procure a contract for Works, Supply or Services on the Council's behalf the APO must:
- 3.5.1 Obtain authority to proceed via the Checkpoint Procedure (see CPR 8) where a procurement is:
 - Above the EU Services and Supplies threshold
 - Of a value greater than £500,000 for Works
 - 3.5.2 Produce a robust, justifiable and sensible business case, which will be considered under the Checkpoint Procedure and must also be approved in accordance with the Council's Scheme of Delegation before a procurement activity commences.
 - 3.5.3 Where the Council has prescribed an approved business process, prior to obtaining such approval, this must be followed and contained in a written endorsement by the Chief Executive.
 - 3.5.4 Maintain the necessary audit trails to support the business justification and approval process.

Training

- 3.6 No Officer is permitted to authorise or undertake a procurement activity without first attending and successfully completing one or all, depending on the procurement, of the Council's recognised procurement training courses, "Passport to Procure" and demonstrating that they have the competence to conduct a procurement on the Council's behalf.
- 3.7 The Corporate Management Team (CMT) and Directors of Service will ensure that Officers who are authorised by them to conduct procurements have the necessary

skills and experience and are properly trained in the tasks they will be expected to carry out. For the purpose of being considered 'trained', Officers designated as 'Tender Managers' must have completed "Passport to Procure" training modules and, for all EU level tenders, must also have completed training relevant to the creation of specifications and methods of evaluation.

- 3.8 All Officers undertaking procurements over £25,000 or who will manage a contract must have completed "Passport to Procure" training. All contract managers must have also completed the Contract Management Training.
- 3.9 The Head of Procurement will have overall responsibility for Procurement Training and to approve exceptions and waivers of any requirements of this CPR 3.

4 ACCOUNTABILITY, ROLES AND RESPONSIBILITIES

- 4.1 An APO is accountable for all procurement activities authorised by him/her and carried out or conducted on his/her behalf and has a responsibility to comply with CPR and to follow and implement all requirements contained herein.
- 4.2 In line with the general management scheme of Delegation, responsibilities outlined in the Financial Regulations and subject to other council procedures:
 - 4.2.1 Directors can authorise procurements in their service area up to a total contract value of £100,000.
 - 4.2.2 A Director can authorised procurements within their service area with a value between £100,000 and £500,000 in consultation with the CMT Member where the contract will be executed. Pre-tender authority, as set out in the Checkpoint Procedure in CPR 8 will be followed first where included in the pilot.
 - 4.2.3 All proposed procurements where the contract value exceeds EU thresholds, and procurements for Works over £500,000 should go through the Checkpoint Procedure at pre-tender stage.
 - 4.2.4 All proposed procurements over £500,000 must be authorised by a Member of CMT.
 - 4.2.5 Irrespective of the value of the procurement, an APO must inform the Director, who will notify the Leader/Lead Member, where a proposed procurement may be controversial or require a 'key decision'.
- 4.3 Directors must ensure that Officers engaged in any procurement activity are familiar and compliant with CPR, Financial Regulations and the Council's Scheme of Delegation.
- 4.4 On becoming aware of a breach of CPR, an Officer must report this to their line manager and the Head of Procurement. Alternatively, the Officer may choose to follow the guidance contained in the Council's Whistle Blowing Policy.
- 4.5 In order to determine the level of resources required by the Head of Procurement, each APO will provide, for their service area, an Annual Forward Plan prior to the

commencement of the Financial Year. The plan will be agreed by the Head of Procurement no later than the end of January of the previous Financial Year.

5 CONFLICT OF INTEREST

- 5.1 Every Officer must maintain unimpeachable standards of integrity when engaged in a procurement (or any other) activity on the Council's behalf and comply with the anti-fraud and corruption policy.
- 5.2 In accordance with Section 117 of the Local Government Act 1972 all employees of the Council must make a written declaration if they or a family member have a personal or pecuniary interest which may impinge (or might reasonably be deemed by others to impinge) on a contract in which the Council also has an interest. Failure to disclose interests is an offence.
- 5.3 Where an Officer has reason to believe a connection exists between themselves and a participant in a procurement exercise they will inform their line manager and follow the procedure set out in the council's Declaration of Interest Policy and Explanatory Notes.

6 PROCUREMENT VALUES

- 6.1 The APO must produce an auditable estimate of anticipated costs in order to follow the correct procurement route specified in CPR 9. Where EU Public Procurement and national legislation apply, the APO must also ascertain the value of a contract in accordance with those requirements.
- 6.2 Unless otherwise specified, where a value or estimated value is given it must give the aggregate value payable in GBP, exclusive of VAT, over the entire contract period (or as set out in EU and national legislation) including any extensions stated in the contract and any reasonably anticipated level of variation during the life of the contract.
- 6.3 In accordance with EU procurement rules (as transposed into UK law by the Public Contracts Regulations 2015), contracts must not be artificially underestimated, overestimated or sub-divided into two or more separate contracts where the intention or effect is to avoid the application of CPR and/or EU and national legislation.
- 6.4 In the case of mixed contracts where a single contract covers more than one element of works, services or supplies, applicable regulations are determined by the 'main subject matter', based on which of the estimated values is the highest.
- 6.5 In the case of awarding a framework, the value shall be based on all contracts and call-offs over the framework term.
- 6.6 In the case of determining the value of a concession contract, reference should be made to The Concession Contracts Regulations 2016

7 EUROPEAN PROCUREMENT LEGISLATION

- 7.1 Every contract made by, or on behalf of, the Council must comply with the EU Treaty principles for the free movement of Supply, Services, Works and capital and the procurement rules of:
- i. Non-discrimination on grounds of nationality or locality;
 - ii. Transparency of award procedures and related decisions;
 - iii. Equal treatment of those wishing to be awarded a contract;
 - iv. Wider market interest;
 - v. Proportionality;
 - vi. Mutual recognition.
- 7.2 All procurements conducted by the Council together with awards and day to day management shall embody these principles and rules and comply with the Council's own procurement procedures as contained in CPR and the Scheme of Delegation.

Procurement Thresholds

- 7.3 European legislation sets out specific procedure which must be followed for procurements above certain values. Where the estimated value of a proposed contract intended to be let by the Council (or on its behalf) exceeds or is likely to exceed EU procurement, the contract must be procured in accordance with the EU Procurement Directive (2014/24/EU) as included in the Public Contracts Regulations 2015.
- 7.4 The thresholds are set out in Articles 4(a) to 4(d) of the Public Contracts Directive and apply from 1st January 2016 to 31st December 2017. Thresholds are net of VAT.

Type of contract	Threshold
Supplies	£164,176 (€209,000)
Services	£164,176 (€209,000)
Light Touch	£589,148 (€750,000)
Works	£4,104,394 (€5,225,000)
Concessions Services/ Works	£4,104,394 (€5,225,000)

- 7.5 The Head of Procurement will give written notice of future changes to the threshold figures.

8 CHECKPOINT PROCEDURE

- 8.1 The Checkpoint Procedure has now been adopted by London Borough of Havering for all procurements detailed in 8.2 of these procedure rules.
- 8.2 The Checkpoint procedure should be undertaken for Supply, Services, Concessions and Light Touch contracts over the £164176 threshold and for Works over £500,000.
- 8.3 The Checkpoint Procedure is an Officer-led procedure in three stages:
- i. Stage 1 – Conduct a review of the intended procurement prior to seeking authority from the CMT or, under Chief Officer delegated powers, to invite tenders.
 - ii. Stage 2 – Consider the results of the tender exercise prior to an award being made under the CMT'S executive powers, a specific delegation to an Officer of the Council or under the Chief Officer Scheme of Delegation.
 - iii. Stage 3 – Review the contract post-award, in particular the monitoring arrangements in place for the contract and their effectiveness in terms of quality and cost. It will take place between 6 and 12 month post-award, dependant on the risk, value and length of the contract.
- 8.4 The Head of Procurement or an Officer designated by the Head of Procurement will chair the Checkpoint Panel. The senior board of the Council will determine the Panel membership.
- 8.5 The Checkpoint Panel will consider activities at each Stage and will make recommendations to the senior board of the Council.
- 8.6 The Strategic Procurement Unit will clerk and record the Panel's activities and decisions.
- 8.7 The governance and overall procedures of the Checkpoint Procedure will be maintained by the Executive Director who has responsibility for the Strategic Procurement Unit. All records of proceeding will be kept by the Head of Procurement, in line with CPR 22.8-22.16.

9 PROCUREMENT ROUTES

- 9.1 Except as otherwise provided, contracts must be awarded following the relevant competitive processes set out in CPR.
- 9.2 In accordance with the Council's Financial Regulations, where a third party has agreed to carry out Works, Supply or perform Services, all such contractual arrangements, notwithstanding the terms and conditions to be used, must be in writing and confirmed by the issue of a purchase order via the i-procurement system.
- 9.3 All procurements which have an estimated value of £24,999 or less are subject to CPR for the purpose of seeking offers. These need not be formalised to the extent required by procurements of higher value but a purchase order must be placed via the i-procurement system (and/or other authorised method), with a sufficient

description of the Supply, Services or Works and clearly identifying the requirement, the price and terms of trading previously agreed with the Organisation.

- 9.4 All procurement with a financial value equal to or greater than £25,000 will be supported by the Strategic Procurement Unit (SPU) using the Council's preferred e-tendering suite.
- 9.5 For all procurement with a financial value including and exceeding £25,000 a Procurement Initiation Form must be completed.
- 9.6 All contracts of a value equal to or greater than £25,000 will be procured using documents agreed. Contracts awarded will be entered into under terms and conditions approved by the Director of Legal & Governance (or authorised deputy). All tender documents produced for a procurement will be compliant with procurement legislation and CPR, and be compatible with the strategies, policies and service objectives of the Council at any time in force and effect.
- 9.7 Changes to the approved terms and conditions must be agreed by the Director of Legal & Governance (or authorised deputy) in writing.
- 9.8 For a procurement valued between £25,000 and £99,999.99 inclusive, an Officer is required to obtain at least 3 comparable written quotations using the e-tendering suite Request for Quotation procedure.
- 9.9 Unless stated elsewhere in CPR or for reasons of extreme urgency, each procurement with an estimated value of £100,000 or above must be subject to a formal tender exercise in conjunction with SPU.
- 9.10 Where a contract award opportunity is advertised, SPU shall publish information about the opportunity on Contracts Finder, regardless of what other means it uses to advertise the opportunity.

E-auctions

- 9.11 The Head of Procurement will advise on which procurements should be conducted using an E-auction whilst assessing if the agreed exemptions apply.
- 9.12 E-Auctions will be used where the reverse auction can commercially influence market prices and has the potential to greatly reduce the purchase price for the Council or increase the service level for the same cost. Conducting a reverse E-auction will help deliver cashable cost reductions without reducing quality and service levels. All procurements over £75,000 for services and supply of goods, and £500,000 for works will be considered for E-auction unless the following exemptions apply:
 - i. Market Intelligence: Where there is clear market intelligence that bidders will not or are unlikely to engage/participate in an E-auction and it is highly likely a sufficient number of quality bids may not be received to demonstrate an acceptable level of competition.

- ii. Past Experience: Where an identical style E-auction has been conducted in the past for a particular sector or service and the experience was unsatisfactory, alternative mechanisms to secure value will be considered.

9.13 Any exemptions require the approval of the Head of Procurement.

Small & Medium Sized Enterprises/Local Companies

9.14 Tendering opportunities thought especially suitable for Small and Medium-sized Enterprises (SMEs), Local companies or consortia of both should be flagged by staff during the advertising process. SMEs and local companies are more likely to be used for quotations and these should be sought where possible through the e tendering portal via the SPU.

10 PRE-QUALIFICATION

10.1 For procurement with a contract value below the Supplies and Services EU Threshold, the APO must not use a set of questions set out as a separate questionnaire (known as a 'Pre-Qualification Questionnaire (PQQ)'), a separate pre-qualification stage or any other pre-tender selection process to pre-qualify or assess the suitability of economic operators to perform the contract, with the purpose of reducing the number of economic operators to a smaller number to be invited to tender at a later stage of the procurement process.

10.2 For procurements with a contract value equal to or above the Supplies and Services EU Threshold, a separate pre-qualification stage or qualitative assessment stage is permitted. The Council may continue to use the industry-standard PAS91 for public contracts for Works.

10.3 Where the estimated contract value is above the Supplies and Services EU Threshold and the contract is subject to a Restricted, Competitive Procedure with Negotiation, Competitive Dialogue, Innovation Partnership, a Negotiated procedure without prior tender process, or for the purposes of establishing an approved list of contractors, a Dynamic Purchasing System (where not using a Framework) shall be used as the Council's pre-qualification process to draw up the select list of tenderers.

Number of Candidates

10.4 In restricted procedures, competitive procedures with negotiation, competitive dialogue procedures and innovation partnerships, the Council may limit the number of candidates meeting the selection criteria that they will invite to tender or to conduct a dialogue, providing the minimum number of qualified candidates is available.

10.5 The contracting authority shall indicate, in the contract notice or in the invitation to confirm interest, the objective and non-discriminatory criteria they intend to apply, the minimum number of candidates they intend to invite and, where appropriate, the maximum number.

- 10.6 For procurements with an estimated value between £100,000 and the EU threshold, and for restricted procedure procurements with an estimated value above the EU threshold, the minimum number of organisations who may be invited to tender is five.
- 10.7 For contracts with an estimated value above the EU threshold and following the competitive procedure with negotiation, the competitive dialogue procedure and the innovation partnership the minimum number of organisations who may be invited to tender is three.
- 10.8 In any event the number of candidates invited shall be sufficient to ensure genuine competition. Where pre-qualification results in fewer than the minimum permitted number of organisations being suitable for pre-selection, the procurement may only proceed to tender if the Head of Procurement is satisfied that there are still sufficient tenderers for genuine competition, and the reasons for continuing are recorded.

11 PRE-TENDER REPORT

- 11.1 All contracts with a value of more than the EU Threshold for Supplies and Services and less than £500,000 must be reported to the appropriate Head of Service, and over £500,000 to the Member of CMT for approval to commence the tendering process. The report must set out:
- i. the likely total cost and budget provision;
 - ii. the appropriate European procurement route;
 - iii. the proposed tendering strategy and timetable;
 - iv. the project team;
 - v. a summary of best value issues and any service improvement requirements;
 - vi. application of TUPE;
 - vii. project risk assessment.
- 11.2 Contracts within the terms of reference of the Pension Committee may be dealt with by that Committee.
- 11.3 Where a contract award for services may result in Council or contractor staff being affected – for example, by possible redundancy, relocation or transfer to the successful tenderer – the advice of the Director of Exchequer & Transactional Services (re pensions), Director of Human Resources/Organisational Development and the Director of Legal & Governance must be obtained before commencement of the tender process. Details must be included in the pre-tender report to the Head of Service or to CMT.

12 TENDER PROCESS

- 12.1 All tender processes shall be conducted in accordance with the requirements of CPR, the Financial Procedure Rules, European procurement rules (if applicable), and the Procurement Strategy.

- 12.2 Where dictated by EU law, tenders must be advertised via the Official Journal of the European Union (OJEU) electronically. This will be done by the SPU on the Council's behalf.
- 12.3 The Invitation to Tender (ITT) for all contracts over £100,000 shall include the following information:
- i. a description of the services, supplies or works sought;
 - ii. the procurement timetable;
 - iii. rules for submitting tenders;
 - iv. pricing mechanism;
 - v. the relevant terms and conditions of contract;
 - vi. the evaluation criteria including weightings;
 - vii. the Council's view on the applicability of TUPE;
 - viii. Any other information necessary to prepare tenders.

Award

- 12.4 The tender or quotation accepted shall be the one which represents the most economically advantageous tender for the Council overall, taking account of whole-life cost, quality of service, risk to the Council and other benefits, as set out in the evaluation criteria chosen for the tender and as described in the Procurement Strategy.
- 12.5 For all contracts above the EU Thresholds all tenderers must be notified of:
- i. The evaluation criteria;
 - ii. Their score using the criteria;
 - iii. The winning score;
 - iv. An explanation as to why the winning tender scored more highly than the tenderer's;
 - v. The identity of the winner of the contract.
- 12.6 For all other contracts with a value in excess of £100,000 all bidders must be notified of:
- i. Their score in the evaluation;
 - ii. The winning score.

In-house Award

- 12.7 An award may be made to an in-house team after competition, provided that:
- i. the in-house team has been evaluated as the most economically advantageous tender in accordance with the requirements set out in the Procurement Strategy;
 - ii. the person making the award can demonstrate that the in-house team represents the best value in terms of quality and price.

Early Authorisation

- 12.8 In the event that there is a need for a contract to commence prior to the completion of the formal contract documentation then a Member of CMT after consultation with the Director of Legal & Governance may authorise the issuing of an Early Authorisation Approval to the contractor.
- 12.9 The Early Authorisation Approval shall include the following information:

- i. Work to be undertaken;
- ii. Terms & conditions (this can be by reference to other documents);
- iii. Subject to completion of formal contract.

13 CONSTRUCTIONLINE

- 13.1 Constructionline provides a list of Works suppliers for contracts below EU threshold. APOs will, in all instances and subject to CPR 3.1 to 3.5, draw up their select tender list from Organisations who have been included on Constructionline.
- 13.2 For procurements valued between £100,000 and £499,999 a minimum of five organisations will be selected and invited to tender.
- 13.3 For procurements valued over £500,000 up the EU threshold a minimum of seven organisations will be selected and invited to tender.
- 13.4 Where pre-qualification results in fewer than the minimum permitted number of organisations being suitable for pre-selection, the procurement may only proceed in accordance with CPR 10.8. Where Constructionline does not have sufficient suppliers to form a select list of tenders the Head of Procurement will issue instructions on how to proceed.
- 13.5 Where a tenderer has advised the Council or been involved in the preparation of a procurement procedure the APO must take appropriate measures to ensure that competition is not distorted by the participation of that tenderer. Such measures shall include the communication to the other tenderers of relevant information exchanged in the context of or resulting from the involvement of the tenderer in the preparation of the procurement procedure and the fixing of adequate time limits for the receipt of tenders. The tenderer concerned shall only be excluded from the procedure where there are no other means to ensure compliance with the duty to treat economic operators equally.
- 13.6 Subject to CPR 10.4, where the voluntary withdrawal of a tenderer originally invited to submit a tender is communicated to the APO within a reasonable time period and this represents a risk to genuine competition, the APO may substitute another tenderer who had participated in the pre-selection process but had not been placed on the Selection List prior to the ITT being issued.
- 13.7 The inclusion of a substitute tenderer will always be subject to it not diminishing the quality and standards set for the procurement and that the substitute scored the highest total of the organisations who met the minimum selection criteria but were not selected to tender.

14 WAIVERS

- 14.1 No exception to these Rules shall be permitted except upon approval by an individual Cabinet member using an Executive Decision or by some other provision in this Rule. The report shall set out the background, the rule being waived, the

reasons the waiver is required, how value for money will be demonstrated, any legal or financial risks or implications and shall be approved by the Director of Legal & Governance and the Chief Executive.

- 14.2 Authority to waive any provision contained in CPR will only be permissible if it does not infringe EU or National legislation and is subject to the Council's Scheme of Delegation.

Exceptions to competitive requirements

- 14.3 Exceptions to the competition requirements may be made only if all relevant law is complied with and one of the following circumstances applies:

- i. the contract falls within one of the exceptions listed in this Rule; AND
 - a. the Competition Financial Thresholds Exceptions, is fully and properly completed and signed by the relevant Member of CMT; AND
 - b. the person awarding the contract can demonstrate that the contract represents the best value that can be obtained in the circumstances.
- ii. an individual Cabinet member has approved the waiving of the application of these rules, as permitted by Rule (a) above;
- iii. the contract is solely for the employment of Temporary Agency Workers or interim managers (but not consultants);
- iv. joint purchasing with or through another public body provided that the public body awarding the contract can demonstrate that the arrangements comply with European procurement, best value and other applicable legislation.
- v. the instructing of counsel by the Director of Legal & Governance;
- vi. they are allowed by some other specific provision in these Rules.

- 14.4 The exceptions are:

14.6.1 *Genuine emergency* - unforeseen events likely to cause immediate danger to people or property such as bombing or flooding;

14.6.2 *Specialist services/supplies* - available only from one supplier in the European Union – for example, specialist niche consultants or supplies;

14.6.3 *For reasons of compatibility* - with existing services/products – for example, equipment that needs parts from its own manufacturer;

14.6.4 *Urgency NOT of the Council's own making* - the urgency must be unforeseen, for example, a current supplier ceases to operate, or a contract is terminated for poor performance. Urgency caused by previous delay by the Council or a requirement to implement a strategy or project urgently will not justify an exception under this exception;

14.6.5 *Exceptions permitted under European procurement rules* - where the contract is subject to the full application of the European procurement rules and there are specific exceptions which shall be complied with;

14.6.6 *Best Interests of the Council* - where it is in the best interests of the Council or the Borough for a provision in these Rules to be waived to enable a contract procurement to be rapidly progressed while still complying with European procurement rules.

Emergency Action

- 14.5 A Member of CMT personally may authorise a waiver of any of these Rules if they consider that the circumstances are such that such a waiver is necessary and

desirable to further the aims of the Council or for the benefit of the residents of the borough. Such a waiver and the reasons for it shall be fully documented and, if reasonably possible, before giving the authorisation the Member of CMT shall consult with the Chief Executive and Director of Legal & Governance and may consult with the relevant Cabinet Member.

15 PUBLIC SERVICES (SOCIAL VALUE) ACT 2012

- 15.1 The Council has a statutory requirement for above EU Threshold Services procurements to have regard to how a procurement may improve the economic, social and environmental conditions.
- 15.2 For those procurements included in the Checkpoint process consideration will be given in the pre-procurement phase (Checkpoint Stage 1) to the requirements of the Act, however the Council only need consider things which are relevant to what is being procured and proportionate to the circumstances of the matters which are taken into account. The Panel will advise the Head of Procurement at the earliest opportunity of the impact of any of the provisions of the Act on a proposed procurement of Services.
- 15.3 Consideration should be given to the Services being procured on whether it is appropriate to undertake a consultation.
- 15.4 Procurements are exempt under the Act where:
- i. it is impractical or financially not viable;
 - ii. for reasons of real emergency;
 - iii. urgent contractor replacement.

16 POST-TENDER REPORTS

Pre-award report

- 16.1 Contracts with a value between the EU threshold for Supplies and Services and £500,000, except for those subject to CPR 16.3, must be reported to the appropriate Head of Service for approval and award.
- 16.2 Contracts with a value between £500,000 and £5,000,000, except for those subject to CPR 16.3, must be reported to a Member of CMT for approval and award.
- 16.3 Works contracts in respect of the Council's buildings and assets where the total contract value is between the EU threshold for Supplies and Services and the EU threshold for Works are awarded by Heads of Service.
- 16.4 Contracts with a value of more than £5,000,000 and up to £10,000,000 must be reported to an individual Cabinet Member for approval and award.
- 16.5 Contracts with a value of more than £10,000,000 must be reported to the Leader or Cabinet for approval and award of contract, depending upon the powers delegated.

16.6 The report shall set out the details of all stages of the evaluation process and criteria, risk assessment and risk allocation, the results, and a recommendation as to the proposed award of the contract.

Post-award notification

16.7 An EU notice must be placed if the contract was subject to EU advertising requirement.

16.8 All contracts with a value equal to or more than £25,000 must be entered on Contracts Finder.

17 EXECUTION OF CONTRACTS

Contracts over £150,000 to be sealed

17.1 Contracts with a total value of more than £150,000 will be executed under seal in accordance with Article 10.04 of the Constitution unless the Director of Legal & Governance approves otherwise. The Legal Document Execution Form must be duly completed by or on behalf of the relevant Director or more senior staff prior to the contract being submitted for sealing.

Contracts under £150,000

17.2 Unless the Director of Legal & Governance approves otherwise, contracts with a total value of less than £150,000 will be executed by the signature of the duly authorised Head of Service or more senior staff as appropriate, in accordance with the functions delegated to staff under the Council's Scheme of Delegation.

17.3 Contracts with a total value of less than £150,000 may be executed under seal where the Director or Member of CMT and the Director of Legal & Governance deems this appropriate; for example, where the Council may wish to enforce the contract for more than six years after its end.

Care Contracts

17.4 Contracts for the provision of personal social services to an individual (eg residential care) and educational placements may be signed by the relevant approved officer (as formally designated by the Director or more senior staff and lodged with the Director of Legal & Governance) provided that the annual value of the contract does not exceed £200,000. If it will exceed £200,000 then the contract must be signed by the Director of Legal & Governance.

Consultancy and Specialists Contracts

17.5 All requirements for consultancy or professional services should be sourced via the approved framework (currently NEPRO) and procured in accordance with that policy. In general, external resource may only be used when absolutely necessary and where a business case has been approved by the relevant Director of Service and the Head of Procurement.

18 CONTRACT AWARD

- 18.1 All persons awarding contracts for services shall ensure that they can demonstrate that they have complied with the legislative requirements for best value. The contract award report shall set out:
- i. how the legal duty to challenge, consult, compare and compete has been met;
 - ii. how the contract award will meet the Council's statutory duty of economy, efficiency and effectiveness (i.e. best value);
 - iii. how continuous improvements in service provision will be maintained and monitored and ongoing efficiencies will be achieved.
- 18.2 The award of the contract shall be based on the most economically advantageous tender assessed from the point of view of the contracting authority.
- 18.3 The most economically advantageous tender shall be identified on the basis of the price or cost, using a cost-effectiveness approach, such as life-cycle costing and may include the best price-quality ratio, which shall be assessed on the basis of criteria, such as qualitative, environmental and/or social aspects, linked to the subject-matter of the public contract in question.
- 18.4 Tenders will be evaluated against pre-determined best price-quality ratio of 70% cost and 30% quality weighting.
- 18.5 A contract can only be awarded other than on 70% cost and 30% quality, if one the following exemptions apply:
- i. **FRAMEWORK:** Where it is considered that the best procurement route is through an existing framework agreement and that does not allow tender evaluation on a 70/30 basis
 - ii. **RINGFENCED GRANT:** Where the procurement will be funded from a specific ring fenced grant where any under spend would be lost to the Council and a higher quality threshold would enable the grant to be fully spent i.e. where the Council can afford to purchase higher quality
 - iii. **INNOVATION:** Where a service is a completely new type to the market and model of delivery not seen elsewhere in the UK (e.g. the recent procurement of the Troubled Families Initiative)
 - iv. **PROFESSIONAL ADVICE:** Procuring high level specialist advice.

Non-commercial Considerations

- 18.6 Subject to CPR 18.7, no part of the tender process, evaluation, contract award or contract or specification documents shall be based on:
- i. the terms and conditions and composition of the contractor's workforce
 - ii. whether subcontractors are self-employed
 - iii. the contractor's involvement in irrelevant areas of government policy
 - iv. the contractor or contractor's employees' involvement in industrial disputes
 - v. the contractor's business locations – for example, to buy local or buy British
 - vi. any political, industrial or sectarian links or interest of the contractors, its directors or owners, or employees
 - vii. the contractor's financial support (or lack of it) to any organisation which the Council does or does not support.

- 18.7 Contracts for services which are subject to best value legislation may base any part of the tender process, evaluation, contract award or contract or specification documents on the:
- i. terms and conditions and composition of the contractor's workforce; AND/OR
 - ii. conduct of contractors or their workers in industrial disputes between them; provided that such matters are included either because:
 - i. TUPE applies; OR
 - ii. it is reasonably necessary or expedient to permit or facilitate compliance with the best value requirements of the Local Government Act 1999.
- 18.8 For all contracts subject to EU Procurement legislation, all tenderers must be notified of:
- i. The evaluation criteria
 - ii. Their score using the criteria
 - iii. The winning score
 - iv. An explanation why the winning tender scored more highly than the tenderer's
 - v. The identity of the winner of the contract
- 18.9 For all other contracts with a value in excess of £100,000 all bidders must be notified of:
- i. Their score in the evaluation
 - ii. The winning score

19 VARIATIONS, EXTENSIONS AND MODIFICATIONS OF CONTRACTS

- 19.1 Subject to the authority given under the Council's Scheme of Delegation and CPRs 3 and 4, an officer who has responsibility for the day to day management and performance of an awarded contract may (subject to having the authority to do so) approve a variation or modification by way of additional works, services or supplies by the original contractor that have become necessary and were not included in the original procurement provided that one of the following applies:
- i. The modifications have been provided for in the initial procurement documentation
 - ii. A change in contractor cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, or, would cause significant inconvenience or substantial duplication of costs for the Council provided that an increase in price does not exceed 50% of the value of the original contract
 - iii. Where the need for modification has been brought about by circumstances which the Council could not have foreseen, the modification does not alter the overall nature of the contract, any increase does not exceed 50% of the value of the original contract or framework agreement
 - iv. Where a new contractor replaces the one to which the Council had initially awarded the contract as a consequence of universal or partial succession into the position of the initial contractor.

- 19.2 For a variation (or variations) which is near to or exceeds an Executive Director's financial limits as set out in the Chief Officer Scheme of Delegation or a specific delegation of the Executive a report should be prepared initially for Checkpoint with an intention to submit the same to a member of CMT.
- 19.3 A modification is permitted where it is below the relevant EU threshold and is less than 10% of the initial contract value for service and supply contracts, or 50% of the initial contract value for works contracts, and provided that the modification does not alter the overall nature of the contract or framework agreement.
- 19.4 An extension to a contract may be made by a chief officer under the Scheme of Delegation provided that it was contemplated at the time the contract was awarded. For an award following an OJEU-compliant procurement, an extension may be approved if the published notice permitted the contract to continue past the defined period, the extension period does not exceed 50% of the awarded contract value, it will not mean that EU Threshold limits are exceeded by more than 50% and performance by the contractor has been satisfactory.
- 19.5 The extension document will be completed in the same manner as the original contract, except in the case of construction contracts where the extension will be authorised in accordance with the relevant provisions set out in the contract.
- 19.6 If an officer is uncertain whether a variation or extension of the contract period is permitted under this CPR 19, the Strategic Procurement Unit must be contacted to advise.
- 19.7 No variation, extension or modification of a contract period may be made unless there is adequate budgetary provision.
- 19.8 The reasons and authority to vary, modify or extend a contract shall be recorded in writing and loaded onto the Council's preferred e-tendering suite.
- 19.9 For an extension with a value between the EU Threshold for Supplies and Services and £5,000,000, approval of a member of CMT is required. For an extension with a value greater than £5,000,000 Lead Member approval is required.
- 19.10 The following are excluded from CPR and from competition:
- 19.11 Residential placements of adults sought for an individual with a registered care provider of their choice under the Personalisation Agenda of the Care Act 2014;
- 19.12 Contracts that agree a tariff price for a service where the Council has no control over the service from which an individual chooses to receive their care e.g. a contract that is paid on activity levels only in a retrospective manner;
- 19.13 In relation to 19.11 and 19.12 above, the Head of Service must ensure that adequate records are maintained to demonstrate:
- i. The provider meets the relevant national minimum standards

- ii. Appropriate mechanisms for price review are in place
- iii. The reasons for the choice of provider
- iv. Why these were the best possible terms for the Council in the circumstances.

20 CORPORATE AND FRAMEWORK AGREEMENTS

- 20.1 Members of CMT, with the agreement of the Deputy Chief Executive, Communities & Resources and the Director of Legal & Governance may set up corporate and/or framework contracts for goods services, supplies or works across the Council and other public sector bodies. These shall be advertised and competitively tendered in accordance with the Council's competition and selection procedures set out in these rules and the Procurement Framework.
- 20.2 Where an appropriate corporate contract is in place this shall be used wherever appropriate. The Member of CMT responsible for the corporate contract shall issue guidance as to its use, after consultation with the Director of Legal & Governance and the SPU.
- 20.3 Any corporate/framework contracts shall be reviewed regularly by the SPU and shall be re-tendered at least once every four years.
- 20.4 Where a framework agreement is operational, all subsequent purchases under the framework shall either not require further competition (if a single supplier) or, if there are two or more suppliers for those goods or services on the framework, follow the express framework provisions for choosing a supplier. If there are no such express provisions a mini-competition should be held amongst the relevant suppliers.
- 20.5 If the Council is setting up the framework, the framework agreement shall be let in accordance with the requirements of the CPR.

21 CONTRACT MANAGEMENT AND REVIEW

- 21.1 The APO shall ensure that there are adequate provisions in a tender and subsequently awarded contract to manage the performance of the contractor during the period of the contract, that all performance targets relevant to the contract are measurable and that there is a robust structure for ensuring compliance.
- 21.2 Wherever possible national performance indicators shall be reinforced by local targets as set out in the Council's specification and/or published policies, aims or targets; for example in its Corporate Plan, Sustainable Community Strategy, and Equality and Diversity policies and other corporate or local initiatives.
- 21.3 The APO shall ensure that there are regular meetings with the contractor.
- 21.4 For contracts of more than 12 months duration the contract shall be reviewed at least annually. Where the results of the review establish that performance targets are not being met or there is a high level of dissatisfaction (which should be documented and advised to the contractor at the earliest opportunity), appropriate

measures will be taken to rectify any failure. Where there is a serious problem with the performance of the contractor and enforcement through the terms and conditions of the contract has been exhausted and has not resulted in an acceptable improvement, termination of the contract should be considered. Where the contractor is performing well, due recognition should be given wherever possible.

- 21.5 For contracts with a period of less than 12 months duration, and at the end of a longer term contract, a performance review should be conducted and the finding acted upon for a future procurement for the same or similar Works, Services or Supply. Due recognition should be given for good performance.
- 21.6 All performance reports or contract reviews will be kept on the council's preferred e-tendering suite by the Contract Manager and made available on request to the Managing Director.
- 21.7 For all contracts that have been through the Checkpoint Procedure, a completed Stage 3 report will be required as part of a contract review. This is the contract manager's responsibility and must be completed within 12 months of contract award.

22 DOCUMENTATION

- 22.1 All documents prepared for a procurement exercise will be, as far as possible, unambiguous and transparent in their intentions, compliant with regulatory requirements and the Council's aims and objectives and shall take account of the Council's strategies, policies and service objectives.
- 22.2 All tenders shall include clear instructions to tenderers on the process that is intended to be used including award criteria and weighting, together with the specification pricing schedule (or other descriptive document), conditions of contract, e-Auction procedure and award process and all other documents relevant to the Works, Services or Supplies that are being procured.

Contracts

- 22.3 All contracts with a value over £100,000 shall be on the Council approved standard terms and conditions for that type of contracts unless:
- i. the contract is let under an existing framework agreement which specifies the terms and conditions under which an individual contract can be let;
 - ii. the Council's standard terms and conditions are not appropriate for the particular contract;
 - iii. the Director of Legal & Governance approves otherwise.
- 22.4 All Council contracts where the Council approved standard terms and conditions are not appropriate must be awarded on the basis of a written specification of the Council's requirements on contract terms and conditions approved by the Director of Legal & Governance in advance.
- 22.5 All contract specifications shall include reference to appropriate domestic or European standards and legislation where appropriate.

- 22.6 Contracts above £100,000 shall include details of:
- i. what is to be provided (description, quality and quantity where relevant) and when;
 - ii. payment provisions (amount and timing); and
 - iii. the Council's standard conditions relating to the following:
 - a. the time scale within which the contract is to be performed;
 - b. the contract review period;
 - c. no sub-contracting or assignment without prior consent;
 - d. sub-contractors to be appointed in accordance with these rules;
 - e. sub-contractors to be paid within 30 days;
 - f. the Council's insurance requirements;
 - g. the Council's health and safety requirements;
 - h. the Council's data protection and Freedom of Information requirements;
 - i. the Council's equalities requirements;
 - j. a right of access to relevant documentation, data and records of the contractor for monitoring and audit purposes;
 - k. a right of termination for the Council;
 - l. a requirement at the discretion of the Council for security for performance – for example, a bond, guarantee or retention sum;
 - m. quality assurance requirements and consequences;
 - n. implementation;
 - o. performance monitoring requirements;
 - p. best value requirements;
 - q. the Council's standard prevention of corruption clause;
 - r. TUPE requirements.
- 22.7 All Council contracts for construction works with a total value of more than £100,000 shall be awarded on the basis of a written specification of the Council's requirements and the current conditions of:
- i. the relevant standard form of Joint Contracts Tribunal (JCT); OR
 - ii. the standard form of Institute of Civil Engineering (ICE) ; OR
 - iii. the standard form of Project Partnering Contracts (PPC) 2000; OR
 - iv. the relevant form of New Engineering Contracts (NEC); OR
 - v. the relevant framework agreement;
- whichever is appropriate or another standard form of contract approved by the Director of Legal & Governance.

Retention of documents

- 22.8 The Members of CMT shall be responsible for ensuring that there is a secure system of filing and storing all tender process documentation.
- 22.9 An APO is required to keep written records of all contracts and the tender processes, including minutes/notes of the tender evaluation panel and other supporting documentation used throughout the procurement process. These will be retained on the Council's preferred e-tendering suite.

- 22.10 Once executed the Council shall retain one original copy of the complete contract documents and one copy of the complete contract documents shall be provided to the contractor. This includes the:
- i. contract conditions;
 - ii. specification;
 - iii. evaluation criteria;
 - iv. invitation to tender;
 - v. pricing schedule;
 - vi. contractor's tender submission;
 - vii. pre-tender correspondence which affects the specification, pricing schedule or contract conditions;
 - viii. post tender correspondence;
 - ix. award letter; and
 - x. documentation of all variations and extensions of the contract.
- 22.11 Where the contract is under seal, one original copy of the contract documents shall be sent to/retained by the Director of Legal & Governance for storage in the Council's deeds room and one copy shall be retained by the person awarding the contract, as well as one copy being provided to the contractor.
- 22.12 All documents of sealed contracts and contracts with a value over £150,000 shall be retained by the Director of Legal & Governance in the Council's deeds room for twelve years from the date the contract has ended.
- 22.13 Contracts not under seal shall be retained for six years from the date the contract has ended..
- 22.14 Unsuccessful quotations and tenders and financial correspondence shall be retained for four years from the contract was awarded.
- 22.15 Service Level Agreements shall be retained for one year after the end of the agreement or the date on which it was superseded.
- 22.16 Where an exception to the Competition Financial Thresholds applies, the following documents shall also be retained:
- i. the Competition Financial Thresholds Exceptions Approval Form signed by a Member of CMT;
 - ii. the contract and correspondence with the contractor;
 - iii. any evidence of how value for money was obtained – for example, alternative written or oral quotes.

23 COLBORATIVE, JOINT COMMERCIAL ENTERPRISES AND PUBLIC SECTOR SPIN OUTS

- 23.1 Where consideration is being given to collaborative working, whether loosely or by establishing a Special Purpose Vehicle/Economic Entity, the Head of Procurement will be informed at the earliest opportunity and a Checkpoint Stage 1 Report will be

prepared to consider any procurement implications and to make recommendations to the Checkpoint Panel.

- 23.2 Where consideration is being given to collaborative working with another local authority (or authorities) and/or public bodies, the Head of Procurement will be informed at the earliest opportunity to determine the legal, governance and procurement implications before proceeding.
- 23.3 Where consideration is being given to establishing an existing in-house service as an economic entity outside of the Council (a public sector spin out) with a primary focus either on providing Services to the authority or offering Services generally, the Directors of Legal & Governance and Finance and the Head of Procurement will be informed at the earliest opportunity to determine the legal, governance, commercial viability and procurement implications before seeking approval from the Executive.
- 23.4 The Officers identified in this CPR 23 will be informed in the same way for any similar types of enterprise before seeking approval of the Executive.
- 23.5 For the vehicles identified in this CPR 23 which involve the making of payments to whatever is created, State Aid implications will be considered.

24 BONDS AND GUARANTEES

- 24.1 A Performance Guarantee Bond and/or Parent Company Guarantee may be required as part of the award of a contract. The final decision to take security will lie with the APO and the form of security to be taken and its terms for reimbursement in the event of default will be determined by the Director of Legal & Governance (or authorised deputy) and the Head of Procurement, with account being taken of market trends.
- 24.2 The APO for a contract with a value between £100,000 and £500,000 will consider whether there is a need to take security against the contractor's performance at Checkpoint Stage 1, taking account of the risks associated with the subject matter of the contract. Where, after an assessment, the risk is judged as low, a bond and/or guarantee need not be taken. Where the risk is judged as medium the Head of Procurement will be consulted as to whether it is desirable to take security. Where the risk is judged as high a bond should be considered.
- 24.3 Where the contract value is above £500,000 the APO shall consult the Head of Procurement whether a bond and/or guarantee should be taken where the risk is judged as low or medium. Where the risk is judged as high a bond should be considered.
- 24.4 Where a tenderer indicates it has a holding/parent company, consideration should be given to obtaining a Parent Company Guarantee regardless of the risks associated with the procurement.

- 24.5 All tender documentation for contracts over £100,000 shall make reference to the provisions of this CPR 24 for taking of security, if required. Where a specification or pricing document includes the taking of security, the drafting should reflect the wording of this CPR 24, and indicative rates be requested subject to the Council decision to require a bond. Where a bond is not thought necessary, premium value will be deducted from the contract sum. Where no sum is identified the amount shall be determined by reference to markets at the time of the procurement.

25 GRANT FUNDED EXPENDITURE

- 25.1 Where the council receives Grant Funding and is named as the accountable body for the expenditure of monies, and where the terms of the grant permits the council to directly carry out Works, or buy Services or Supplies, any procurement will be conducted in line with CPR.
- 25.2 Where the funding received exceeds £500,000 a report will be presented to the CMT for approval to enter into the Grant Agreement (or other funding arrangement) and to record the availability of funding subject to the terms of the grant.
- 25.3 For grants under £500,000 approval will be in accordance with the Scheme of Delegation. Account will be taken in contracts let, in whole or in part, as a result of grant funding, of the terms and conditions and accountability of the Council, and will also have provision to terminate an awarded contract in the event of the grant funding ceasing, in whole or in part.
- 25.4 Where the funding is for use by a third party the obligation to account for the funding contained in the grant terms will be included in the agreement with the third party. Further, the terms of making the grant shall include a clause to competitively tender for Services, Supplies or Works and reflect the Council's strategies, policies and objectives in so much as they apply to, or are compatible with, the funding objectives as set out in the grant terms imposed on the Council and CPR.
- 25.5 Where the Council is making a grant from its own resources the terms as set out in CPR 25.1 will apply, save that accountability conditions will be set by the Council.
- 25.6 Where grant funding is for the employment of staff under a contract of employment (rather than as a consultant or contractor), procurement will not apply and an exemption will be recorded.

26 STATE AID

- 26.1 A grant, or other funding made to a third party (including that to a Direct Service Organisation), either by the Council or from another source, which may be considered as a subsidy will need to be reviewed against the EU "State Aid" rules. To establish whether a grant, or other contribution, (financial or in kind) affects the procurement or other transaction being considered by the Council. Where a third party who is in receipt of a grant, or other contribution, from the Council is included on a select list of tenderers the extent of its value in terms of affecting the Council's

obligations the EU Treaty principles of Equal Treatment, Transparency, Non Discrimination, Proportionality and Mutual Recognition should be considered to establish whether there is any risk of infringement of the “State Aid” Rules.

- 26.2 European “State Aid” may apply where:
- i. It is granted by a Member State or through State resources;
 - ii. It favours certain undertakings or the production of certain Supply;
 - iii. It could distort or threaten to distort competition;
 - iv. It could affect trade between EU Member States.
- 26.3 The Rules themselves have permitted exemptions which may mean the grant or, other contribution would not raise a risk infringement but if all four of the above apply advice should be obtained from the Director of Legal & Governance and any procurement activity should be suspended.
- 26.4 Where State Aid is considered the outcome of any assessment will be recorded and retained with the tender/contract documents.

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7 ANNEX 1: PROCURING SUPPLIES, SERVICES AND WORKS

Value	Process	e-Tendering Suite	Advertise	Checkpoint Stage 01*	Pre-tender Report	Checkpoint Stage 02*	Award Report	Checkpoint Stage 03*
Goods / Services								
£0 - £4,999	One quote	No	No	No	No	No	No	No
£5,000 - £24,999	Two quotes	No	No	No	No	No	No	No
£25,000 - £99,999.99	3 Quotes/Tender if advertised	Yes	No	No	No	No	No	No
£100,000 - EU ¹	Tender	Yes	No	No	No	No	No	No
EU ¹ - £499,999.99	Tender	Yes	Yes	Yes	Head of Service	Yes	Member of CMT	Subject to Panel
£500,000 - £999,999.99	Tender	Yes	Yes	Yes	Member of CMT	Yes	Member of CMT	Subject to Panel
£5M - £10M	Tender	Yes	Yes	Yes	Member of CMT	Yes	Lead Member	Yes
£10M +	Tender	Yes	Yes	Yes	Member of CMT	Yes	Cabinet or Leader	Yes
Works								
£0 - £4,999.99	One quote	No	No	No	No	No	No	No
£5,000 - £24,999	Two quotes	No	No	No	No	No	No	No
£25,000 - £99,999.99	3 Quotes/Tender if advertised	Yes	No	No	No	No	No	No

¹ EU Threshold for Supplies and Services

£100,000 - EU ¹	Constructionline tender – 5 minimum	Yes	No	No	No	No	No	No
EU ¹ - £499,999.99	Constructionline tender – 5 minimum	Yes	No	No	Head of Service	Yes	Member of CMT	Subject to Panel
£500,000 - EU ²	Constructionline tender – 7 minimum	Yes	No	Yes	Member of CMT	Yes	Member of CMT	Subject to Panel
EU ² - £4,999,999	Tender	Yes	Yes	Yes	Member of CMT	Yes	Member of CMT	Yes
£5M - £10M	Tender	Yes	Yes	Yes	Member of CMT	Yes	Lead Member	Yes
£10M +	Tender	Yes	Yes	Yes	Member of CMT	Yes	Cabinet or Leader	Yes

¹ EU Threshold for Supplies and Services

² EU Threshold for Works

ANNEX 2: GLOSSARY OF TERMS

Term	Definition
Approved List	An eligible list of potential Contractors who have been assessed as to their suitability in terms of financial and economic standing and technical capability to tender for contracts.
Audit Trail	Evidence showing how, why and by whom certain processes and functions were carried out.
Authorised Procurement Officer	An Officer of the Council who has delegated authority (through the general management scheme of delegation) to procure Works, Supplies and Services on the Council's behalf.
Best Practice	The most effective and desirable method of carrying out a function or process derived from experience rather than theory.
Business questionnaire	Also known as a Pre-Qualification Questionnaire (PQQ) A Questionnaire completed by companies that wish to be short listed for procurement activity or placed on an approved list. The purpose is to assess suitability in terms of financial and economic standing and technical capability
CMT	Corporate Management Team - Havering Council's top level management team comprises the Chief Executive, Chief Operating Officer, Directors and oneSource Managing Director.
Competitive Tendering	Awarding contracts by the process of seeking competing tenders
Concession Contract	is a contract under which a contracting authority or a utility outsources works or services to a contractor or provider, who then has the right to commercially exploit those works or services in order to recoup its investment and make a return. Light
Contract	A binding agreement made between two or more parties, which is intended to be enforceable at law. This may take the form of a written or verbal agreement
Contract Manager	The officer responsible for ensuring the contract is procured in compliance to these procedure rules.
Contract Award	The issuing of a formal commitment to a supplier, contractor or service provider to Supplies, Services or Works to the Council
Contractor	A firm or person who has made a contract to Supply, provide Services or undertake Works
Contracts Finder	The Public Contracts Regulations which came into force on 26th February 2015 require public sector organisations in England

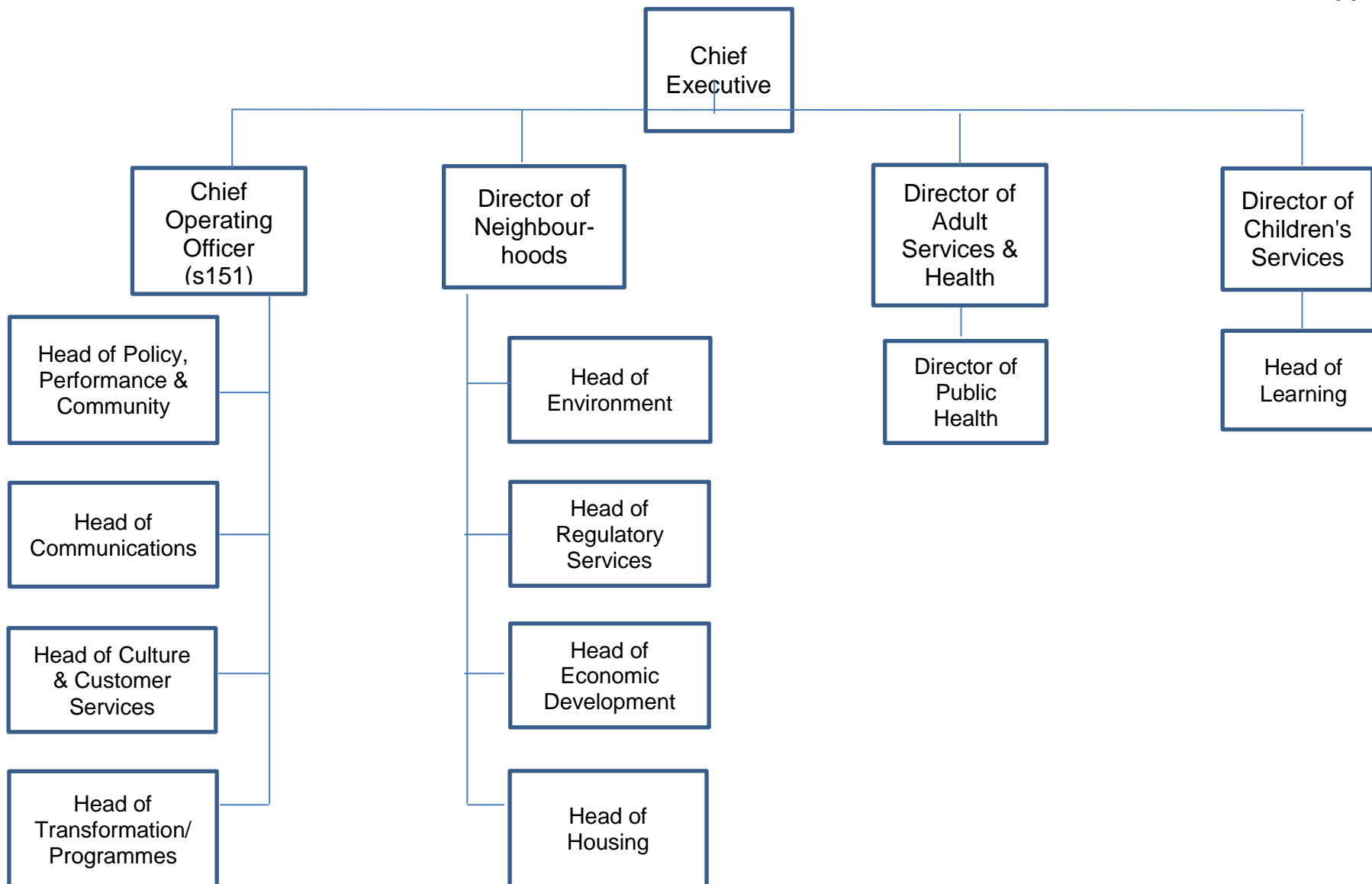
Term	Definition
	(government departments, local authorities, housing associations, armed forces, emergency services, schools, universities, etc.) to publish information on contracts they intend to award following a competitive tender.
Director	An Officer who reports the Chief Executive.
Directorate	The staff, Services and functions for which a Officer is responsible.
Emergency	An event or occurrence which could not reasonably have been foreseen and which threatens immediate danger to life, health or property
E- tendering	The system used to cover all procurement activity over £25,000.
Framework Agreement	A "framework agreement" is an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
Invitation to Tender	An invitation to suppliers to formally bid for the provision of Works, Supplies or Services not being the Instructions to Tender.
Letter of Acceptance	A letter, which creates an immediate binding contractual relationship between the Council and the successful tenderer prior to entering into a formal contract
Light Touch	The new light-touch regime (LTR) is a specific set of rules for certain service contracts that tend to be of lower interest to cross-border competition. Those service contracts include certain social, health and education services, defined by Common Procurement Vocabulary (CPV) codes.
Mandatory Standstill Period Notice	A letter or other communication sent following a mandatory OJEU compliant tender exercise which must be sent to an unsuccessful tenderer to comply with Regulation 86-87 of the Public Contracts Regulations 2015 and CPR 12.5-6 before the final award of a contract.
Most Economically Advantageous Tender	The tender which will bring the greatest benefit to the Council in terms of quality, price, running cost, disposal cost, etc. (MEAT)
Officer	The individual reporting into the service directly responsible for the commissioning activity for that service.
Overview & Scrutiny	Overview and Scrutiny is an essential function which monitors

Term	Definition
	the work of the Leader and Cabinet and provides a route through which the non-executive Members can scrutinise the work of the decision makers and hold them to account. The Overview and Scrutiny Committee monitors performance and draws attention to issues of public concern. In this way, scrutiny drives improvement, sets high standards for the delivery of services and crucially responds to the needs of the borough through maintaining a constant dialogue with residents.
Quotation	Any written offer requested either orally or in writing.
Select List	A list of suitable prospective suppliers that has been drawn up through a pre-qualification short listing exercise for a particular contract or procurement activity.
Service Area	The staff, Services and functions for which an Officer is responsible
Specification	A description of what is to be provided under the contract. Depending on the procurement, a specification can be anything from a catalogue or model number to a whole series of documents.
Strategic Procurement Unit (SPU)	Strategic Procurement is based within the Finance Directorate of oneSource and is responsible for overseeing strategic procurement issues, procurement policy, corporate Supply and service contracts.
Tender	A formal, written, sealed response to an invitation by the Council that contains a specification for Works, Services or Supplies required.
Tender Documents	Documents issued to prospective tenderers when they are invited to submit a tender. Such documents would normally include; a business questionnaire or Pre-Qualification Questionnaire (PQQ), except where a Select List or formal Framework Agreement is in place, instructions to tenderers, contract conditions, specification, pricing document, form of tender and tenderers' responses.
Tender Evaluation	Detailed assessment and comparison of supplier offers
The Authority/Council	The London Borough of Havering of Town Hall, Romford, RM1 3BB.
Urgency	A situation whereby the Council is likely to suffer significantly either financially or operationally or will be in breach of an order of court or statutory function or for health and safety reasons

Term	Definition
	associated with the protection of life and property, if immediate action is not taken.
“VEAT” Notice	A Voluntary Ex-Ante Transparency Notice is a notice announcing an intention to award a contract and which sets out the legal grounds upon which the intended award is to be made.
Voluntary Feedback Communication	A non statutory notification to an un-successful tenderer following a non-mandatory procurement (or an award over EU value threshold and Works) following a “mini-tender” exercise under a Framework Agreement) drawn up and containing information required for a mandatory standstill notice or by way of feedback in line with Section 20 Local Government Act 1988 (requirement if requested to give feedback with 15 days of the reasons for an award decision).

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FULL COUNCIL, Wednesday 13 July 2016

MEMBERS' QUESTIONS

ELM PARK SCHOOL

1) To the Cabinet Member for Children & Learning, Councillor Robert Benham

From Councillor Barbara Matthews

Elm Park Primary is a relatively new school, but has encountered a number of issues including a major leak since being open. Would the Cabinet Member confirm what safeguards are in place to ensure that such failures do not occur and that the local council taxpayers do not end up footing the bill for failures by contractors.

Response

Elm Park Primary was a new build facility, funded directly by government as part of Havering's primary review programme in 2010 and was project managed by an external body (EC Harris) on the Council's behalf. The Council adopts the JCT standard form of contract for building projects and this includes a 12 month defect liability period requiring the contractor to address any issues which manifest within the first year following practical completion. In addition there is a further 12 year period for latent defects as part of the contract deed. Design and materials use is subject to Building Control approval as is usual.

The school experienced a major flood early part of last Summer as a result of a failed heating valve. Clearly the 12 month defect liability period had long expired by this point and following investigation by our insurers, it was concluded that there was no latent defect in this instance.

Separately, there is an outstanding issue with the metal walkway and balustrade which has a coating which is spalling, impacting upon the external appearance of the school. Works to address this are planned during the summer holidays and the potential for a latent defect claim is being considered by Legal Services.

Finally, I chaired a Board of Governors meeting two weeks ago where an undertaking was made to look into this situation.

In response to a supplementary question, the Cabinet Member confirmed that the Council's building control section did monitor the construction of new schools.

GLA PRECEPT

2) To the Leader of the Council

From Councillor Lawrence Webb

Since the creation of the greater London Authority in 2000 how much has Havering contributed to the Mayors budget both through the GLA precept and other levies such as the Community Infrastructure Levy.

During that same period how much funding has Havering received from the GLA.

Response

The Council collected the following precepts on behalf of the GLA in 2015/16 as disclosed in the draft statement of accounts:

£24.5 m Council Tax (£24m in 2014/15)
Business Rates £14.4 m (£14.4 m in 2014/15)
Business Rate supplement in 2015/16 £2m
Mayoral Community Infrastructure Levy in 2015/16 £0.2 m

In the main these sums are in respect of a wide range of London wide services including Fire, Police and Transport which will be of benefit Havering residents. These budgets are managed directly by the GLA.

Some grant funding is redirected via Transport for London (to the Council in relation to capital projects but in the main GLA spending is managed by them and not by the Council.

We do not hold financial information relating to GLA budgets from the year 2000 and it is not feasible to provide figures for the periods requested at this time.

NEW TENANTS IMMIGRATION STATUS

3) To the Cabinet Member for Housing, Councillor Damian White

From Councillor Michael Deon Burton

Would the Cabinet Member comment on the requirement of private landlords to check the immigration status of all new tenants and those renewing their tenancies and any implications for the Council of this requirement.

Response

All private landlords in England have to make Right to Rent immigration checks for new tenancies entered into after 1st February 2016. This means checking that tenants have the right to be in the UK. The government says that the checks:

Council, 13 July 2016

'...will make it more difficult for immigration offenders to stay in the country when they have no right to be here. They will also act as a new line of attack against unscrupulous landlords who exploit people by renting out substandard, overcrowded and unsafe accommodation.'

Right to Rent checks have to be made if a person is:

- a private landlord, or
- has a lodger, or
- is sub-letting a property, or
- letting agents.

The landlord must:

- obtain the original acceptable documents that allow them to live in the UK
- check them in the tenant's presence
- keep the copied documents on file, and
- record the date of the check

The Home Office has produced guidance to landlords on how to make the appropriate checks.

If a landlord makes the checks and retains copies as required they will have a statutory excuse against a penalty for letting to an illegal migrant.

Turning to implications for the Council, Local authorities are exempt from applying the scheme because housing eligibility checks are already covered by other regulations and applied before applicants are offered tenancies or nominated to a housing association.

In response to a supplementary question, the Cabinet Member confirmed that the law would be applied to all potential tenants and that Havering only offered Council tenancies to people who had the right to live in the UK.

AIR QUALITY IN THE BOROUGH

4) To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish

From Councillor Keith Darvill

What progress is being made to improve the Borough's Air Quality?

Response

Havering Council has been working on several initiatives to improve the Air Quality within the Borough. Over the past couple of years Havering has upgraded its monitoring network from 4 to 38 locations as a result of a successful bid to TfL's Mayors Air Quality Fund scheme. The increased monitoring locations gave the Council a much clearer indication of the air quality within the Borough, allowing the Council to closely monitor and review any 'hotspot' locations.

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Recently a report was received from TfL updating the Council on London Bus Emissions Reduction, which over the period of 2008 – 2013 reduced emissions from the bus fleet in Havering from 137.5 tonnes per year to 101.5 tonnes per year, with a prediction of a continuing reduction till 2030. Further, the Council is continuing to promote ‘sustainable travel’ options through:

- improving pedestrian and cyclist access throughout the borough, promoting the use of Electric Vehicles and installing charging points
- encouraging the planting of air quality improving vegetation (such as that at the Ludwigshafen Roundabout in Romford)
- preparing an information pack for businesses to help them reduce their impact on air quality
- commissioning a video to raise awareness of air pollution and the part we can all play to improve the quality of the air we breathe <https://youtu.be/zIYmavUzIsw>
- implementing air quality planning conditions on new developments in order to reduce any detrimental impact they may have on the local air quality.

In response to a supplementary question, the Cabinet Member confirmed that pollution hotspots were monitored with the largest of these being in central Romford.

CAR PARKING CHARGES IN PARKS

5) To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish

From Councillor Ray Morgon

Given that the Administration planned to introduce car parking charges in a range of parks in Havering back in November 2015, would the Cabinet Member confirm that these have now been formally dropped given that the commuter parking problem could not be evidenced for every park, together with an appropriate business case.

Response

The Council previously agreed as part of the budget setting process for 2015/16 to introduce parking charges in parks, and that remains the Council’s aim. I have asked officers to define an overall parking strategy for Havering, which will include parks. Each park which falls in an area being considered for parking controls would be considered individually to protect the park from displaced vehicles from the surrounding roads. The use of parking provisions in the parks will be assessed and data gathered to determine whether the park will be suitable for paid for parking, the findings of which will form the business case and parking strategy for each area.

In response to a supplementary question, the Cabinet Member added that data to support the business case for parking charges in parks would be available by 2019.

SHOPS IN HILLDENE AVENUE

6) To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish

From Councillor Lawrence Webb

Over the last five years what was the p.a. revenue from the shops in the vicinity of Hilldene Avenue?

Since the introduction of the parking charges how often have the shops defaulted or delayed payment of their rents.

Response

The income figures over the last 5 years are as follows:

2011/2012 - £1,058,700
2012/2013 - £1,048,400
2013/2014 - £1,078,900
2014/2015 - £1,122,800
2015/2016 - £1,169,800

Since the introduction of parking charges on 8th July 2013 there has been one repossession within the development. This related to a property in the Arcade where possession was taken in August 2013 following the accrual of significant arrears. The displaced tenant was subsequently granted a new lease of the property after entering into a payment plan.

The position concerning debtor cases is that there are three tenants that have arrears. Of these, one tenant has put forward a number of reasons why he is unable to meet his rental commitments, including the suggestion that the imposition of parking charges has had an adverse effect on his business.

PLANNING ENFORCEMENT IN WILFRED AVENUE, RAINHAM

7) To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish

From Councillor David Durant

At June 8th Council meeting Cabinet Member, Cllr Dervish provided an update regarding two 2 metre high industrial style front brick walls in a residential turning at 20 Wilfred Ave, Rainham. He said a Certificate of Lawfulness submitted by the owner had been rejected on May 9th and they had been asked to lower the front part of the walls. Additionally Cllr Dervish agreed to check whether as requested an inspection of

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extensive work at the back of the property had been undertaken to ensure it complied with planning rules.

Please can Cllr Dervish provide a new update regarding enforcement against the front walls and whether a site visit and inspection of the back of the property has taken place.

Response

The owners of the property has been requested to lower the walls and a response has been received seeking to agree the extent of reduction required. Staff have given the owners clarification as to the reduction required. Also, an appeal has been lodged against the refusal of the certificate. An enforcement notice is being prepared seeking reduction in the height of the walls. The notice will be served if no commitment to reduce in accordance with Council requirements is made by the owners. The rear of the property has been inspected and all the works that have taken place have been confirmed as not requiring planning permission. An update on this issue was given to Councillor Durant on 4 July.

In response to a supplementary question, the Cabinet Member added that he did not feel this matter was suitable to go before the Towns & Communities Overview and Scrutiny Sub-Committee as the process was under way and the Sub-Committee scrutinised matters of policy.

CYCLING ON PAVEMENTS

8) To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish

From Councillor Reg Whitney

Would the Cabinet Member confirm what restrictions are in place in relation to cycling on pavements?

Response

Cycling on footways such as pavements on the side of a carriageway is prohibited by Section 72 of the Highway Act 1835, amended by Section 85(1) of the Local Government Act 1888. This is punishable by a Fixed Penalty Notice of £30 under Section 51 and Schedule 3 of the Road Traffic Offenders Act 1988 and is enforceable by the police.

The Fixed Penalty Notice provision came into force in August 1999, however the Home Office issued guidance on how the new legislation should be applied, indicating that Fixed Penalty Notices should only be used where a cyclist is riding in a manner that may endanger others. The government restated this position in 2014.

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In response to a supplementary question, the Cabinet Member agreed to bring up the matter of cycling on pavements when he met with the Police Borough Commander.

MAPPING OFF ROAD PARKING & DROPPED KERBS

9) To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish

From Councillor Ian de Wulverton

What is the reason the council has paid a private company, to map out all off road parking and dropped curbs in Havering? What was the cost to the council for the aforementioned mapping process?

Response

Parking is a major cause of concern for our residents. The Highways, Traffic and Parking team receive hundreds of queries each month from residents, visitors and businesses relating to where they can or cannot park, availability of kerbside parking spaces, and how the Council intends to ease traffic flow across the borough. The choice of many is to drive, and so parking is, as we all know, a contentious issue within our communities, and this survey will highlight areas where parking capacity issues may be present.

In order to formulate parking policies that will meet the needs of the travelling public and residents, both now and in the future with new housing developments being proposed, we need to determine where the restrictions and the footway crossings are in the borough. To this end, and recognising that the Council did not have the resources to undertake such a vast project, we employed the services of a professional consultancy with substantial experience and expertise in this field. The cost to the Council is £400,000 to undertake the site surveys and the mapping exercise. The results will allow us to develop a parking strategy that will meet the future needs of our residents and businesses, that will not only inform planning policy for future developments, but will boost economic regeneration and provide our community with an easy to use online map to identify areas that they can safely park.

In response to a supplementary question, the Cabinet Member confirmed that there were no current plans for the Council to charge residents for driving across footways in order to access their own drives.

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ONESOURCE SAVINGS

10)To the Cabinet Member for Housing Company Development & oneSource Management, Councillor Ron Ower

From Councillor Jeffrey Tucker

Please provide an update regarding changes in the number of Havering employees and forecast net savings within the 5 year plan following the merger of all back office administrative services with Newham.

Response

OneSource is funded by Havering, Newham and Bexley Councils in order to deliver shared back office support services. The joint working is set to realise at least £14.6m of savings in the period up to 2018/19.

Savings of £4.3m and £3.7m have been delivered for 2014/15 and 2015/16 respectively, bringing the total savings achieved to £8.0m. Further savings of £3.1m are anticipated to be delivered in 2016/17.

Havering's share of these savings, £5.005m, is already assumed within the current financial strategy and MTFS.

The savings have been achieved in a number of ways including generating efficiencies through process re-engineering, sharing overheads, reducing management, removing duplication, increasing income and reducing non staffing expenditure.

To date restructures within oneSource have resulted in a reduction of 92 posts overall. This has been met through a mixture of redundancies, retirements and the deletion of vacant posts. The transformation of oneSource is ongoing and further significant reductions are expected.

In response to a supplementary question, the Cabinet Member confirmed that 92 posts had been deleted overall and the overall saving to Havering delivered by oneSource was £5.005m. The oneSource newsletter was being sent to Members and the Cabinet Member would share the oneSource strategic plan for 2016 onwards with Councillor Tucker.

ASBESTOS IN SCHOOLS

11)To the Cabinet Member for Children & Learning, Councillor Robert Benham

From Councillor Jody Ganly

Would the Cabinet Member confirm how many Havering schools contain asbestos and what regular checks are made to ensure that they remain safe for both students and teachers.

Response

The majority of Havering Schools contain some level of asbestos; the levels range from school to school and it is impossible to say exactly how much (due to the fact that some asbestos would only be discovered upon de-construction or by very intrusive measures). In line with the Asbestos Regulations, all schools have had a Management Survey carried out that identifies asbestos that is readily and easily detectable (but the survey is not intrusive or conclusive in terms of identifying every fibre of asbestos). The Management Survey provides details on level of risk and gives recommendations on how to manage e.g. removal, encapsulation and/or inspection. The purpose of the survey is to identify as much accessible asbestos as possible and allow schools to manage the known asbestos on a day to day basis. Schools are provided with an action plan and any remedial works that may need to be undertaken. All schools have been provided with an inspection regime and provided with the opportunity to attend training on how to use their Management Survey and the requirements to undertake the inspection including at what intervals. Checks are regularly carried out to ensure that schools are undertaking their inspections. Clear procedures are in place for reporting any disturbance or deterioration to known asbestos.

Schools that are part of the LA are required to use the services of the Council Asbestos Management Unit who are able to provide guidance and advice along with managing the Council contract for the Asbestos Surveying and Removal Services. This allows the Council to be reassured that the correct standards and levels of risk are being suitably managed.

In response to a supplementary question, the Cabinet Member agreed to ascertain if any claims had been made against the Council re asbestos related illnesses suffered by people working in schools.

EMERGENCY CONTACT FOR COUNCILLORS

12)To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish

From Councillor Ian de Wulverton

What is the council's procedure for Councillors to contact them in an emergency?

Response

The means by which Councillors contact the Council during an emergency very much depends upon what the emergency is. If the emergency is service specific (for example a Housing or Social Care issue) and it is during business hours then contact would be expected to be made with either the Contact Centre or directly with the particular Service in question. Outside business hours contact can be made through the Council's emergency number 01708 433999 from where the nature of the emergency would be defined and routed in accordance with the Council's emergency out of hours procedures.

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In response to a supplementary question, the Cabinet Member agreed to look into reports of contact centre staff not knowing the correct contacts for dealing with recent flooding in the borough.

COUNCIL CREMATORIUM

13) To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish

From Councillor June Alexander

Would the Cabinet Member confirm what regular maintenance action is taking place to ensure that our crematorium looks well kept.

Response

A grounds maintenance schedule is in place, which follows a systematic approach to ensure the grounds of the Crematorium are maintained to an acceptable standard throughout the year. There are currently five grounds maintenance staff, one team leader and four gardeners as well as assistance from the Crematorium team depending on workload. All the gardeners work in conjunction/partnership with the Shaw Trust horticultural project (a Learning Disabilities Charity) that carry out basic horticultural duties and tackle high visitation areas and basic weeding and tidying, as well as concerns and complaints.

The Grounds Maintenance Schedule consists of :

- Grass cutting and strimming (carried out between the months of April until September, the cutting season). High visitation and first impression areas can be prioritised and may be cut and strimmed every week depending on resources, weather conditions and season.
- Shrub, rose and flowers beds are weeded and tidied typically every seven/eight weeks, unless there has been a concern or complaint. This year the weeds have thrived due to the inclement weather conditions i.e. heavy downpours then brilliant sunshine the ideal weather for weed growth.
- Paths are swept and tidied every seven/eight weeks; dead flowers and artificial flowers “past their best” are removed and the areas tidied very seven/eight weeks. This can also be prioritised depending on concerns or complaints.
- Shrubs, trees and hedges are pruned in the early autumn and late spring.
- Weedkilling is carried out periodically but normally after April
- Moss, grass, weeds are scraped out of paths and paving as required

In response to a supplementary question, the Cabinet Member agreed to investigate reports of areas of the crematorium site being poorly maintained.

EX-ARMED FORCES PERSONNEL ON HOUSING REGISTER

14)To the Cabinet Member for Housing, Councillor Damian White

From Councillor Barry Mugglestone

Would the Cabinet member confirm how many times Havering Council had confirmed the service of ex-armed forces personnel with the Royal British Legion as per page 116 June Cabinet papers.

Response

At present, no confirmation of ex-armed forces personnel service has been requested from the Royal British Legion because it is not an option that can be used under the current Housing Allocation policy which was implemented in Sept 2014. The only source of verifying eligibility is by the ex-armed forces personnel providing their original Certificate of Cessation of Entitlement to Occupy Service Living Accommodation. Under the new policy approved by Cabinet on 15 June 2016, due to be implemented from 1st July 2016, confirmation of service with the Royal British Legion will be an additional way of confirming eligibility for housing priority from ex-armed forces personnel.

In response to a supplementary question, the Cabinet Member stated that the Royal British Legion had recently been in contact with the Council and had stated that Havering had a model policy for housing allocations for ex-service personnel. The right and proper checks were undertaken and the Royal British Legion was approached first although the Ministry of Defence would also be contacted if this did not yield results.

HAVERING SCHOOL PUPILS

15)To the Cabinet Member for Children & Learning, Councillor Robert Benham

From Councillor John Wood

Would the Cabinet Member confirm how many pupils in Havering schools live outside the borough?

Response

Publically available data on schools, pupils and their characteristics are available, the most recent set is from the January 2016 census here - [Cross-border movement local authority tables: SFR20/2016](#)

An excerpt from the report appears below and shows that the total percentage of pupils residing in another LA attending a school maintained by Havering is 9.7% (3,439

Council, 13 July 2016

pupils). This is significantly below the London and Outer London averages. The table below shows the percentage for each of the year groups. It can be seen that there is a large increase between primary and secondary (years R-6 and years 7-11 respectively) but this is typical, especially in an area like London where mobility between schools is relatively easy.

In response to a supplementary question, the Cabinet Member explained that the number of children residing in another borough and attending a Havering school was due to a number of factors including the Council's policy on allowing pre-school age siblings to attend the same school and some roads outside the borough still having a Havering establishment as their nearest school. There were also several hundred children living in Havering who attended schools outside the borough.

The Cabinet Member felt it should be celebrated that many people outside the borough wished for their children to attend a Havering school and was also pleased that 88% of children in Havering had received their first choice schools in the recent admissions process.

Table 13: Local Authority cross border movement by national curriculum year group of state-funded school pupils resident in England ^{1,2,3,4}

January 2016

By Local Authority area, by Region in England

		Number of pupils residing in the LA	Number of pupils attending schools maintained by the LA	% of pupils residing in other LAs attending schools maintained by the LA												Total
				R	1	2	3	4	5	6	7	8	9	10	11	
E2000001	England	7,097,155	7,099,224	3.2	3.4	3.6	3.7	3.8	4.1	4.3	9.0	9.2	9.3	9.5	9.6	5.9
E1200007	London	1,090,869	1,088,028	7.2	7.7	8.3	8.5	8.9	9.4	10.1	19.5	20.2	20.8	21.6	22.3	13.0
E1300001	Inner London	364,206	370,378	9.0	9.6	10.4	10.7	11.0	11.7	12.3	20.9	21.8	22.6	23.4	25.2	15.0
E1300002	Outer London	726,663	717,650	6.2	6.8	7.2	7.4	7.8	8.2	8.9	18.7	19.4	19.8	20.6	20.9	12.0
E0900016	Havering	34,539	35,498	5.1	5.3	5.4	4.8	5.7	5.3	5.3	13.7	16.3	17.2	17.4	15.9	9.7

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VOTING RECORD

<i>DIVISION NUMBER:</i>	1	2	3						
The Mayor [Cllr. Philippa Crowder]	✓	✗	✓						
The Deputy Mayor [Cllr. Linda Van den Hende]	✓	✗	✓						
<u>CONSERVATIVE GROUP</u>									
Cllr Roger Ramsey	✓	✗	✓						
Cllr Robert Benham	✓	✗	✓						
Cllr Ray Best	✓	✗	✓						
Cllr Wendy Brice-Thompson	✓	✗	✓						
Cllr Joshua Chapman	✓	✗	✓						
Cllr John Crowder	✓	✗	✓						
Cllr Meg Davis	A	A	A						
Cllr Osman Dervish	✓	✗	✓						
Cllr Jason Frost	✓	✗	✓						
Cllr Steven Kelly	✓	✗	✓						
Cllr Robby Misir	✓	✗	✓						
Cllr Garry Pain	✓	✗	✓						
Cllr Dilip Patel	✓	✗	✓						
Cllr Viddy Persaud	✓	✗	✓						
Cllr Carol Smith	✓	✗	✓						
Cllr Frederick Thompson	✓	✗	✓						
Cllr Linda Trew	✓	✗	✓						
Cllr Melvin Wallace	✓	✗	✓						
Cllr Roger Westwood	✓	✗	✓						
Cllr Damian White	✓	✗	✓						
Cllr Michael White	✓	✗	✓						
<u>RESIDENTS' GROUP</u>									
Cllr Ray Morgon	✓	✓	✓						
Cllr June Alexander	✓	✓	✓						
Cllr Nic Dodin	✓	O	✓						
Cllr Jody Ganly	✓	✓	✓						
Cllr Barbara Matthews	A	A	A						
Cllr Barry Mugglestone	✓	✓	✓						
Cllr John Mylod	✓	✓	O						
Cllr Stephanie Nunn	✓	✗	✓						
Cllr Reg Whitney	✓	✓	✓						
Cllr Julie Wilkes	✓	✗	✓						
Cllr John Wood	✓	✓	O						
<u>EAST HAVERING RESIDENTS' GROUP</u>									
Cllr Clarence Barrett	✓	✗	✓						
Cllr Alex Donald	✓	✗	✓						
Cllr Brian Eagling	✓	✗	✓						
Cllr Gillian Ford	✓	✗	✓						
Cllr Linda Hawthorn	✓	✗	✓						
Cllr Ron Ower	✓	✗	✓						
Cllr Darren Wise	✓	✗	✓						
<u>UK INDEPENDENCE PARTY GROUP</u>									
Cllr Lawrence Webb	A	A	A						
Cllr Ian De Wulverton	✗	✗	✓						
Cllr John Glanville	✗	✗	✓						
Cllr David Johnson	✗	✗	✓						
Cllr Phil Martin	A	A	A						
Cllr Patricia Rumble	✗	✗	O						
<u>INDEPENDENT LOCAL RESIDENTS' GROUP</u>									
Cllr Jeffrey Tucker	✗	✗	O						
Cllr Michael Deon Burton	✗	✗	O						
Cllr David Durant	✗	✗	O						
Cllr Keith Roberts	✗	✗	O						
Cllr Graham Williamson	✗	✗	O						
<u>LABOUR GROUP</u>									
Cllr Keith Darvill	✓	✓	✓						
Cllr Denis O'Flynn	✓	✓	✓						
<u>TOTALS</u>									
✓ = YES	41	9	42						
✗ = NO	9	40	0						
O = ABSTAIN/NO VOTE	0	1	8						
ID = INTEREST DISCLOSED/NO VOTE	0	0	0						
A = ABSENT FROM MEETING	4	4	4						
	54	54	54						

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COUNCIL, 14 SEPTEMBER 2016

REPORT OF THE GOVERNANCE COMMITTEE

EXCLUSION OF PRIOR APPROVALS FROM COUNCILLOR CALL-IN PROCESS

At its meeting on 31 August 2016 the Governance Committee considered a report which sought to ratify the way in which prior approval submissions are considered.

Unlike planning applications, prior approval submissions have strict timescales for determination and receipt of decision which, if not adhered to, could result in their default approval irrespective of the Council's intended decisions. Currently, officers decline Councillor call-ins due to the practical difficulties of reporting these applications to Regulatory Services Committee within the prescribed timescales for determination and the cycle of committee meetings.

The matter had initially been presented to the Governance Committee at its meeting on 26 May, but had been deferred for further information. The report considered by the Committee on 31 August contained that information (attached along with the original report) and showed that the majority of London boroughs delegated authority without call-in provision.

With Council's agreement, it was proposed that prior approval applications cannot be called-in to Regulatory Services committee unless an Extension of Time agreement has been sought and agreed by the applicant. Prior approval applications however, will henceforth be included in the weekly publicity list so that ward members can better understand the nature and extent of prior approval applications. After a period of 3 months the matter will be reviewed and reported to Governance Committee to assess whether introduction of a call-in arrangement would be justified. Should further changes be considered appropriate at that point, the matter would be referred to Council for final approval

The Governance Committee accordingly recommends to Council that it:

1. **Ratifies** the proposals set out within the report that prior approval submissions cannot be called-in for determination by the Regulatory Services Committee unless an Extension of Time Agreement has been sought and agreed by the applicant.
2. **Notes** that prior approval applications will now be included on the weekly publicity list of applications and that after a three month period to enable assessment of whether a call-in arrangement is justified a report will be provided to the Governance Committee and any changes to the proposals would return to Council before being applied.

If Council is in agreement with the above recommendations:

3. The Monitoring Officer be authorised to make such amendments to the Constitution as are appropriate to confirm the arrangements in 1 above.



GOVERNANCE COMMITTEE

31 August 2016

Subject Heading:

Exclusion of Prior Approvals from Councillor Call-In Process

CMT Lead:

Steve Moore, Interim Group Director, Neighbourhoods

Report Author and contact details:

Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Council's Constitution

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

- Havering will be clean and its environment will be cared for []
- People will be safe, in their homes and in the community [X]
- Residents will be proud to live in Havering [X]

SUMMARY

Alongside the processing of planning applications, the Council is also responsible for the handling of prior approval submissions. Unlike planning applications, prior approval submissions have strict timescales for determination which, if not adhered to, can result in their default approval irrespective of the Council's intended decisions. This report sets out the current approach to handling requests from Councillors to call in these applications to Regulatory Services Committee for determination.

This report was originally presented to Governance Committee on 26 May 2016, when it was deferred to enable Officers to a) find out what approach other London Boroughs take, b) provide further details on how Members are to be notified about these prior approvals and c) provide further details on the process prior approval submissions follow. This detail is set out in the report below. The original report is appended.

RECOMMENDATIONS

That the Governance Committee:

1. **Confirms** the approach set out within the report that prior approval submissions cannot be called-in for determination by the Regulatory Services Committee unless an Extension of Time Agreement has been sought and agreed by the applicant.

If the Committee confirms the proposal above:

2. To **refer the proposal to Council** for ratification and, in the interim, the proposal will take effect.

REPORT DETAIL

1. For certain types of development, rather than submitting an application for planning permission, an applicant is able to make a submission for prior approval. Unlike a planning application where all matters can be considered including the principle of the development, with a prior approval, only certain matters can be assessed depending upon the type of approval being sought.
2. Planning legislation currently allows for various prior approval submissions to be made. The list below identifies those submissions likely to be received by the Council. The timescale quoted in brackets is the period the Council has to make, and for the applicant to be in receipt of, its decision:
 - a. Larger Home Extensions (42 days, 6 weeks)
 - b. Certain changes of use (56 days, 8 weeks)
 - c. Certain temporary uses of building or land (56 days, 8 weeks)
 - d. Certain agricultural development (28 days, 4 weeks)
 - e. Forestry developments (28 days, 4 weeks)
 - f. Click and collect facilities (56 days, 8 weeks)
 - g. Demolition of buildings (28 days, 4 weeks)
 - h. Installation or alteration of solar equipment on non-domestic premises (56 days, 8 weeks)
 - i. Telecommunications development (56 days, 8 weeks)
3. In each case, if the applicant does not receive the Council's written notice of decision within the timescales stated, then the Council's decision

automatically defaults to an approval irrespective of what the Council's decision would have been.

4. This report was originally presented to Governance Committee on 26 May 2016, when it was deferred to enable Officers to a) find out what approach other London Boroughs take, b) provide further details on how Members are to be notified about these prior approvals and c) provide further details on the process prior approval submissions follow.
5. All 32 London Boroughs were asked how they approach prior approval decision making and whether these types of submissions are reported to their equivalent Regulatory Services Committee. A response was received from 23 Boroughs, details of which are set out in the table below:

London Borough	Approach
Barking & Dagenham	Delegated powers primarily, however if there are 5 or more objections and the likely recommendation is approval, the agreement of the Chair and Deputy Chair of the Planning Committee is needed
Bexley	Delegated powers only
Bromley	Delegated powers, although Members retain the right to call-in to committee. Fortnightly committees facilitate this.
Camden	Delegated powers only
City of London	Delegated powers only
Croydon	Delegated powers only
Ealing	Delegated powers only
Greenwich	Delegated powers only
Hammersmith & Fulham	Delegated powers only
Harrow	Delegated powers only
Hounslow	Delegated powers only
Islington	Delegated powers only
Kensington & Chelsea	Delegated powers, although Members retain the right to call-in to committee. Fortnightly committees facilitate this. Receive few prior approvals
Kingston	Delegated powers only
Lewisham	Delegated powers only
London Legacy Development Corporation	Delegated powers only
Merton	Development powers only
Newham	Delegated powers only
Redbridge	Delegated powers only
Richmond	Larger home extensions via delegated powers. Delegated powers primarily for all other types of prior approval although Members retain the right to call-in to committee. Fortnightly committees

	facilitate this
Tower Hamlets	Delegated powers only
Wandsworth	Delegated powers primarily although 1 prior approval was called into committee after it received 700 objections.
Westminster	Delegated powers primarily, although for controversial scheme Members can ask for them to go to committee

6. Most of the London Boroughs who responded confirmed that the decisions are taken via delegated powers. Where a call-in ability exists, those Boroughs mainly have fortnightly meetings which enable reports to be taken within the prescribed timescales described at paragraph 2 above.
7. With regards to notifying Members about these submissions, the Planning Team currently produce a Weekly List which sets out all the planning applications received during the preceding week by ward. The Weekly List is published each Tuesday and is currently emailed to all Ward Councillors and published online via the Council's website. It is proposed that the scope of the Weekly List is expanded to include all prior approvals.
8. The Committee also asked for confirmation of the process involved for each of the prior approval types the Council commonly receives. The Council receives four main types of prior approval submissions: Larger Home Extensions, certain Changes of Use (primarily office to residential), Demolitions and Telecommunications Development. The process involved with each submission is set out below:

Larger Home Extensions (42 days, 6 weeks)

- Application can be submitted via the Planning Portal, by post or email
- Application number is allocated (Y prefix) and validation check is carried out to make sure that the application is complete
- Applicant is sent acknowledgement letter and neighbours are notified. Neighbours have a 21 day period to make comments
- If no comments are received during the 21 day period, then no further assessment is undertaken and confirmation of prior approval not being required is issued to the applicant in writing
- If comments are received, a case officer is assigned. The case officer visits the application site to assess the impact of the proposal upon neighbouring amenity
- An Officer Report is prepared together with a recommendation to approve or refuse (prior approval is or is not required)
- The recommendation is reviewed by a Team Leader or Manager and signed off
- The Decision Notice is dispatched. Dispatch must take place so that the decision is received by the Agent or Application within 42 days of receipt (Day 1 is the day after the application is received)
- If approved, the development must be completed on or before 30 March 2019 and the development must notify the Council of the completion in writing, as soon as reasonably practicable after completion

- The Council receives no fee for these submissions
- During 2015-16, the Council determined 254 prior approvals for larger home extensions (this does not include submissions withdrawn prior to determination)

Changes of Use (56 days, 8 weeks)

- Application can be submitted via the Planning Portal, by post or email
- Application number is allocated (J prefix) and validation check is carried out to make sure that the application is complete
- Applicant is sent acknowledgement letter
- Neighbours and consultees are notified. Both have a 21 day period to make comments
- An Officer Report is prepared together with a recommendation to approve or refuse (prior approval is or is not required). Depending upon the type of change of use proposed, the Officer Report can only assess certain planning matters. For example, for an office to residential prior approval (the type the Council the receives most of), the report will review the transport and highways impacts of the development, noise impact, contamination and flooding risks on the site
- The recommendation is reviewed by a Team Leader or Manager and signed off
- The Decision Notice is dispatched. Dispatch must take place so that the decision is received by the Agent or Applicant within 56 days of receipt (Day 1 is the day after the application is received)
- If approved, the development must be commenced within 3 years starting with the date prior approval prior approval was given
- The Council receives £80 for each submission
- During 2015-16, the Council determined 24 prior approvals for changes of use (this does not include submissions withdrawn prior to determination)

Demolitions (28 days, 4 weeks)

- Application can be submitted via the Planning Portal, by post or email
- Application number is allocated (F prefix) and validation check is carried out to make sure that the application is complete
- Applicant must display a site notice by site display on or near to the land on which the building to be demolished is sited. The notice must be displayed for 21 days
- Applicant is sent acknowledgement letter
- An Officer Report is prepared together with a recommendation to approve or refuse (prior approval is or is not required). This solely focusses on the method for demolition
- The recommendation is reviewed by a Team Leader or Manager and signed off
- The Decision Notice is dispatched. Dispatch must take place so that the decision is received by the Agent or Applicant within 28 days of receipt (Day 1 is the day after the application is received)
- If approved, the demolition must be completed within 5 years starting with the date prior approval was given

- The Council receives £80 for each submission
- During 2015-16, the Council determined 5 prior approvals for demolition (this does not include submissions withdrawn prior to determination)

Telecommunications Development (56 days, 8 weeks)

- Application can be submitted via the Planning Portal, by post or email
 - Application number is allocated (M prefix) and validation check is carried out to make sure that the application is complete
 - Applicant is sent acknowledgement letter
 - Neighbours and consultees are notified. Both have a 21 day period to make comments
 - An Officer Report is prepared together with a recommendation to approve or refuse (prior approval is or is not required). The assessment can only focus upon the siting and appearance of the installation
 - The recommendation is reviewed by a Team Leader or Manager and signed off
 - The Decision Notice is dispatched. Dispatch must take place so that the decision is received by the Agent or Applicant within 56 days of receipt (Day 1 is the day the application has been received)
 - If approved, the development must be commenced within 5 years starting with the date prior approval was given
 - The Council receives £385 for each submission
 - During 2015-16, the Council determined 30 prior approvals for telecommunications development (this does not include submissions withdrawn prior to determination)
9. The original report presented to Governance Committee on 26 May 2016 is appended.

IMPLICATIONS AND RISKS

Financial implications and risks:

The described changes to delegated powers would have no material financial implications.

Legal implications and risks:

There are no material legal implications. The Planning Service would continue to seek and incorporate Legal Advice where necessary.

It is noted that the report being presented to the Governance Committee is the correct procedure as set out in Article 11 of the Council's Constitution and will be presented to Full Council to make the final decision on whether to accept the proposal.

Human Resources implications and risks:

There are no material implications.

Equalities implications and risks:

There are no direct equalities implications arising from this report. Where relevant, the Planning Service would continue to seek and incorporate advice from the Council's Corporate Policy and Diversity team.

BACKGROUND PAPERS

None

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Subject Heading:	Exclusion of Prior Approvals from Councillor Call-In Process
CMT Lead:	Andrew Blake-Herbert , Group Director, Communities and Resources
Report Author and contact details:	Helen Oakerbee Planning Manager helen.oakerbee@havering.gov.uk 01708 432800
Policy context:	Council's Constitution
Financial summary:	None

The subject matter of this report deals with the following Council Objectives

- Havering will be clean and its environment will be cared for []
- People will be safe, in their homes and in the community [X]
- Residents will be proud to live in Havering [X]

SUMMARY

Alongside the processing of planning applications, the Council is also responsible for the handling of prior approval submissions. Unlike planning applications, prior approval submissions have strict timescales for determination which, if not adhered to, can result in their default approval irrespective of the Council's intended decisions. This report sets out the current approach to handling requests from Councillors to call in these applications to Regulatory Services Committee for determination.

RECOMMENDATIONS

That:

1. The Committee confirms the approach set out within the report that prior approval submissions cannot be called-in for determination by the Regulatory Services Committee unless an Extension of Time Agreement has been sought from the applicant.
2. If the Committee confirms the proposal above then the proposal will take effect in the interim until the matter is put before Full Council.

REPORT DETAIL

1. For certain types of development, rather than submitting an application for planning permission, an applicant is able to make a submission for prior approval. Unlike a planning application where all matters can be considered including the principle of the development, with a prior approval, only certain matters can be assessed depending upon the type of approval being sought.
2. Planning legislation currently allows for various prior approval submissions to be made. The list below identifies those submissions likely to be received by the Council. The timescale quoted in brackets is the period the Council has to make, and for the applicant to be in receipt of, its decision:
 - a. Larger Home Extensions (42 days, 6 weeks)
 - b. Certain changes of use (56 days, 8 weeks)
 - c. Certain temporary uses of building or land (56 days, 8 weeks)
 - d. Certain agricultural development (28 days, 4 weeks)
 - e. Forestry developments (28 days, 4 weeks)
 - f. Click and collect facilities (56 days, 8 weeks)
 - g. Demolition of buildings (28 days, 4 weeks)
 - h. Installation or alteration of solar equipment on non-domestic premises (56 days, 8 weeks)
 - i. Telecommunications development (56 days, 8 weeks)
3. In each case, if the applicant does not receive the Council's written notice of decision within the timescales stated, then the Council's decision

- automatically defaults to an approval irrespective of what the Council's decision would have been.
4. Committee Procedure Rule 13(e) of the Council's Constitution sets out the framework and circumstances under which a Councillor can call-in an application for determination at the Regulatory Services Committee. Constitutionally, a Councillor is able to call-in any application.
 5. Given the consequences of decision making on prior approval submissions outside of timescales identified in paragraph 2, requests to call-in a prior approval submission by a councillor (as per the call-in process) have historically been declined by officers. This is because it can be very difficult to thoroughly consider a submission, prepare a report and present it to a committee meeting (which occurs every three weeks) within the timescales prescribed to enable the subsequent decision to be dispatched and received by the applicant. This is particularly challenging for those prior approval submissions which require determination within 28 or 42 days (4 or 6 weeks) of receipt.
 6. As a result of a recent councillor query as to the constitutional basis for declining a request to call-in a prior approval submission (in that case, a proposal for a telecommunications installation), this report has been prepared to seek formal confirmation from the Governance Committee that the approach employed by officers to-date should continue and that prior approval submissions cannot be called-in to committee for decision.
 7. The only exception to this arrangement would be in instances where the applicant has agreed to formally extend the time period available to make a decision, as permitted by Paragraph 7 of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended). In such cases, the applicant has to expressly agree in writing to an extension of time. Securing such an extension would enable the associated prior approval to be reported to the Regulatory Services Committee. Where there is no agreement however, the Council has to make its decision within the prescribed timescales identified so as to prevent a default approval.

IMPLICATIONS AND RISKS

Financial implications and risks:

The described changes to delegated powers would have no material financial implications.

Legal implications and risks:

There are no material legal implications. The Planning Service would continue to seek and incorporate Legal Advice where necessary.

It is noted that the report being presented to the Governance Committee is the correct procedure as set out in Article 11 of the Council's Constitution and will be presented to Full Council to make the final decision on whether to accept the proposal.

Human Resources implications and risks:

There are no material implications.

Equalities implications and risks:

There are no direct equalities implications arising from this report. Where relevant, the Planning Service would continue to seek and incorporate advice from the Council's Corporate Policy and Diversity team.

BACKGROUND PAPERS

None

COUNCIL, 14 September 2016

SUBJECT: Improving the Safety of Our Schools across the Borough - Phase One Consultation

Following on from a number of complaints and the Council's limited ability to enforce dangerous parking around schools, a Cabinet report was approved in April 2016 to consult on the introduction of PSPOs (Public Space Protection Orders). A PSPO allows for immediate enforcement where parking legislation requires enforcement officers to wait 10 minutes before issuing a ticket. This means a child's life is at risk for at least 10 minutes before the Council can take action on dangerous parking.

Unlike Parking Enforcement, PSPO legislation allows the Council to treat dangerous parking as a criminal offence where a child's life has been or could be endangered, and hence immediate enforcement action can be taken.

Six primary schools were consulted within Phase 1: Wykeham Primary, Parsonage Farm Primary, The James Oglethorpe Primary, Engayne Primary, Broadford Primary and St Peters Catholic Primary Schools.

This report sets out the phase 1 consultation results and next steps. The Leader and Cabinet Member for Environment, Regulatory Services and Community Safety responsible have requested that Council note this report and provide views before a final decision is taken.

RECOMMENDATIONS

The Council is asked to:

1. Note that phase one will be a pilot of the PSPO prohibition: 'no school drop off or pick ups'. This means access into the area will be permitted to minimise the impact on residents and their visitors.
2. Support the proposed introduction of a PSPO operating from 08.00 to 09.30 and 14.30 to 16.00 Monday to Friday during each term of the school academic year.
3. Note that a PSPO, if agreed, will be implemented at the following school locations:
 - i) Wykeham Primary School
 - ii) Parsonage Farm Primary School
 - iii) The James Oglethorpe Primary School
 - iv) Engayne Primary School
4. Note that a PSPO Zone will not be introduced around St Peter's Catholic and Broadford Primary Schools.

5. Note that the final decision to implement the four schools (listed above) will be taken by the Cabinet Member for Environment, Regulatory Services and Community Safety as delegated.

REPORT DETAIL

Road safety is paramount in Havering. This pilot seeks to tackle the safety of children around schools following on from a number of complaints received by the Council. In addition to this, CCTV surveillance demonstrates that parents are parking dangerously through restricting a child's view when crossing a road, or obstructing a person's ability to safely cross the road at all.

A consultation exercise was conducted and delivered in two phases.

- Phase one: Wykeham, Parsonage Farm, James Oglethorpe and Engayne, Broadford and St Peters.
- Phase two included a further six schools: Ardleigh Green Infants School, Branfil Infant School, Crownfield Infant and Primary School, Gudia Park Primary School and Hylands Primary School.

This report outlines the progress made as a result of the phase 1 consultation. Phase 2 consultation results will be reported separately once the phase 1 pilot has been completed.

Consultation Method

Information regarding the consultation was posted on the Council's website to ensure complete transparency. A PSPO consultation pack and questionnaire was also distributed to households within the PSPO area, in addition to parents and teachers of the respective schools. 892 questionnaires were submitted from phase 1.

To allow stakeholders to review and discuss the scheme, residents, parents/carers and businesses were invited to drop in sessions at the six schools and a final overall meeting was held at the Town Hall. The drop in sessions attracted 403 attendees.

Phase 1 Consultation Results

A summary of the consultation outcomes are shown in the table below.

Phase 1 Consultation		
Phase 1 Primary Schools	In favour of introducing a PSPO	Approve for PSPO
Wykeham	77%	Yes
Parsonage Farm	78%	Yes
The James Oglethorpe	81%	Yes
Engayne	79%	Yes
Broadford	44%	No
St Peters	33%	No

The table above shows that a majority of respondents overall are in favour of the introduction of PSPOs at Wykeham Primary, Parsonage Farm Primary, The James Oglethorpe Primary and Engayne Primary schools.

Design Principles

The school PSPOs have been designed to create a 'safe zone' around the school sites. Whilst March's Cabinet report suggests limited road access, this would be an inconvenience to residents and administratively costly. Having reviewed CCTV footage, a lighter touch approach has been proposed for the Phase 1 pilot. PSPO entry plates with repeat signs will be displayed within the zone. Enforcement will be via CCTV and enforcement officers patrolling the streets within the PSPO zone.



To simplify the communication and processing of enforcement, it will only be an offence if an offender drops off school children from a vehicle in that zone during the prescribed hours. The only exception to this will be those parents or carers of disabled children who required door to door transport access. All other activity such as resident movement, deliveries, emergency services, for example will not be subject to enforcement action.

A series of complementary measures will also be implemented should the PSPOs go live. The reason for waiting to implement these measures is to allow officers to assess the impact on the PSPO prior to any measures being introduced.



COUNCIL, 14 SEPTEMBER 2016

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: FOUR YEAR FINANCIAL SETTLEMENT

The purpose of this report is to consider the Government's offer of a four year financial settlement covering the period to 2019/20. The Council's budget strategy (including the 2016/17 financial settlement) was approved by Council on 25 February 2016.

The Council will need to respond to the Government by 14 October 2016 indicating its acceptance or rejection as appropriate.

RECOMMENDATIONS

The Council is asked to:

- a) Accept the Government's offer of a four year financial settlement covering the period from 2016/17 to 2019/20.
- b) Continue to lobby the Government for a fairer funding settlement which better reflects the needs of its residents.

REPORT DETAIL

The Government has given Councils a deadline of 14 October 2016 to develop efficiency plans to qualify for a four year settlement instead of an annual allocation with a view to aiding financial planning up until 2020.

The Government is making a clear commitment to provide minimum allocations for each year of the Spending Review period, should councils choose to accept the offer and if they have published an efficiency plan.

The allocations as stated in the 2016/17 local government financial settlement for Havering (and reflected in the draft MTFs for financial planning purposes) are as follows:

	2016-17	2017-18	2018-19	2019-20
Business Rate Baseline (BRB) ⁽¹⁾ ⁽²⁾	22.164	22.600	23.267	24.011
Top-Up Funding ⁽²⁾	9.462	9.648	9.933	10.250
Revenue Support Grant (RSG)	20.890	12.284	6.847	1.376
Settlement Funding Allocation (SFA)	52.516	44.532	40.047	35.637

(1) Business Rate Baseline (BRB) - This represents the target business rates and will differ from Havering's actual yield

(2) Excludes any impact of business rate revaluation

On the basis of accepting the four-year offer, Havering would face reductions of £19.5m in RSG by 2019/2020; however it would bring a degree of certainty over the level of funding. The Government have also suggested that if additional savings are required to be found over the four year cycle, those who have not signed up to the deal, would bear these reductions first. Additionally, the Government have not ruled out savings being required from those who accept the four-year offer where there is an "exceptional circumstance". The allocations stated in the four year offer are subject to the normal statutory consultation process for the local government finance settlement; however the Government expects these to be the amounts presented to Parliament each year.

The consequences of declining the Government's offer are uncertain. There is no indication of the level of cuts likely to be applied nor the rate at which they might be made over the four year term. The Council's RSG is expected to fall to only £1.376m so one might assume that this represents the limit of Havering's potential loss. However, Havering will also receive £10.250m in top-up grant which could be at risk from further savings. As part of the 2016/17 settlement, 3 London authorities (Nationally 162 authorities out of 382) received a tariff adjustment in 2019/20 in order to remove additional funding over and above their RSG allocation. This is the most likely alternative if government wished to cut Havering's funding further if once all of our RSG has been removed.

If the Council wishes to accept the offer on the grounds of increased financial stability it might also wish to make clear that in doing so it does not accept the principles underpinning the grant formula. The Council could continue to lobby the Government for changes in the grant mechanism which would better reflect the pressures facing Havering's residents Havering has faced an unprecedented level of grant reduction in recent years to such an extent that its RSG will have been almost completely removed by 2019/20. Council's not signing up to the four year deal would meet with the Minister on an annual basis although

In summary the advantages and disadvantages of the proposal are as follows:

	Accepting the four year offer	Declining the four year offer
Advantages	<ul style="list-style-type: none"> - Provides certainty of grant allocation. - Gives a greater ability to plan for future years - Savings are limited to those caused by exceptional circumstances. 	<ul style="list-style-type: none"> - Clearly rejects the methodology that allocated one of the biggest percentage grant reductions in London. - Enables the Council to meet with Minister on an annual basis
Disadvantages	<ul style="list-style-type: none"> - Future grant allocations (beyond the 4 year cycle) could be based upon the "accepted" grant levels. - Continuation of the methodology in formula that uses past Council decisions on council tax to impact future grant allocations - Despite accepting the four year settlement, Havering could still see reductions in funding in "exception circumstances" 	<ul style="list-style-type: none"> - Those authorities who do not agree to the four year settlement will be the first point of call for any further grant reductions.

Staff Contact: Mike Board
 Designation: Corporate Finance and Strategy Manager
 Telephone No: 01708 432217
 Email: mike.board@onesource.co.uk

Human Resources implications and risks:

The Council will continue to work closely with its staff and with Trades Unions to ensure that the effects on staff of the savings required have been managed in an efficient and compassionate manner. **Page 91**

All savings proposals or changes to the funding regime that impact on staff numbers, will be managed in accordance with both statutory requirements and the Council's Managing Organisational Change & Redundancy policy and associated guidance

Legal implications and risks:

1. The Council has not previously been invited to decide whether or not to accept a particular payment arrangement for the Revenue Support Grant, such matters normally being determined by Central Government. Nor has any guidance been provided as to how that decision should be reached. The Local Government Finance Act 1992 and the Council's Constitution set out the parameters of the decision making process in respect of the Council's budget. It is considered that this decision falls within the Council's budget and policy framework, in that it affects future years finance and forms part of the Medium Term Budget Strategy, and accordingly is a matter to be decided by Full Council. However, since this situation is unprecedented the decision of Full Council may be reported to the Executive for endorsement.
2. In reaching decisions on these matters, Members are bound by the general principles of administrative law. All relevant considerations must be taken into account and irrelevant ones disregarded. Any decision made must be one that only a reasonable authority, properly directing itself, could have reached. In reaching a decision Members should consider and give appropriate weight to the advice of the S151 Officer. The Council may take decisions which are at variance with his advice, providing there are reasonable grounds to do so.



FULL COUNCIL, Wednesday 14 September 2016

MEMBERS' QUESTIONS

1) FLIGHTS FROM LONDON CITY AIRPORT

To the Leader of the Council, Councillor Roger Ramsey

From Councillor Jody Ganly

Would the Leader of the Council confirm the current position in respect of permission to increase flights over Havering from London City Airport and what steps the council will be taking to persuade London City Airport to review the concentrated flight paths over Havering to ensure that the burden of increased flights and the noise that accompanies it is shared equally amongst Havering residents.

2) HOUSING REGISTER

To the Cabinet Member for Housing, Councillor Damian White

From Councillor Patricia Rumble

What are the reasons that people are removed from the housing register?

3) VILLAGE GREEN STATUS FOR LAND OFF NEW ZEALAND WAY

To the Cabinet Member for Housing, Councillor Damian White

From Councillor Michael Deon Burton

Please provide an update on the status of the Village Green application for land off New Zealand Way and whether a meeting can be arranged between Members, residents and Officers to discuss the application

4) RESIDENTS HOUSED OUTSIDE HAVERING

To the Cabinet Member for Housing, Councillor Damian White

From Councillor June Alexander

Would the Cabinet Member confirm over the past 3 years, how many residents have been placed outside Havering for housing needs, including seaside accommodation and on average how long have they been outside Havering.

Council, 14 September 2016

5) ORANGE BAG RECYCLING

To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish

From Councillor Lawrence Webb

Of our recycled (orange bag) waste what percentage is rejected when it is sorted?

6) GRANT FUNDING FROM VEOLIA

To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish

From Councillor Graham Williamson

Please provide an update regarding grant funding from Veolia.

7) CLOSURE OF HORNCHURCH FIRE STATION

To the Leader of the Council, Councillor Roger Ramsey

From Councillor John Mylod

Hornchurch Fire Station was closed between the hours of 20.00 pm on Friday 3rd June through to 09.30am on Saturday 4th June due to a lack of manpower throughout London. Would the Leader of the Council confirm what representations he will be making to ensure that this does not re-occur.

8) HOMELESSNESS

To the Cabinet Member for Housing, Councillor Damian White

From Councillor John Glanville

Given the recent report by the Communities and Local Government Select Committee which has said that help given by local authorities to homeless people is often ineffectual and meaningless and which states that "The scale of homelessness is now such that a revised government strategy is a must" what if any is the council's response?

Council, 14 September 2016

9) RIVER INGREBOURNE

To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish

From Councillor Jeffrey Tucker

Please provide an update regarding improvements to the southern end of the River Ingrebourne, including the removal of debris/foilage, clearing culverts and improving the public space behind the Angel Pub.

10) HORNCHURCH LIBRARY OPENING HOURS

To the Cabinet Member for Culture and Community Engagement, Councillor Melvin Wallace

From Councillor Julie Wilkes

Given the large number of volunteers that the council boasts it has recruited, would the Cabinet Member confirm why it has still not been possible to increase the hours of opening (10am to 1pm) at Hornchurch Library (often the busiest library in Havering) beyond just Saturday.

11) CYCLE TRACK, MAIN ROAD

To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish

From Councillor Lawrence Webb

What was the cost per meter of the new designated cycle path at the top on Main Road?

12) GREEN BELT

To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish

From Councillor Keith Roberts

There appears to be land clearance work taking place on land north of the A1306 between Rainham Road and Upminster Road North off Farm Road. Please provide any information about what is happening as this or nearby land has been put forward to be removed from Green Belt.

13) OPERATIONAL AND ACCESS ISSUES

To the Leader of the Council, Councillor Roger Ramsey

From Councillor Ray Morgon

Would the Leader of the Council confirm who within the Administration authorised the following:

- a) The Call Centre being closed to the public for 4 hours once a month for staff training.
- b) Refusal to allow prior approval planning applications to be “called in” before Regulatory Services.
- c) Stopping members from entering the members/CMT car park before 5pm.
- d) Refusing residents access to council services unless done online

14) ICT STRATEGY

To the Cabinet Member for Financial Management, Transformation and IT Client Side, Councillor Clarence Barrett

From Councillor Ray Morgon

- a) When will there be a clear ICT strategy for Havering.
- b) What IT projects have been prioritised for this financial year and next and why were these chosen.
- c) Why are corporate priorities in Newham Council being put before those in Havering.
- d) ICT is regarded as the worst service within One Source. Why has this been allowed to happen and what clear plans are in place to rectify the situation

15) WASTE COLLECTIONS

To the Cabinet Member for Environment, Regulatory Services and Community Safety, Councillor Osman Dervish

From Councillor Barbara Matthews

Would the Cabinet Member explain the apparent increase in the number of missed waste collections since Serco took over the waste contract two years ago?

COUNCIL, 14 September 2016

MOTIONS FOR DEBATE

A 'ROGUE' LANDLORDS

Motion on behalf of the Labour Group

This Council reaffirms its decision to introduce an Article 4 Direction and an effective Licensing Scheme of Private Landlords as soon as it can and further agrees as a matter of priority to ensure that it takes action under the Housing Act 2004 when it has concerns about the quality of accommodation provided in residential property within the Borough and also to use both housing and planning powers simultaneously to take action against rogue Landlords.

Amendment by the Conservative Group

Amend motion to read:

This Council brought Article 4 Directions into force on 13th July 2016 and reaffirms its decision to bring an effective Licensing Scheme of Private Landlords as soon as it can and further agrees as a matter of priority to ensure that it takes action under the Housing Act 2004 when it has concerns about the quality of accommodation provided in residential property within the Borough and to work with the Council's partners to use all available powers (including anti-social behaviour, housing and planning) to take action against rogue Landlords.

B ENFORCEMENT OF THE LAW AND COUNCIL POLICIES

Motion on behalf of the Residents' Group

Many residents complain about the lack of enforcement in Havering, so this council calls upon the Administration to set out a strategy backed up with clear procedures and the necessary resources to ensure that there is effective enforcement of the law and council policies in Havering.

Council, 14 September 2016

Amendment by the Conservative Group

Amend motion to read:

In recognising residents' complaints about lack of enforcement THIS COUNCIL NOTES that a review with stakeholders has been undertaken with a main purpose of identifying a common approach to enforcement across the Borough optimising the use of resources and balancing the focus of key priorities. Following a restructure there is now in place a management platform to carry forward further reorganisation designed to concentrate on tackling effectively those matters that cause most harm within our community within available resources.

C DECISION ON VALIDITY OF COUNCIL MOTIONS

Motion on behalf of the Independent Residents' Group

This motion calls upon the Council to amend Council Procedure Rule 11.4 (b) so that the final say over the validity of motions rests with the Mayor rather than the Monitoring Officer.

(No amendments received).

D PARKING PROVISION IN NEW DEVELOPMENTS

Motion on behalf of the Independent Residents' Group

To meet housing targets the Mayor of London has relaxed planning rules to reduce parking provision in new developments and this is spun/based on a fallacy they're not needed if the development is situated near a station, bus stop and/or bike stand!

Promoting public transport and alternatives to cars is a good idea, but people still want to own a car to get around, go on trips and visit greener areas in their leisure time. In other words people may use their cars less, but they still want to own a car for quality of life reasons.

Thus this Council agrees reducing parking provision in new developments throughout Havering as "people no longer need cars" is poor planning and a big mistake, because it creates parking misery for many new residents and negative implications for existing ones.

Amendment by the Conservative Group

Amend motion to read:

To meet housing targets the Mayor of London has relaxed planning rules to reduce parking provision in new developments.

Council, 14 September 2016

Promoting public transport and alternatives to cars is a good idea, but people still want to own a car to get around, go on trips and visit greener areas in their leisure time. In other words people may use their cars less, but they still want to own a car for quality of life reasons.

This Council agrees reducing parking provision in new developments throughout Havering on the basis that “people no longer need cars” is short-sighted because it would create parking misery for many new residents and negative implications for existing ones.

This Council notes that the latest standards in the Mayor’s London Plan provide scope for outer London boroughs to develop their own parking standards to reflect their specific circumstances and this may include higher levels of provision. This Council will therefore use the opportunity in preparing its new local plan to consider the preparation and adoption of parking standards that are better suited to the circumstances in Havering.

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