



DATE: 29 June 2021
MY REF: RW/CCouncil
PLEASE ASK FOR: Mrs. R. Whitelaw
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E-MAIL: rosemary.whitelaw@leics.gov.uk

Dear Sir/Madam

I summon you to the MEETING of the LEICESTERSHIRE COUNTY COUNCIL to be held at NELSON SUITE, LEICESTER RACECOURSE, LEICESTER RD, OADBY, LEICESTER LE2 4AL on WEDNESDAY, 7 JULY 2021 at 2.00 p.m. for the transaction of the business set out in the agenda below.

Yours faithfully



Chief Executive

AGENDA

1. Chairman's Announcements.
2. To confirm the minutes of the meeting of the Council held on 19 May 2021. (Pages 5 - 14)
3. To receive declarations by members of interests in respect of items on this agenda.
4. To answer questions asked under Standing Order 7(1)(2) and (5).
5. To receive position statements under Standing Order 8.

To consider reports of the Cabinet, Scrutiny Commission, Scrutiny Committees and other bodies:

6. Report of the Scrutiny Commission.
 - (a) Overview and Scrutiny Annual Report 2020/21. (Pages 15 - 44)



7. Report of the Constitution Committee.
 - (a) Proposed Changes to the Structure of Overview and Scrutiny Bodies. (Pages 45 - 52)
8. Report of the Corporate Governance Committee.
 - (a) Proposed Changes to the Contract Procedure Rules. (Pages 53 - 82)
9. To appoint members of the Highways and Transport Overview and Scrutiny Committee and the Environment and Climate Change Overview and Scrutiny Committee.
10. To consider the following notice of motion:

Considerate Highway Charter - Mrs. A. J. Hack CC

- (a) That this Council notes:
 - (i) Many Leicestershire roads contain clutter resulting from highways maintenance, contractors and other parties work on the highway;
 - (ii) Too much litter, including recyclable cans and bottles, is being thrown onto grass verges and pavements and is a threat to the environment and wildlife;
 - (iii) Lighting is required for the safety of some footways and cycleways;
 - (iv) The need to maintain the highway network to a high standard and this includes footways and cycleways;
 - (v) The importance of biodiversity on roadsides;
 - (vi) The risks of tree foliage hiding lighting and tall grasses at junctions.
- (b) This Council therefore calls for the development of a Considerate Highway Charter to:
 - (i) Obtain a common agreement across all partners for cleaning roads including the district authorities who are responsible for street cleansing and Highways England where the road is under their responsibility;
 - (ii) Work with the relevant organisations including utility companies and developers to ensure that all highways clutter is removed and stored rather than being left at the roadside;
 - (iii) Consider the management of lighting cycleways and footways in response to Government's commitment to active travel to support greater choice in how people move around the county safety when walking and cycling, particularly in the winter months;

- (iv) Commit to a 'safety first' approach to maintenance and management of the roadside;
- (v) Work in partnership with the district authorities to seek to persuade the public to act in a more responsible way, taking litter home, and consider approaches taken by other local authorities, such as Lincolnshire County Council and Highways England who provide litter bins in every parking refuge point on the A46 to seek to minimise roadside litter;
- (vi) Include a management plan for all future tree planting at the roadside to ensure that the benefits for the local environment and air quality are maximised, as well as considering the long-term costs of tree management;
- (vii) Set out arrangements already in place to maintain roadside verges and green spaces where there is split responsibility for particular stretches of a road to as to ensure that residents are clear as to how that particular road is managed.

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**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL
HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 19 MAY 2021**

PRESENT

Mrs. P. Posnett MBE CC (in the Chair)

Mr. R. G. Allen CC, Mr. R. Ashman CC, Mr. N. D. Bannister CC, Mr. T. Barkley CC, Mr. P. Bedford CC, Mr. D. C. Bill MBE CC, Mr. G. A. Boulter CC, Mr. S. L. Bray CC, Mr. L. Breckon JP CC, Ms. L. Broadley CC, Mr. B. Champion CC, Mr. N. Chapman CC, Mr. M. H. Charlesworth CC, Mr. J. G. Coxon CC, Dr. R. K. A. Feltham CC, Mr. M. Frsiby CC, Mrs. H. J. Fryer CC, Mr. S. J. Galton CC, Mr. D. A. Gamble CC, Mr. K. Ghattoraya CC, Mr. T. Gillard CC, Mr. D. J. Grimley CC, Mrs. A. J. Hack CC, Mr. L. Hadji-Nikolaou CC, Mr. B. Harrison-Rushton CC, Mr. D. Harrison CC, Mr. R. Hills CC, Mr. Max Hunt CC, Mr. P. King CC, Mr. B. Lovegrove CC, Mr. K. Merrie MBE CC, Mr. J. Miah CC, Mr. J. Morgan CC, Mr. M. T. Mullaney CC, Ms. Betty Newton CC, Mr. O. O'Shea JP CC, Mr. J. T. Orson JP CC, Mrs. R. Page CC, Mr. B. L. Pain CC, Mr T. Parton CC, Mr. T. J. Pendleton CC, Mr. L. Phillimore CC, Mr J. Poland CC, Mrs. C. M. Radford CC, Mr. T. J. Richardson CC, Mrs H. L. Richardson CC, Mr. N. J. Rushton CC, Mrs B. Seaton CC, Mr. R. J. Shepherd CC, Mr. C. A. Smith CC, Mrs D. Taylor CC, Mr. G. Welsh CC, Mrs. A. Wright CC and Mrs. M. Wright CC

1. TO ELECT A CHAIRMAN.

It was moved by Mr Rushton, seconded by Mr Mullaney and carried:

“That Mr Dan Harrison be elected Chairman for the period until the next Annual Meeting of the Council.”

Mr Harrison read out and signed his Declaration of Acceptance of Office which was witnessed and signed by the Chief Executive.

Mr Harrison took the Chair and thanked his proposer and seconder and members of the Council for electing him.

The Chairman thanked Mrs Posnett for her services to the County during her period of office as Chairman. Mr Rushton, Mr Mullaney and Mr Hunt each joined the Chairman in associating their Groups with the thanks to Mrs Posnett. Mrs Posnett thanked members for their generous remarks.

Mr. D. Harrison CC (in the Chair)

2. TO ELECT A VICE CHAIRMAN.

It was moved by Mr Rushton, seconded by Mr Mullaney and carried:-

“That Dr Kevin Feltham be appointed Vice-Chairman for the period until the next Annual Meeting of the Council.”

Dr Feltham read out and signed his Declaration of Acceptance of Office

which was witnessed and signed by the Chief Executive.

Dr Feltham thanked his proposer and seconder for their generous remarks and members of the Council for appointing him as Vice-Chairman.

3. CHAIRMAN'S ANNOUNCEMENTS.

Mr Brian Page

The Chairman reported with great sadness the death of former County Councillor Mr Brian Page. He served on the County Council representing the Glenfields electoral division from 2001 to 2013.

Mr Page served as a member of the Cabinet from 2007 to 2010. He also served on the Scrutiny Commission, Resources Scrutiny Committee, the Standards Committee and the Pensions Board.

Members joined the Chairman by standing in silent tribute to Mr Page.

Welcome to new Members of the County Council

The Chairman congratulated all Members on their election, or re-election, to the County Council and offered a warm welcome to new County Councillors attending their first meeting of the County Council. He also commented on the unique circumstances of having three generations of the same family serving on the County Council.

Covid-19 Arrangements

The ongoing restrictions and caution surrounding Covid-19 had seen the Annual Meeting move from County Hall for the first time. The Chairman was grateful to Loughborough University for hosting the meeting and allowing members to come together for the first time in over a year.

Armed Forces Day

As a prelude to Armed Forces Day, the Chairman would be taking part in a pre-recorded Flag-Raising ceremony at the Stand Easy Memorial on Monday 7th June, at 10.30am. He had been unable to extend an invitation to all members this year, but the video would be made available for all to watch at the beginning of Armed Forces Week on Monday 21st June.

On Saturday 26th June, together with the Lord-Lieutenant and Lord Mayor of Leicester, the Chairman would be attending a special service at Leicester Cathedral to mark Armed Forces Day. Once again, the event was being held cautiously and so invitations had been restricted. However, all members were invited to watch the live stream of the Service via the Cathedral's website on the 26th.

County Service

The Chairman hoped to host the County Service later this year. All Members would receive an invitation in due course.

4. TO RECEIVE THE REPORT OF THE RETURNING OFFICER.

The Chief Executive presented the report of the Returning Officer on the persons duly elected to the County Council at the elections which had been held on 6 May 2021.

The Chairman congratulated all members on their election and in particular extended a welcome to new members.

5. MINUTES.

It was moved by the Chairman, seconded by the Vice-Chairman and carried:-

“That the minutes of the meeting of the Council held on 17 February 2021, copies of which have been circulated to members, be taken as read, confirmed and signed.”

6. DECLARATIONS OF INTEREST.

The Chairman invited members who wished to do so to make declarations of interest in respect of items on the agenda for the meeting.

No such declarations were made.

7. QUESTIONS ASKED UNDER STANDING ORDER 7(1)(2) AND (5).

(A) Mr Hunt asked the following question of the Leader or his nominee:

- “1. A recent paper to Cabinet concerning a major road proposal included a specific section listing the “Environmental Implications”. Will this be a regular part of reports on major road proposals and will they detail negatives as well as positives?
2. The same report included a statement of conformance with the Council’s Environment Strategy to (A) “*Reduce our own greenhouse gas emissions and those in the wider county where we have influence*” and (F) “*Reduce the environmental impacts of travel and transport*” these aims were proposed to be met by a reduction in “*exhaust emissions through reducing acceleration/deceleration events*”. What is the evidence that the exhaust emissions (CO₂, NO_x, etc) will be reduced if the volume of traffic increases as expected?
3. What will be the effect on air quality, taking into account particulates from tyres and brakes, if traffic increases as predicted?
4. Is it time to evaluate the environmental impacts of all major road projects and do so in a consistent accepted form, even if they can also demonstrate a significant contribution to jobs and the economy?”

Mr Pain replied as follows:

- “1. Yes, Environmental Implications is a standard section in Cabinet reports and will summarise both negative and positive impacts.
2. Current evidence provided by the Department for Transport and European Union suggests that more efficient driving (i.e. reduced acceleration/deceleration, braking and idling) can reduce exhaust emissions by around 10%. In order to secure funding from central government for Major Transport and Highway schemes, the proposals must be assessed in line with government guidance. The strategic modelling work carried out as part of this assessment indicates that the impact of exhaust emissions will be reduced when compared to the proposed scheme not being implemented as the additional capacity at key junctions will support more uniform traffic flow and movement. Irrespective of whether the scheme is or is not successful in receiving government funding, the volume of traffic is predicted to continue to increase along this corridor (the section of A50/A511 between Field Head roundabout and Hoo Ash Roundabout) with the inevitable increase in exhaust emissions.
3. If traffic increases as predicted and the scheme is not implemented, then air quality would be expected to deteriorate. As above, the assessment of the proposals indicates that particulates along with other emissions will be reduced if the scheme is delivered.
4. Allocation of funding for major road projects from central government is currently subject to business case assessment in line with government guidance. The economic evaluation as a part of the business case requires the environmental impacts of major road schemes to be assessed and any impacts, both negative and positive to be monetarised. Schemes which cannot demonstrate a benefit to cost ratio of at least 2:1 when all impacts are taken into account are unlikely to be funded.”

8. POSITION STATEMENTS UNDER STANDING ORDER 8.

The Leader gave a position statement on the following matters:

- Welcome to new Members;
- Member Induction, Learning and Development Programme;
- Covid-19;
- Honorary Aldermen;
- The New Term.

A copy of the position statement is filed with these minutes.

9. REPORT OF THE CABINET.**(a) Dates of Council Meetings 2021/22 and 2022/23.**

It was moved by Mr Shepherd, seconded by Mr Rushton and carried:

“That Council meetings in 2021/22 and 2022/23 be held on the following dates: -

- Wednesday 7 July 2021
- Wednesday 29 September 2021
- Wednesday 1 December 2021
- Wednesday 23 February 2022 (to consider the budget)
- Wednesday 18 May 2022 (Annual meeting)
- Wednesday 6 July 2022
- Wednesday 28 September 2022
- Wednesday 7 December 2022
- Wednesday 22 February 2023 (to consider the budget)
- Wednesday 17 May 2023 (Annual meeting).”

10. TO MAKE THE FOLLOWING APPOINTMENTS IN ACCORDANCE WITH ITEMS 11 AND 12 OF STANDING ORDER 4:

(a) To appoint the Leader (and to note the members which the Leader proposes to appoint to the Cabinet);

It was moved by Mrs Taylor, seconded by Mr Shepherd and carried:

“That Mr N J Rushton be appointed Leader of the Council for the period until the next Annual Meeting of the Council.”

It was moved by Mr Rushton, seconded by Mr Shepherd and carried:

“That it be noted that the Leader proposes to appoint the members named on list ‘1’ as members of the Cabinet.”

A copy of list 1 is filed with these minutes.

(b) To appoint such Cabinet Support Members as the Council considers appropriate;

It was moved by Mr Rushton, seconded by Mr Shepherd and carried:

“That the following members be appointed as Cabinet Support Members until the next Annual Meeting of the County Council, as provided for in Article 7 of the Council’s Constitution:-

Mr R Ashman
Mr T Parton
Mrs B Seaton
Mrs M Wright.”

42 members voted for the motion; 13 voted against.

(c) To appoint members of the Scrutiny Commission, Board and Committees;

It was moved by Mr Shepherd, seconded by Mr Charlesworth and carried:

Membership

“That the membership of the Scrutiny Commission, Boards and Committees as set out in List ‘2’ and the Chairmen Elect and Spokespersons named in List ‘3’ be approved.”

Substitutes

“That the Chief Executive be authorised to make and terminate appointments to the Commission, committees, boards and other County Council bodies (not including the Cabinet) in accordance with the wishes of the political groups to whom the seat in question has been allocated, subject in the case of those bodies set out in list ‘2’ to the Group giving one day’s notice to the Chief Executive of its wishes.”

A copy of list ‘2’ and list ‘3’ is filed with these minutes.

(d) **To appoint church representatives to serve on the Children and Families Overview and Scrutiny Committee - Report of the Chief Executive.**

It was moved by Mr Shepherd, seconded by Mr Charlesworth and carried:

“That Canon Carolyn Lewis be appointed as Church of England representative and Mr Neil Lockyer be appointed as the Roman Catholic Church representative on the Children and Families Overview and Scrutiny Committee (or other appropriate scrutiny committee dealing with Education) for the period ending with the County Council elections in 2025.”

2.00 pm – 3.08 pm
19 May 2021

CHAIRMAN

County Council Meeting - 19th May 2021

Leader's Position Statement

Welcome to new Members

Could I echo the Chairman's comments and formally welcome all new and returning members to County Hall and congratulate everyone on their election.

I would also like to offer my thanks to all the candidates of all parties who put themselves forward for election. Without them, we cannot have a thriving participative democracy.

Thanks also to all the staff, the Returning Officer and the Deputies for their hard work ensuring the smooth running of the elections and ensuring the safety of the public, particularly with regard to the Covid pandemic. Thanks also to those staff at County Hall who ran the on-line election results service.

Member Induction, Learning and Development Programme

I'm very proud of the way this Council supports all its members. This is reflected in the comprehensive induction process which sees members offered training, learning and development briefings. New members will be assigned an officer mentor, who is on hand to offer advice and guidance. This combines with assistance offered by the political groups to help their new members get up to speed quickly with the workings of the Council and understand the big issues of public policy that they will be helping shape for the communities they represent in Leicestershire.

Covid-19

The Coronavirus case rate in the County is now a fraction of what it was at the peak of the second wave, in no small part due to the continued work of our staff and the success of the national vaccination programme.

However, it is vital we remain vigilant and continue to stick to the guidance as the roadmap unwinds. The recent outbreak and increase in cases in Harborough is a reminder of how quickly things can change, particularly in the unvaccinated population. Additionally, the threat of a new variant taking hold, and potentially weakening the efficacy of the vaccine, means we need to remain on our guard.

From the very beginning of this pandemic we have planned for, and delivered, the safe, effective recovery of Council services, protecting the vulnerable and ensuring the safety of our service users and citizens. We have worked in partnership through the Local Resilience Forum and also supported the local economy.

We are now focused on ensuring the Council builds back stronger from this pandemic. Our community leadership role means we are ideally placed to do that.

Honorary Aldermen

I will be proposing three retired members of the County Council to receive the highest honour this Council can bestow to recognise outstanding civic service. These Aldermen will be Mr Byron Rhodes, the former member for the Belvoir Division, Mr Ivan Ould, former member for the Market Bosworth Division, and Mrs Janice Richards who represented the Earl Shilton Division. They will be elected at our meeting in July.

The New Term

The Conservative manifesto entitled “*Building a Greener Future for Leicestershire*” was endorsed by voters at the recent elections, resulting in the biggest majority this Council has seen in its current form. It will build upon our previous achievements, such as being recognised by *ImPower* as the most productive and efficiently run Council in England and Wales, whilst being the worst funded County authority in the UK. This manifesto acts as the guidance and direction to chief officers of the policy aims of the new administration.

Nevertheless, there is still much work to be done from the previous term. Money remains tight, funding of major infrastructure projects is a concern, and rising demand for social care and SEND services, as well as the impact of Covid on the council, are all major issues to be dealt with.

That’s why our main themes over the next four years and beyond will focus on:

- A plan for a cleaner, greener Leicestershire - carbon reduction and planting 700,000 trees, one for every resident;
- Extra investment in the environment, filling potholes, keeping our highways safe, reduce speeding in our communities, clearing gullies to help with flooding;
- A Strong Covid response and recovery - by building upon our work with our NHS colleagues, care and key workers, and working with our communities in eradicating this disease;
- Strong economy and investing for the future- we have a clear economic plan to invest for the future, pay down debt and maximise opportunities for jobs and future prosperity. I’m delighted that the bid for a Freeport for Leicestershire was successful. It’s one of the flagship Government policies to drive inward investment, jobs, and growth for the future;

- Continue protecting and safeguarding vulnerable people - as it's our statutory responsibility.

This manifesto is a bold document setting out the strategic direction of the Council for the next four years. The new Administration is determined to succeed in implementing its mandate from the electorate. The immediate priority remains our response to and recovery from the Covid pandemic, and it will dominate policy making and our decisions for the foreseeable future. Our overriding pledge to the people of Leicestershire is that we will always be on your side - and we will always do the right things by you.

Nick Rushton

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REPORT OF THE SCRUTINY COMMISSION

A. OVERVIEW AND SCRUTINY ANNUAL REPORT 2020/21

Introduction

1. The Constitution requires that the Scrutiny Commission and Overview and Scrutiny Committees submit an Annual Report to the Council (or the Scrutiny Commission in a single report on their behalf) on their workings. The report may make recommendations about future work programmes and changes in working methods.

Annual Report

2. Attached as Appendix A to this report is a copy of the Overview and Scrutiny Annual Report for 2020/21. It is intended as a public facing summary of the key highlights of scrutiny activity undertaken during the year and serves to draw out the work undertaken at committee level, including review panels, and how this has had an impact.
3. The Annual Report sums up a varied and busy year for Overview and Scrutiny despite the challenges faced due to the Covid pandemic; the Committees have operated remotely since April 2020 and continued to scrutinise issues across the whole range of services provided by the County Council. The level of public interest in Overview and Scrutiny has been very positive this year, with an increased number of questions and petitions being received and representations heard from members of the public on a number of occasions.

Conclusions and Looking Forward

4. The work of Overview and Scrutiny remains important in holding decision makers such as the Cabinet to account, in ensuring that the Council's budget and performance is closely monitored, and in making certain that outcomes are delivered for the benefit of the residents of Leicestershire.
5. During 2020/21 the impact of Covid 19 dominated the work of all scrutiny bodies as they considered each departments response and recovery plans, and the financial implications for the Council as a whole, both in the short and longer term. Other critical work continued, as did the planned scrutiny review panel on flooding which made a number of valuable recommendations to improve current partnership arrangements and ensure residents are properly signposted both before and during a flooding event.
6. Looking forward, a key area of focus will inevitably still be the longer term impact of Covid 19 on Council services and its finances as the Council looks to build back stronger for the future. The need for member involvement in the recovery process will be crucial and scrutiny will continue to monitor how the recovery plans impact on service users and local communities.

7. With a number of new members joining the Council following the May elections, training and development will be a key issue and this is something the Scrutiny Commissioners are currently planning for the Autumn for all scrutiny members, as well as the Chairs, Vice Chairs and Spokespersons now appointed.

(Motion to be moved:

That the information contained in the Overview and Scrutiny Annual Report 2020/21, attached as Appendix A to this report, on its activities, be noted.)

9 June 2021

**Mr. M. T. Mullaney CC
Chairman of the Scrutiny Commission**

Background Papers

Report to the Scrutiny Commission at its meeting on 9 June 2021 – Draft Overview and Scrutiny Annual Report 2020/21.

Appendix

Appendix A - Overview and Scrutiny Annual Report 2020/21

Overview and Scrutiny Annual Report 2020/21



Foreword by the Scrutiny Commissioners

During 2020/21 the Covid-19 pandemic has dominated our lives and we have seen unprecedented changes across the country to tackle the outbreak. This has been a very difficult time, and everyone has and continues to be affected in some way. The County Council has been working extremely hard to help and support its residents and businesses, and staff have quickly adapted their working practices to ensure the continued operation of services. County Council officers at all levels have worked tirelessly to support and protect Leicestershire residents and we wish to thank them for all their hard work.

The challenge of overview and scrutiny has always been crucial in supporting the delivery of high quality services. This work has continued throughout 2020/21 despite difficulties arising from the pandemic.

The introduction of new, temporary legislation enabled councils to hold meetings remotely. Therefore, since April 2020 all scrutiny meetings have been held virtually and webcast live. This has allowed the public to still engage in the process whilst following government advice to stay at home. It has also ensured all critical decisions on the delivery of Council services have continued to be made in a way that is both transparent and accessible to the public with Scrutiny able to play its key role in that process.

The level of public interest in our work has continued to grow, with a record number of questions being asked at our meetings: 72 from members of the public and 39 from elected members. We hope to see this continue in 2021.

We have continued to hold our Cabinet colleagues to account for the performance and delivery of services. We are grateful for their attendance at our meetings to answer our questions. We are also thankful for the input of partners and stakeholders and, as always, for the support and advice of officers.

This particular Annual Report marks the conclusion of the activities of Overview and Scrutiny over the last four years of this Council. It is therefore the appropriate time to thank all our fellow members who have served on Committees and Review Panels during this time. We should also particularly wish to thank those members who have contributed to Overview and Scrutiny who did not stand or get re-elected in the May County Council election and this includes both Scrutiny members and members of the Cabinet who have supported our work.

This report is not a complete commentary of everything we have achieved but a summary of some key highlights of our work during 2020/21 and of what we anticipate will be undertaken during the coming year. We hope you enjoy reading it. You can find out more about our meetings [here](#) and view a meeting on the Council's YouTube channel [here](#). All scrutiny meetings are open to the public and if you would like to get involved, the scrutiny team's contact details are at the end of this report.



Simon Galton CC



Peter Bedford CC



Terri Eynon CC



Rosita Page CC

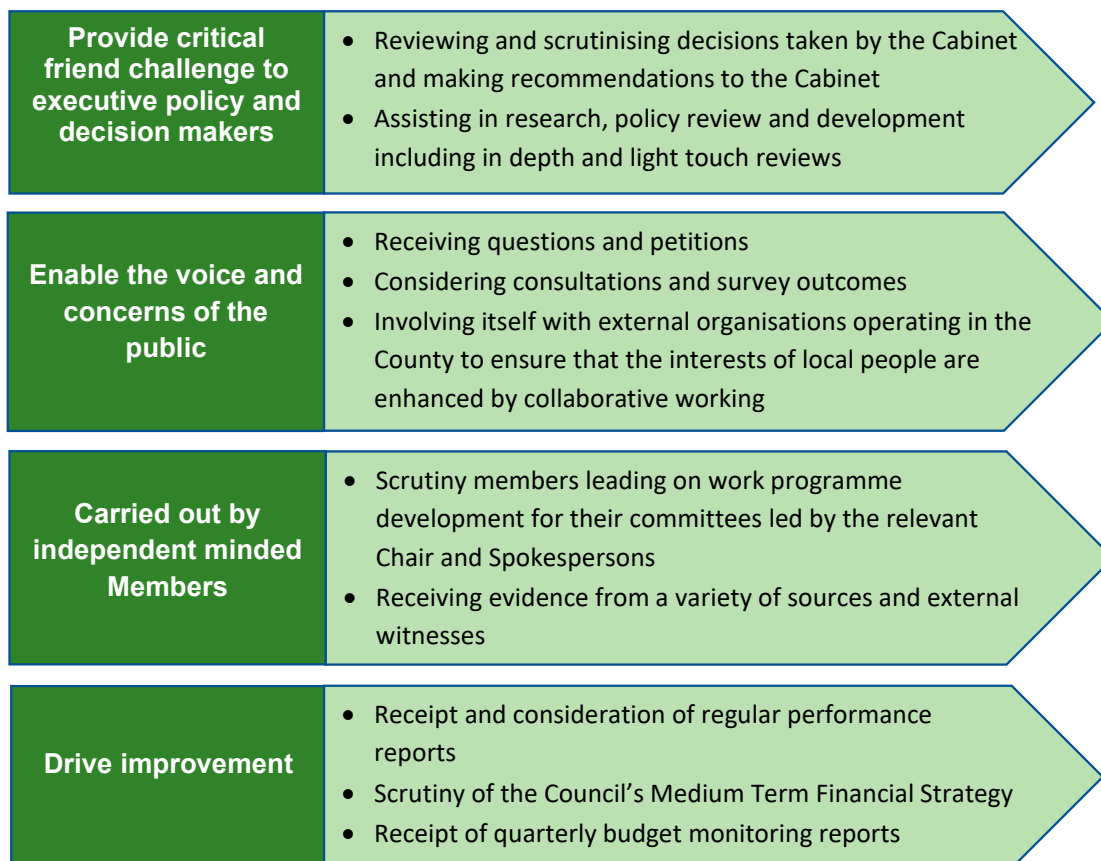
The four Scrutiny Commissioners are responsible for leading the Overview and Scrutiny process, deciding on priority issues for Overview and Scrutiny Committees and areas that merit review by a Scrutiny Panel.

What is Overview and Scrutiny?

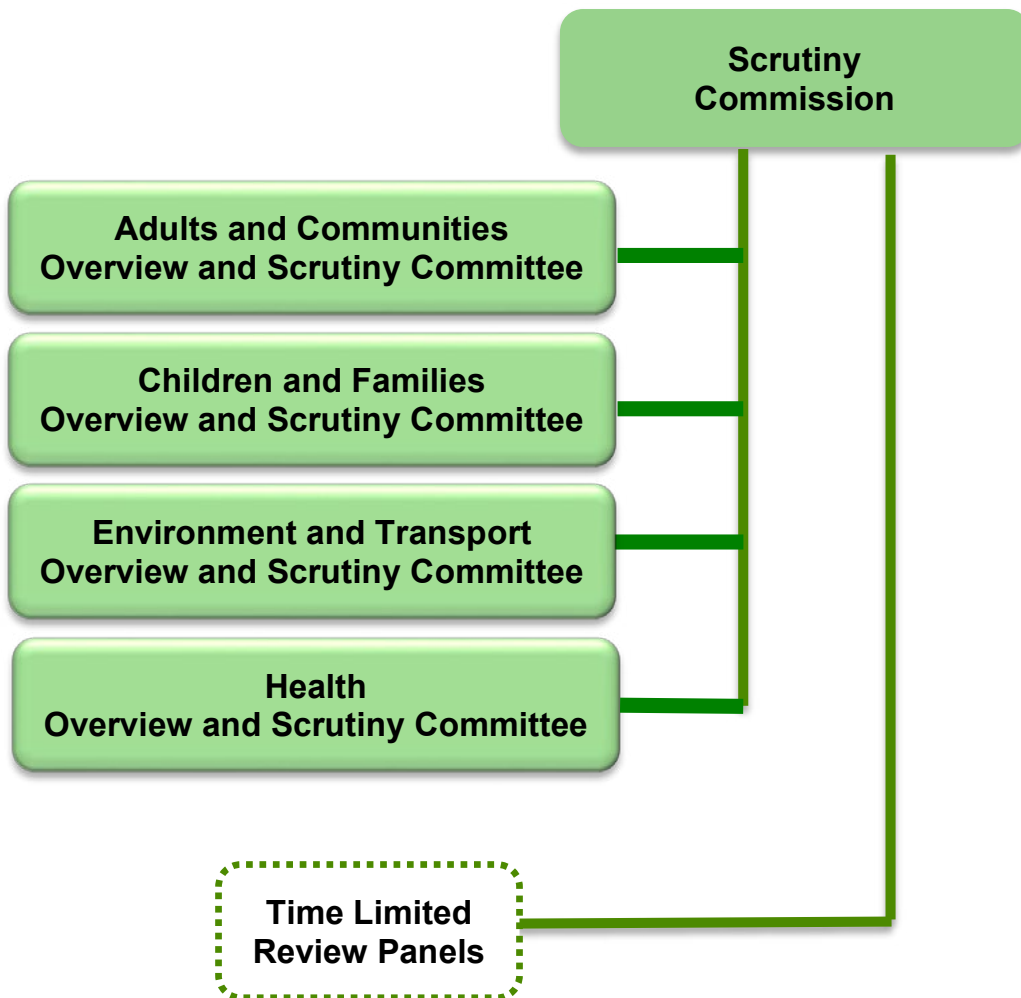
The purpose of overview and scrutiny is to hold decision makers such as the Cabinet to account for decisions they have made or are planning to make, to monitor the performance of services and the outcomes delivered for the residents of Leicestershire, and to assist the County Council and the Cabinet in the development of its budget and policy framework. As well as scrutinising the work of the County Council and the Cabinet, overview and scrutiny has an important statutory role in the scrutiny of health and crime and disorder.

Scrutiny is a statutory requirement for local authorities that, like Leicestershire County Council, operate a Leader and Cabinet (Executive) model of decision making. Overview and Scrutiny committees do not make decisions but instead monitor and influence the Council's Cabinet which does. The overview and scrutiny role, carried out by non-Cabinet members, is designed to support the work of the Council and its Cabinet.

We have embedded in our approach to scrutiny the four principles of good scrutiny developed by the Centre for Governance and Scrutiny as follows:



In Leicestershire all scrutiny work is carried out by the Scrutiny Commission, the lead Overview and Scrutiny body, and four service-based Committees as set out below.



In addition to the committee-based work they carry out, Overview and Scrutiny Committees can also initiate time limited task and finish work to look at a particular issue in more detail. Scrutiny Review Panels, as they are known, are usually made up of five members and their recommendations, which may suggest a change in policy or service provision, are submitted to the relevant parent committee prior to consideration by the Cabinet.

All Overview and Scrutiny meetings are held in public. Attendance and involvement of the public is actively encouraged. This can include questions or petitions to be put at our meetings or suggestions for our work programme.

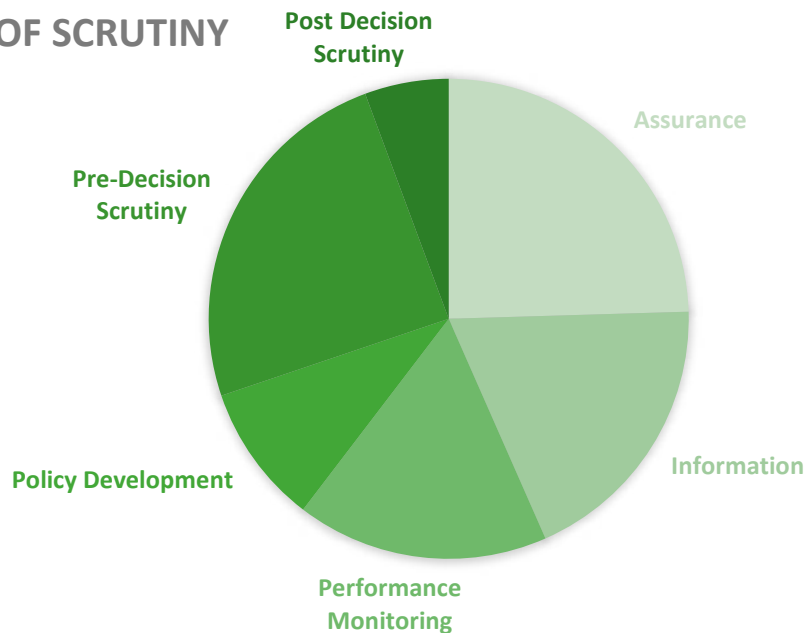
For further information about the Overview and Scrutiny process and how you can get involved please visit our website: www.leicestershire.gov.uk/overview-and-scrutiny

Overview and Scrutiny activity in 2020/21 at a glance



The chart below provides an overview of the breadth of scrutiny work undertaken this year.

TYPES OF SCRUTINY



The Council's webcast of Scrutiny meetings received 3,627 views.



We welcomed questions, 111 in total, on some of these subjects from both the public and other elected members.



Representatives from the following organisations have taken part in our meetings or submitted representations:

- Leicestershire Police
- Severn Trent Water
- The Local Resilience Forum
- The Environment Agency
- The NHS
- Leicester, Leicestershire and Rutland CCGs
- Nottingham and Nottinghamshire CCGs
- District Councils
- Members of the Public affected by Flooding events
- Healthwatch
- The Leicester and Leicestershire Enterprise Partnership
- Leicester City Council
- Leicester and Rutland Safeguarding Adults Board

1.

The Scrutiny Commission

The Scrutiny Commission is the lead Overview and Scrutiny body. It looks at the Council's budget and performance, as well as the Leicester and Leicestershire Enterprise Partnership (LLEP), which is responsible for economic and strategic transport matters covering the County and Leicester City. The Commission also looks at issues that fall within the remit of more than one Overview and Scrutiny Committee and acts as the Council's Crime and Disorder Overview and Scrutiny Committee.

Highlights

Covid-19 Impact, Response and Financial Implications

Throughout the year the Scrutiny Commission received several reports on the Council's Covid-19 response, plans for recovery and the reinstatement of services, and the financial implications for both the immediate and longer term.

There was much uncertainty in the early months of 2020 and financial pressures of up to £64m were estimated, resulting from possible losses of council tax and business rates income and extra costs for services such as home to school transport. We supported the use of reserves and a drastic reduction in the Council's capital programme to help address some of the difficulties faced. We later heard that the pandemic was having a negative effect on the Council's own commercial services which faces an uncertain future. We noted that a full review would be undertaken and we will be considering some of the implications of that in 2021.

Later in the year, despite financial pressures, we were pleased to hear that the Council had provided grants for local businesses and support for free school meals, as well as investing in IT equipment to support staff working from home, ensuring Council services continued during the national and local lockdowns.

Leicester and Leicestershire Enterprise Partnership (LLEP)

The Commission heard from both the Chief Executive of the LLEP and the Chair of the LLEP Board regarding the economic impact of Covid-19 and national estimates of 1 in 10 jobs being lost which could equate to as many as 50,000 job losses across Leicester and Leicestershire.

We noted that the LLEP was facilitating and coordinating efforts across the region to support SMEs (small and medium sized enterprises) that dominate the Leicestershire economy. These businesses had been particularly hard hit by recent events. The Commission welcomed the SME business grants that would help them build resilience in the short to medium term. Looking to the future, we asked that the LLEP continue to lobby Government to change regulations which were over bureaucratic and excessively burdened SMEs.

We noted that the pandemic had disproportionately affected 18 to 24 year olds and discussed steps being taken by the Skills Advisory Council to respond. We specifically sought reassurance that progress made to support those with learning difficulties or mental health issues enter the job market would not be lost in the Covid-19 response.

Tourism (Place Marketing) in Leicester and Leicestershire

We received an update on the work of the Place Marketing Organisation for Leicester and Leicestershire and the effects of the national and local lockdowns on the tourism sector. The Commission welcomed the work of the PMOs Inward Investment Team together with the LLEP to support local businesses. We discussed the need to raise awareness of what Leicestershire had to offer and whilst much was done through website promotions and social media, we felt this relied too heavily on people choosing to research the area. Post Covid-19, the Commission suggested that a more proactive approach was needed to reach out to new potential visitors and investors to actively encourage them to come to the area.

We questioned how funding had been split across each district area and how this had translated into increased visitors. Without quantifiable evidence to show the effect of promotional activities, it was difficult to assess where and how localities might improve their local offer. We asked that this be improved when we receive our next update in 2021.

Air Quality and Health

The Scrutiny Commission welcomed the opportunity to comment on work being undertaken with partners to develop a Leicestershire Air Quality and Health Action Plan. We highlighted the disjointed approach imposed by Government across two tier authorities on this issue. We also emphasised the conflict this placed on district councils who had to balance air quality management with delivery of increased housing numbers set by Government. The Commission discussed how growth often came at the cost of air quality and how improved data could be used to support future planning decisions. However, limits on district council resources meant undertaking further monitoring would be difficult. Without support from central government, the Commission felt it would be hard for local planning authorities to give due weight to air quality when considering planning applications under current planning law. We asked that a clear explanation of these barriers and conflicting responsibilities be included in the Plan.

Despite these difficulties we agreed the County Council would need to be more direct and clear about actions required to address air quality within district council local plans, which would set the tone for future developments, and should seek to bring developers on board wherever possible.

Planning for the Future White Paper

We had an excellent discussion on the Government's White Paper and commented on the Council's draft response to the consultation. We felt the White Paper was overly focused on the shortcomings of the current planning system but was silent on the failures of developers to build when planning permission was granted (land banking), an issue generally left uncontrolled.

The Commission raised concerns about plans to allocate land for growth and the automatic granting of outline planning permission to build on such land. We felt this would place

significant pressure on local plan processes and were concerned that the public did not engage in that process, instead only becoming involved when a planning application affected their immediate area. The lack of resources to undertake proper impact assessments and seek appropriate mitigations, such as highway improvements, as part of the local plan process would also have a detrimental impact on communities in the long term.

Overall, we felt there was too much focus on increasing the number of houses built and insufficient regard given to issues such as climate change and environmental sustainability, homelessness and affordable social housing. The Scrutiny Commission asked that the Council's response to the consultation be strengthened on these issues and were pleased that all our comments were taken on board by the Cabinet.

Draft Leicester City Local Plan 2020 to 2036

In November the Commission considered and commented on Leicester City Council's draft Local Plan for 2020-2036. We had a full and lengthy discussion and were grateful to hear from Mr Butterworth, Head of Planning at the City Council. Whilst recognising that capacity and regeneration opportunities in the City were limited, we raised concerns about the number of houses to be redistributed to Leicestershire districts.

The Commission raised a number of questions around the potential overdevelopment of university accommodation, the impact of Covid-19 on the level of retail provision and the seemingly uneven distribution of employment facilities between the City and County (warehousing and distribution facilities attracting lower paid jobs being primarily located in the County and office space attracting higher paid jobs being focused in the City). We also discussed concerns about transport infrastructure and connections in and out of the City, and the need to ensure the City's growth plans were supported by appropriate transport interventions.

We invited Mr Butterworth to return to a future meeting as part of the next stage of the local plan consultation process.

East Midlands Development Corporation 'Interim Vehicle (DEVCO)' and Freeport Proposals

The Commission looked at the proposals for the East Midlands Development Corporation and the establishment of an interim vehicle prior to a statutory corporation being created by Parliament. We supported the principle of looking at and coordinating growth developments across county boundaries and agreed the Council and its partners were treading new ground which could reap significant benefits for the area in the long term.

Given current national spending pressures we highlighted the risk of the Government withdrawing funding for the programme and questioned whether, given the Council's own financial investment into the project, an exit strategy had been put in place. We were reassured that this risk had been acknowledged and was being monitored. It was recognised that in such circumstances, Midlands Engine would reassess the scope of the Corporation and what benefits could still be achieved, as in principle, the planned approach was sound. The Government has recently announced that the Freeport bid had been successful, and we will be looking to ensure that appropriate governance structures are put in place to monitor the Board.

Strategic Property Energy Strategy 2020 - 2030

We welcomed the ambitions and targets in the Council's revised Strategic Property Energy Strategy and were pleased to see that they included tangible outcomes which could be measured over time. We discussed the need for all Council policies to take account of environmental impacts, the need to work with partners and influence them to reduce their emissions, and the need to encourage developers to build more energy efficient homes to ensure housing growth in the area did not counteract the good work being done. We are pleased that the Environment and Transport Overview and Scrutiny Committee will continue to monitor progress against the Plan.

We raised concerns that some of the Council's emissions had been exported to staff during the last year because of increased home working. We understood this was difficult to monitor and measure but sought reassurance that practical steps were being considered to ensure staff were supported if home working continued.

Medium Term Financial Strategy

We had an interesting discussion with the Leader and Lead Member for Resources at our meeting in January. We welcomed their insight into the national economic position arising from Covid-19 and the disappointing stance of the Government not to pursue the planned Fair Funding Review or address SEN spending pressures. We noted the Cabinet's plan to levy an additional 3% precept for Adult Social Care which would generate a further £9.6m. We acknowledged that this would have a significant impact on Leicestershire's finances which had been severely affected by the pandemic and would help address the likely increase in demand for services as families struggled to cope with its effects. However, the Commission were concerned about the impact such a rise would have on Council taxpayers at this already difficult time.

We felt that, overall, the MTFS represented good financial management but recognised the uncertainties still faced by the Council and the difficulty departments would have delivering savings to meet the shortfall in future years. We supported the Cabinet in its continued pursuit of fair funding and SEN funding, without which there will inevitably be an adverse impact on services to the public.

2.

Adults and Communities

The Adults and Communities Overview and Scrutiny Committee looks at issues around adult social care and communities and wellbeing, including issues such as libraries and museums. It also has a role to monitor the work the Health and Wellbeing Board carries out in relation to integrated commissioning.

Highlights

Covid-19 Recovery

In September 2020, we looked at the Adults and Communities Department's interim recovery plans following the outbreak of the Covid-19 pandemic, and the initial proposals for longer term recovery planning in accordance with the Council's overarching Recovery Strategy.

The Director advised us of revisions to national guidance in respect of hospital discharge pathways. This affected funding arrangements for care packages and the assessment process for determining continued healthcare needs. We received assurance that determining the level of need and the most suitable care package remained the highest priority. The Director also confirmed that Home First services continued to be immediately available upon discharge and would be so until the appropriate care package had been put in place.

The Committee heard of the tireless efforts made by staff to respond to and manage the impacts of the crisis despite the significant challenges they faced, and changes made to their workplace arrangements and practices. We expressed thanks and commended their hard work and professional approach that had enabled services to continue to be provided to some of our most vulnerable residents.

Care Homes Sustainability

Given the severe impact of the Covid-19 pandemic on the care homes sector, we have been closely monitoring issues around care home sustainability.

We emphasised the additional difficulties care homes would face if Government funding provided to help manage infection control and rapid testing was not extended beyond March 2021, and if the free PPE scheme ceased at the end of June 2021. The Director acknowledged the risks to resident and staff welfare and to the overall sustainability of the sector. He advised us that it would be difficult to be certain about what support the Council could offer until the Government had confirmed its plans.

The Committee was advised that the local composition of care homes in Leicestershire was mixed which provided a level of resilience if a larger care home group were to collapse. We were reassured that, as well as keeping in regular contact with service providers, the Council also received wider intelligence from a number of other organisations (e.g. other local

authorities, the Care Quality Commission and the emergency services). They were often able to provide a good, up to date indication of any risks present, particularly regarding national organisations.

The Committee agreed the Department should continue to work closely with service providers and other authorities to monitor the situation and provide support wherever possible. We will continue to monitor the position during 2021/22.

Status on Support for Communities Managed Libraries

In September 2020, the Committee received an update on the impact of the Covid-19 pandemic on Community Managed Libraries (CMLs) and their medium-term sustainability. We also commented on proposed amendments to the support package on offer at that time.

Members commended the level of contingency put in place to provide additional support to CMLs in unforeseen circumstances (e.g. emergency roof repairs or boiler failure). We also welcomed the introduction of an additional one-off grant payment for 2020/21 that CMLs could apply for to support running costs where there had been a shortfall of income due to the pandemic.

The Committee looked at good practice examples of work undertaken by some CMLs and asked officers to ensure these were shared across the library network. We also requested that officers continue to take proactive action to explore further options to support CMLs beyond 2021-22, including looking at any potential alternative premises arrangements. At our suggestion, officers undertook to give further consideration to the mobile service options available to residents of the Barwell community in light of its size.

Technology Enabled Care

We were informed of the results of diagnostic work undertaken to explore opportunities to maximise the use of technology enabled care (TEC) across the adult social care pathway and provided comments on the proposed way forward.

Overall, we were in support of the planned approach. However, we emphasised the need to ensure service users were able to use the technology provided. We were assured that the intended approach would be outcome focussed rather than equipment led. Assessments would be carried out to determine the level of need and capability of each individual to find the most appropriate solution for them. Staff would also receive training to increase their knowledge of the various technologies available which would aid that assessment process. We look forward to receiving further updates as the programme gets underway.

3.

Children and Families

The Children and Families Overview and Scrutiny Committee looks at issues around social service provision for children and families, educational attainment at schools and academies and youth support services. It also monitors the performance and activities of the Leicestershire Children and Young People's Partnership Board, the Local Safeguarding Children Board, the Children's Social Care Panel and any other partnerships as appropriate that are associated with the executive functions outlined above.

Highlights

Covid-19 Recovery

Throughout the year, we have been updated on the Department's response to Covid-19 and its recovery plans for the short, medium and long term. We heard how the Department had reviewed its services to ensure our most vulnerable children and families remained protected and supported during the local and national lockdowns. Most had continued to operate, albeit in a different format, despite the difficulties faced and we were assured that high risk children continued to be safeguarded appropriately. We thank staff in the Department for the work they have undertaken, and families and service users for adapting to the different ways of working.

We were pleased to note the success of working virtually with families, something that would now continue as standard practice where appropriate. The Committee was, however, concerned about the effect not being at school might have on children and we have requested a separate report on this issue.

Children in Need of Help and Protection

The Committee received an overview of the Department's work in relation to children who required help and protection. We noted that performance at the front door had remained good, despite the impacts of Covid-19. We were also encouraged that the Department had been awarded some growth monies to enable it to recruit to additional social worker posts. The Committee had some concern about the increase in the re-referral rate. We noted that an audit was taking place to understand and address this and we will be receiving a further update on the results in 2021.

Special Educational Needs and Disabilities (SEND) Inspection and High Needs Development Plan

The Committee looked at the findings of the Ofsted and Care Quality Commission inspection of local area SEND support which was undertaken in February 2020. We

were concerned that a Written Statement of Action (WSOA) was required because of two significant areas of weakness in the local area's practice (namely the absence of a clearly defined joint commissioning strategy for 0-25 SEND provision and systemic weaknesses in the quality of Education Health and Care Plans). However, we were reassured by the many strengths also identified. For example, the understanding of leaders of the services strengths and those areas requiring development, the collaborative work of providers and the early years provision. We welcomed the opportunity to comment on the draft WSOA prior to its approval by the SEND and Inclusion Board. We have subsequently been updated that very good feedback has been received from the Department for Education on overall progress made on the WSOA. Despite some delays due to Covid-19, we were also pleased to hear that it was still anticipated most actions would be completed on schedule.

The Committee received an update on the delivery of the High Needs Block Development Plan. We were encouraged by the significant progress made to date, with many of the planned new provisions being delivered on target. The unfortunate delay in the building programme for two new schools due to the pandemic was noted. We sought assurance that temporary provisions were being delivered to ensure all children had an appropriate school place to meet their needs at the start of the autumn term.

At our meeting in January 2021, we received an update on work taking place across the SEND local area in response to the national, regional and local increase in demand for EHCP (Educational Health and Care Plan) Needs Assessments. We raised concerns that eight complaints had been taken up by the Local Government Ombudsman on behalf of parents, seven of which had been upheld. The Director provided reassurance and detailed the changes to processes and practices that had been made to ensure such issues did not reoccur. This will be an area we continue to monitor.

Defining Children and Family Services for the Future Programme

The Committee has looked at proposals to redefine Children and Family Services for the future with support from external consultants, Newton Europe. In November 2020 we looked at the outcome of an overall diagnostic assessment of the Department and in January 2021 we received an update on the detailed assessment of Targeted Early Help and Children's Social Care. We noted the opportunities identified which could produce a net annually recurring benefit of approximately £9.3m over the next four years. The financial challenges faced by the Department are clear and this was therefore good to hear. We raised concerns that whilst seeking efficiencies would be key, focus should always be on delivering positive outcomes for children and families. The Director confirmed this would be the case.

We were reassured that Newton Europe had proven experience of working with public service organisations. We welcomed representatives of the company to one of our meetings where they provided us with further detail on the scope of the work planned. We were informed that work was now entering a pilot phase to test the new ways of working. Over the coming year we will monitor progress and outcomes achieved.

Corporate Parenting Strategy 2019-2022

We were provided with an update of how the Corporate Parenting Strategy had been implemented since its launch in 2019 and the impact it had achieved thus far. We

acknowledged the importance of the role of elected members as corporate parents and agreed that this should be emphasised to any newly elected members after the County Council elections in May.

Children's Innovation Partnership (with Barnados)

We received an update on the progress of the Children's Innovation Partnership, in particular the residential design brief. We were pleased to note that properties had now been identified and the intention to have two ready for occupation by the end of 2021. It was pleasing to see the financial savings expected to be delivered of between £800,000 - £1m each year. It was also positive that young people who had an interest in design would be identified to work as part of the team to inform the decoration of the buildings.

4.

Environment and Transport

The Environment and Transport Overview and Scrutiny Committee looks at the Council's performance against its Environment Strategy, issues around roads and road safety, sustainable transport and waste treatment and recycling. It also acts as the Council's Flood Risk Management Committee.

Highlights

COVID-19 Recovery Updates

The Committee received regular updates regarding actions taken by the Department in response to the Covid-19 pandemic and its recovery plans for the longer term. We were pleased that by our September meeting most functions within the Department had resumed, albeit with Covid-19 safety measures in place. We commend officers for their hard work in keeping critical services going throughout.

We requested a report on the impact of the pandemic on School Transport and were assured that, despite limited guidance from Government, the Department had developed a comprehensive 'back to school' plan following the first lockdown, notwithstanding Leicestershire being one of the first counties to start the new school year.

Of key importance to residents was the reopening of Recycling and Household Waste sites from 18 May 2020 using an on-line booking system. We were pleased to note that the system had worked well and had prevented long queues, a significant problem that other authorities had experienced. We requested that the Department consult Members further before any long-term decision was made regarding continuation of the booking system.

We noted the extra cost pressures to the Department due to Covid-19 had been estimated at £6.5million. While there had been areas of savings, extra transport costs (especially related to SEN transport), delays in construction of major projects and increased waste disposal costs had all resulted in additional spending which the Committee is monitoring.

Capital Programme and Works Programme 2021/22.

A consequence of the pandemic was the pause in the delivery of the capital maintenance programme at the start of the first lockdown. We were pleased that working procedures were quickly reviewed and all maintenance programmes quickly restarted with the exception of surface dressing, such funding being reallocated to alternative restorative treatments such as patching.

It has been clear to us for some time that the decade of underfunding for highway maintenance has resulted in the deterioration of road lining and road studs across the County. We nevertheless welcomed the allocation of an additional £500,000 Government funding, in addition to the Council's original allocation of £1.045m to support the continuation of this

important work. Despite these additional resources being made available, demand remains several times the figure budgeted, thus we support further work by the Council to lobby and bid for more funding to address the deterioration.

In that vein we debated the focus of the capital programme on major road schemes, as opposed to maintaining and improving the existing highway network. The development of Sustainable Urban Extensions, for example, has been promoted by highlighting their close proximity to existing town and urban centres. This in practice should reduce the need for significant additional road schemes as residents would use existing transport networks and local facilities, yet capital schemes such as the A512 were still being developed. We were advised that such schemes were developed to mitigate the impact of future growth and improve the network, though residents may not always see it this way.

Road Casualties

Throughout the year we have monitored road collisions via quarterly performance reports and the Annual Road Casualty Reduction report. During our discussions we expressed concern about the data quality of reported traffic casualties due to changes in the way they are recorded by the Police, which may have resulted in the underreporting of collisions. We were assured by Leicestershire Police that a group had been put in place to address and resolve the problem.

We became troubled by the slight increase in the number of people killed or seriously injured, despite the reduction in traffic on Leicestershire roads. We understand that anecdotally there are more individuals walking and cycling, and that the reduction in traffic on the road, linked to COVID-19, had resulted in increased reports of speeding. We understand that such trends were being considered nationally by Government and we will continue to monitor the situation. We hoped that Council initiatives such as the Community Speed Watch and Speed Enforcement Initiatives would continue to be helpful and welcomed the recent consultation with Members.

Transport for Children with Special Educational Needs and Disabilities

As part of our consideration of the Medium Term Financial Strategy for the Environment and Transport Department we considered in-depth the financial challenges being faced by the Council regarding increases in Special Educational Needs and Disabilities (SEND) transport demand. We noted that growth reflected the continual increase in client numbers and costs arising from increasingly complex needs presented by some service users. We welcomed a joint briefing with our Children and Families Overview and Scrutiny Committee colleagues which set out the expected 10% growth in the service, as well as a 3% increase in transport costs. The briefing provided us with an in-depth understanding of the process of Education, Health and Care plans for those children with SEND and the Council's statutory duties in this regard.

We supported work and initiatives by the County Council to continue to look at how growth could be contained over the duration of the MTFs and expansion of local SEN provision as well as national lobbying regarding the overall cost of SEN provision and transport to Government.

Cycling and Walking Strategy

Members had apprehensions to the proposed introduction of pop-up cycleways. Early on in the pandemic Government had allocated £334,000 to the Council to encourage more people to walk and cycle. As a result, the Council had acted quickly to allocate road space for temporary cycle lanes. We felt that these had not been positively received by all motorists. Going forward we understood that for further allocations of funding, the Government had made it clear that there needed to be appropriate consultation and support within communities for local schemes. Accordingly, we fully support the development of a Cycling and Walking Strategy, as it will allow the Council to bid for any future funding made available by Government in a planned way.

Throughout our discussions we emphasised the importance of separating cyclists and pedestrians where feasible, as we felt shared use caused pedestrians to feel unsafe, while cyclists often felt unsafe on roads. It was further suggested that behaviour programmes need to be set up to look to strengthen the confidence of cyclists and pedestrians on our network. The Committee will be pleased to see the outcome of the ongoing consultation and the draft Cycling and Walking Strategy at a later date.

Environmental Performance Report 2019-20 and Greenhouse Gas Report 2019-20

We welcomed the Environmental Performance Report 2019-20 and Greenhouse Gas Report for 2019-20. We were pleased to note the Council had reduced its greenhouse gas emissions by 67% since 2008-9 and was on track to reach Net Zero in its Carbon emissions by 2030. We were pleased to note that the emissions in Leicestershire considered to be under the Council's influence had further reduced as a result of the decrease in the use of coal and gas and an increase in the use of renewables. However, there is still some way to go and so the performance indicator remained rated amber. We were assured that the Council would be addressing the indicator as part of its wider approach to carbon reduction via the Tranche 2 Roadmap that would be developed over the year and focus on the Council's unmeasured emissions and wider Leicestershire emissions.

We also continued to monitor the five outstanding environmental risks, three of which linked to drainage at Recycling and Household Waste sites. We are assured that dialogue was continuing with the Environment Agency regarding improvements and that planned works had been scheduled, but that such works would take time to implement due to the nature of the excavation works and capital financing required.

5.

Health

The Health Overview and Scrutiny Committee looks at the planning and provision of health services in the County and the work of the Council's Public Health Department. It also scrutinises the activities of the Health and Wellbeing Board.

Highlights

Covid-19 Response

We received regular updates from the Director of Public Health regarding the Covid-19 pandemic in Leicestershire including details of which localities had high infection levels, the availability of Covid-19 testing in the County and proposed locations for testing sites. We scrutinised the clarity of messages that were being disseminated to the people of Leicestershire regarding keeping safe from Covid-19 and social distancing and considered how these messages could reach people of all areas and demographics. We recognised the significant pressure placed on Public Health staff and commended them for their support and work.

Public Health Services and Strategies

During the year we have scrutinised the work of the Council's Public Health Department including the Domestic and Sexual Violence and Abuse Service and proposals for recommissioning the Substance Misuse Service.

We gained assurances that the Domestic and Sexual Violence and Abuse Service would meet the needs of male victims as well as female, questioned how the service's performance would be measured and monitored, and requested that further work be undertaken to manage perpetrators and prevent the abuse happening in the first instance.

As the footprint of the Substance Misuse Service was changing so that the City of Leicester would no longer be covered by the Service, we raised concerns that the benefits of partnership working would be lost. The Director provided some reassurance that this would not be the case and that partnership working would still be the priority for all.

In June 2020 we looked at the Council's Sexual Health Strategy for the next three years. We were reassured that the Strategy linked with other relevant strategies relating to, for example, substance misuse and domestic violence, and took into account trends such as the increased use of dating apps and potential changes in people's behaviour during and after the Covid-19 pandemic. We were pleased that consideration was already being given to what sexual health messages could be disseminated post covid-19, particularly to hard to reach groups perhaps using social media.

In November 2020 we looked at the proposed new Healthy Weight Strategy for Leicestershire. We were interested in the proposed 'family approach' to be adopted

rather than focus being on individuals and we were reassured that although the weight management service was only available to those significantly overweight, there was a strong focus on prevention targeted to all. We raised concerns about the impact the Covid-19 lockdown might have had on people's weight and noted the Government had now made weight management more of a priority, especially as this affected the severity of Covid-19 symptoms.

Members made suggestions for making the types of food purchased by the public healthier such as liaising with commercial retailers to reduce the level of advertising and the promotion of unhealthy foods. We also highlighted the need for mental health support to help manage food addictions. Whilst such support was available for patients eligible for bariatric surgery, we acknowledged there was an onus on individuals to want to make changes and seek help as was the case for any addiction.

Community Services in Ashby de la Zouch

During the year the Committee continued to scrutinise the Clinical Commissioning Groups' (CCGs) plans for redesigning Community Services in Leicestershire and their proposals for six Community Hubs based in Coalville, Melton, Hinckley, Loughborough, Market Harborough and Enderby in Blaby District. Due to public interest we paid particular attention to the services available for residents of Ashby de la Zouch and how accessible those services are. The Committee is aware that the Covid-19 pandemic has had a significant impact on the CCG's proposals for Community Services and we look forward to considering the new proposals in more detail at a future meeting including the plans for Hinckley and Lutterworth.

Primary Care Estates Strategy and Section 106 (Developer Contributions)

Members sought reassurances from the CCGs that in the coming years the necessary health infrastructure would be in place to cater for expected population growth and new housing developments in Leicestershire. We noted work taking place towards the Primary Care Estates Strategy and the introduction of a uniform, streamlined process across all CCGs for claiming Section 106 funding, making the best use of available space and giving in-depth consideration to where new premises should be built. We gained assurances that in future there would be more joint working between health partners and local authorities in regard to planning health infrastructure and identifying need. We will review the final version of the Primary Care Estates Strategy document at a future meeting.

Mental Health Liaison Service

At the request of a member the Committee scrutinised Leicestershire Partnership NHS Trust (LPT) with regards to the liaison mental health services available within emergency departments and general hospital wards designed to meet patients' urgent mental health needs. We particularly focused on the Psycho-oncology service and gained reassurances that patients currently accessing this service would not see a reduction in quality. We noted that there would be some changes to the service, though LPT were expecting to increase the offer for people with psycho-oncological needs, not reduce it.

Healthwatch Leicester and Leicestershire

The Committee considered reports from Healthwatch Leicester and Leicestershire (Healthwatch) in relation to patients' experiences of health services in the County and used these reports to hold health providers to account for performance.

During the year the Committee looked at a Healthwatch Special Project regarding the patient experience of accessing and using Children and Adolescents Mental Health Services. The Committee questioned LPT on the Project's findings and was pleased to find that LPT had already put an action plan in place to address the issues raised. LPT specifically provided reassurance that waiting times and crisis response times were now much better, the triage process had also been improved and urgent call backs were now taking place within 2 hours and face to face assessments within 24 hours. We were pleased to note that NHS Improvement had provided intensive support and been impressed by the new CAMHS waiting list management system put in place to determine the minimum level of contact patients required whilst awaiting treatment; a system it now wanted to expand nationally.

The Committee also considered a report from Healthwatch regarding the experience of patients with Special Educational Needs and Disabilities (SEND) using dental services in Leicester and Leicestershire. As a result of the findings in that report the Chairman requested that NHS England who run dental services submit a report to the Joint Health Scrutiny Committee in response.

Joint Health Scrutiny

Members of the Health Overview and Scrutiny Committee have also attended meetings of the Leicestershire, Leicester and Rutland Joint Health Overview and Scrutiny Committee where issues such as the health system's response to the Covid-19 pandemic were covered in depth. The Committee also fed into the consultation regarding the University Hospitals of Leicester (UHL) acute and maternity services reconfiguration and spent some time considering the impact of the potential closure of the Melton Birth Centre. As part of the Joint Committee members received a report regarding errors in the UHL accounts and the UHL Trust Board's decision not to agree the 2019/20 annual accounts as 'true and fair'. Members gained assurances that the errors in the accounts could not occur again because the policies and control procedures at UHL had been strengthened, a training programme for the finance team had been put in place, and an external Finance Improvement Director was now holding UHL to account.

6.

Scrutiny Review Panels

Scrutiny Reviews represent an opportunity for Overview and Scrutiny Members to delve deeper into a particular subject or issue to find out more, speak to the individuals responsible and recommend any ways in which things might be improved at a level of scrutiny not always possible within the time limits and formal setting associated with Committee meetings. These reviews can be light touch or in depth and its recommendations are usually reported to the Cabinet.

Due to the Covid-19 pandemic, only one previously agreed scrutiny review was undertaken this year – the Flooding Scrutiny Review Panel as detailed below. To ensure departments could focus their resources on the Council's response to the pandemic, no new scrutiny reviews were added to the work programme during 2020/21. The Flooding Review Panel was delayed, but still undertaken given the impact of flooding has had and is likely to continue to have on Leicestershire residents.

Flooding Scrutiny Review Panel

We set up a Scrutiny Review Panel to consider the role of the County Council as Lead Local Flood Authority (LLFA) and its links with other Risk Management Authorities (RMAs). The Panel met on five occasions and heard from representatives of the Environment Agency, Severn Trent Water, the Local Resilience Forum, district councils and local residents.

Key recommendations and findings that arose from the panel were as follows:

- The title of LLFA conferred onto the County Council by Government, was deceptive due to the lack of powers available to the Authority to force others, including other RMA's, to carry out works necessary to alleviate flooding, even when such works were identified through Section 19 investigations.
- The Council needed to do more to communicate its roles and responsibilities clearly to residents to help manage their expectations.
- We recognised that even with significant long-term investment in flood risk management by both the LLFA and other RMA's, all flood risk would not be resolved, especially considering the impact of climate change. To combat this, we felt more could be done to communicate with local communities and residents on what they could do to mitigate risk themselves.
- Evidently those most affected by flooding were often those that had previously never experienced a flooding event before and so were unfortunately ill prepared. We therefore concluded that the Council needed to refresh and revamp its communication messages and look at how the Council and Elected Members could highlight the role communities, riparian owners and members of the public could play themselves through programmes such as the Flood Warden Scheme, developing flood risk plans and by signing up to the Environment Agency's Flood Risk alerts.

We are delighted that the Cabinet approved all of the Panels 25 recommendations and further agreed to lobby Government to strengthen the legislation to enable the County Council as the LLFA to require relevant agencies to complete mitigating measures arising from Section 19 Investigations.

We would encourage residents to read the full report which can be viewed [here](#).

7.

Looking Ahead to 2020/21

A key area of focus for the future will inevitably be the impact of the Coronavirus 19 pandemic including on services and the Council's finances.

We will continue to keep a close eye on the budget pressures facing the County Council, particularly those relating to SEND and children's social care. Given its size, we will also be monitoring closely the delivery of the Capital Programme.

The following topics will also be considered:

Scrutiny Commission

In 2021 we will continue to monitor the Council's financial position and the true impact of Covid-19 as this becomes more apparent as we open up in line with the Government roadmap. We will focus on growth and how the Council can seek to influence and manage this to ensure infrastructure requirements do not place an unmanageable burden on the Council's capital programme. We will be considering the Council's Infrastructure Policy and the implications of the Government's allocation of increased housing numbers to the Leicester City which will inevitably increase its unmet housing need to be passported to the County. This will have huge implications for district council local plans, and for the County Council as the main infrastructure provider.

We will continue to look at the work of partners such as the LLEP and the new Board overseeing the development of the Freeport. We will also be interested to hear from the Place Marketing Organisation about the work it has done to help the tourism sector move out of lockdown. We will also welcome feedback on the work of the Police and Crime Panel following the Police and Crime Commissioner elections in May.

Adults and Communities Overview and Scrutiny Committee

Looking ahead it is expected that we will need to continue to monitor and feed in to Covid-19 pandemic recovery plans and monitor the issues around care homes sustainability.

Along with our usual oversight of performance and complaints we are also planning to consider the implications of the Council signing up to Unison's Ethical Care Charter and Residential Care Charters, have an opportunity to provide further comments and feedback on future plans for short breaks and supported living services and receive a further update on the Adult Social Care Target Operating Model to ensure it is continuing to meet its objectives.

Children and Families Overview and Scrutiny Committee

In the coming year we will continue to receive progress updates on a range of issues, including the SEND and Inclusion Strategy, the Defining Children and Family Services for

the Future Programme and the Written Statement of Action arising from last years OFSTED inspection. We will also be looking at the wider Impact of Covid-19 on children and pupils missing out on education.

Environment and Transport Overview and Scrutiny Committee

In 2021/22 it is clear that now more than ever we need to remain focused on the Council's response to the climate emergency and look forward to exciting work streams such as the Tranche 2 Climate Reduction Road Map that will focus on the Council's unmeasured emissions and wider Leicestershire emissions it will look to influence. Furthermore, we will at the Council's strategic approach to biodiversity and how we can address historic problems with biodiversity within Leicestershire. We look forward to receiving the refresh of the Flood Risk Management Strategy and the inclusion of the Flooding Scrutiny Review Panel comments and recommendations, as well as further reporting on Section 19 Investigations and the actions undertaken by Risk Management Authorities.

Health Overview and Scrutiny Committee

In the coming year we will consider the 0-19 Healthy Child Programme known as 'Healthy Together', the Governance of the new Integrated Care System for Leicester, Leicestershire and Rutland, and the Primary Care Networks, and take a further look at mental health, eating disorders and suicide.

The Joint Committee will consider the analysis of the UHL Acute and Maternity Services Reconfiguration consultation feedback, review progress UHL have made with management of their accounts and look at mortality rates for mothers from Black and Minority Ethnic (BME) backgrounds.

Overview and Scrutiny Members 2020/21

The Scrutiny Commission

Tom Barkley CC
 Peter Bedford CC
 David Bill MBE CC
 Bill Boulter CC
 Dr Terri Eynon CC
 Dr Kevin Feltham CC
 Hilary Fryer CC
 Simon Galton CC (Chairman)
 Dan Harrison CC
 Rosita Page CC
 Alan Pearson CC
 Terry Richardson CC
 Michael Wyatt CC

Adults and Communities

Linda Broadley CC
 Bill Crooks CC
 Tony Gillard
 Dan Harrison CC
 Jewel Miah CC
 James Poland CC
 Terry Richardson CC (Chairman)
 Amanda Wright CC
 Maggie Wright CC

Children and Families

Dr Paul Bremner CC
 Dr Kevin Feltham CC
 Hilary Fryer CC (Chairman)
 Jeffrey Kaufman CC
 Canon Carolyn Lewis (co-opted)
 Peter Osborne CC
 Ted Parton CC
 Brenda Seaton CC
 Sean Sheahan CC
 Geoff Welsh CC
 Maggie Wright CC

Environment and Transport

David Bill MBE, CC
 Bill Boulter CC
 Dan Harrison CC
 Max Hunt CC
 Jonathan Morgan CC
 Alan Pearson CC (Chairman)
 Les Phillimore CC
 James Poland CC
 Janice Richards CC

Health

David Bill MBE CC
 John Coxon CC
 Dr Kevin Feltham CC (Chairman)
 Amanda Hack CC
 Dr Sarah Hill CC
 Jonathan Morgan CC
 Joe Orson CC
 Rosita Page CC
 Ted Parton CC

Overview and Scrutiny Annual Report 2020/21
Democratic Services
Chief Executive's Department
Leicestershire County Council

**For further details on the contents of this report please
email: democracy@leics.gov.uk**



REPORT OF THE CONSTITUTION COMMITTEE

A. PROPOSED CHANGES TO THE STRUCTURE OF OVERVIEW AND SCRUTINY BODIES

Introduction

1. This report puts forward recommendations of the Constitution Committee to give effect to proposed changes in the structure of Overview and Scrutiny Bodies.

Background

2. Article 15 of the County Council's Constitution gives the Chief Executive a duty to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. It requires that changes to the document should only be approved by the full County Council after consideration of the proposal by the Chief Executive and the Constitution Committee or, in the case of the Financial Procedure Rules and Contract Procedure Rules, the recommendations of the Corporate Governance Committee.

Review of Scrutiny Arrangements

3. Following the election, the Leader indicated that he was minded to review the structure of the Overview and Scrutiny function with particular focus on the role and remit of the current Environment and Transport Overview and Scrutiny Committee. Given the commitments made in the Conservative Group Manifesto, and to enable alignment with the Cabinet Lead Member portfolios, the Leader was of the opinion that the existing Committee should be split into two bodies with the following remits:

(a) Highways and Transport Overview and Scrutiny Committee

- Oversight and scrutiny of the executive functions of the County Council in respect of Highway and Transport Services within the Environment and Transport Department;
- To monitor the performance and activities of the Flood Risk Management Board in accordance with Section 9FH of Schedule 2 of the Localism Act 2011;
- To monitor the performance and activities of any partnerships associated with the executive functions outlined above.

(b) Environment and Climate Change Overview and Scrutiny Committee

- Oversight and scrutiny of the executive functions of the County Council in respect of:

- (i) Environment and Waste Management Services within the Council's Environment and Transport Department;
 - (ii) Climate Change and delivery of the Council's Green Agenda including green spaces;
- To monitor the performance and activities of any partnerships associated with the executive functions outlined above.
4. In undertaking the review of the functions of the above-mentioned bodies, the opportunity was taken to revisit the terms of reference for all the Council's Overview and Scrutiny Committees. The Scrutiny Commission terms of reference have been revised to provide greater clarity over its remit, particularly in respect of issues which will now be considered by the Environment and Climate Change Overview and Scrutiny Committee. The Adults and Communities Overview and Scrutiny Committee terms of reference have also been revised to reflect the range of relevant partnership bodies. The revised terms of reference are attached as Appendix A to this report, with changes and additions highlighted in red.
 5. The increase in the number of Overview and Scrutiny Committees will also affect the membership of the Scrutiny Commission, set out in Article 6.06 of the Constitution, which will now be made up as follows:

Scrutiny Commission (11 members)

 - Chairman – Leader of the Main Opposition Party;
 - 3 Commissioners – Leader of the minority Opposition and 2 Administration Members;
 - 5 Chairmen of Scrutiny Committees;
 - 2 additional members (to achieve political balance).
 6. There will be consequential amendments to the Constitution arising from the changes now proposed.

Decision of the Constitution Committee

7. At its meeting on 15 June the Constitution Committee considered approved the proposed changes to the structure of Overview and Scrutiny Bodies.

(Motion to be moved

That the proposed amendments to the Council's Constitution, as set out in the report of the Constitution Committee and Appendix A thereto, be approved.)

15 June 2021

**Mr N. J. Rushton
Chairman**

Background Papers

Report of the Chief Executive to the Constitution Committee on 15 June 2021 on changes to the structure of Overview and Scrutiny Bodies.

Appendix

Appendix A – Revised Terms of Reference for the Overview and Scrutiny Bodies

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TABLE A
Overview and scrutiny committees (Article 6.01)

[Note:

- *Articles 2.03(b) of this Constitution states that all County Councillors will act in the capacity to which they are elected to the County Council and not speak on behalf of any other local authority whilst acting as a County Councillor. This applies when overview and scrutiny committees consider matters which also affect district councils, for example growth and associated infrastructure items.*
- *Neither the Scrutiny Commission nor any of the other overview and scrutiny committees or subcommittees are empowered to take decisions or exercise any responsibilities of the Executive or County Council or Health Service bodies. The general role and specific functions are described in Article 6 and for the purposes of that Article the Scrutiny Commission is regarded as an overview and scrutiny committee for those matters which come within its scope.]*

Committee	Scope
Scrutiny Commission	<p>1. The executive functions of the County Council in respect of (but not limited to):</p> <ul style="list-style-type: none"> (i) The Budget (the revenue budget and capital programme) (ii) Strategic and Operational Property including Corporate Asset Investment Fund investments (iii) Information and Communications Technology (ICT) (iv) Commercial and Customer Services (v) Growth and associated infrastructure (vi) Corporate Transformation and Ways of Working (vii) Communities (viii) Corporate Performance, complaints and compliments. <p>2. Any functions which are not specifically within the scope of any other overview and scrutiny committee.</p> <p>3. To act as the Crime and Disorder Committee in accordance with Section 19 of Part 3 of the Police and Justice Act 2006 and work with the Police and Crime Panel to scrutinise the delivery of effectiveness of measures aimed at reducing crime and disorder.</p> <p>4. To monitor the performance and activities of:</p> <ul style="list-style-type: none"> (a) The Leicester and Leicestershire Enterprise Partnership Board; (b) The Leicester and Leicestershire Transport Board; (c) Any other partnerships that are associated with the executive functions outlined above and not within the scope of any other overview and scrutiny committee. <p>5. Oversight and co-ordination of the work of scrutiny review panels.</p>

Committee	Scope
	<p>6. Resolving any disagreements between overview and scrutiny committees.</p> <p><i>[Note: The scope of the Scrutiny Commission will not extend to exercising functions relating to the scrutiny of:</i></p> <ul style="list-style-type: none"> • <i>Any matters linked to the Council's Green Agenda such as energy from the Council's property portfolio which will be a matter for the Environment and Climate Change Overview and Scrutiny Committee;</i> • <i>Operational transformation within service departments which will be a matter for each of the service related overview and scrutiny committees;</i> • <i>the National Health Service in the County, which will be a matter for the designated Health Scrutiny Committee.]</i>
Children and Families	<ol style="list-style-type: none"> 1. The executive functions of the County Council in respect of Children and Family Services. 2. To monitor the performance and activities of any partnerships that are associated with the executive functions outlined in 1. above.
Adults and Communities	<ol style="list-style-type: none"> 1. The executive functions of the County Council in respect of the Adults and Communities Department. 2. <i>To monitor the performance and activities of any partnerships that are associated with the executive functions outlined in 1. above.</i>
Highway and Transport	<ol style="list-style-type: none"> 1. The executive functions of the County Council in respect of <i>Highway and Transport Services within the Environment and Transport Department.</i> 2. To monitor the performance and activities of the Flood Risk Management Board in accordance with Section 9FH of Schedule 2 of the Localism Act 2011. 3. To monitor the performance and activities of any partnerships that are associated with the executive functions outlined in 1 and 2 above.
Environment and Climate Change	<ol style="list-style-type: none"> 1. <i>The executive functions of the County Council in respect of:</i> <ol style="list-style-type: none"> (a) <i>Environment and Waste Management Services within the Council's Environment and Transport Department;</i> (b) <i>Climate Change and delivery of the Council's Green</i>

Committee	Scope
	<p style="text-align: center; color: red;">Agenda including green spaces;</p> <p style="color: red;">2. To monitor the performance and activities of any partnerships that are associated with the executive functions outlined in 1 above.</p>
<p style="text-align: center;">Health</p>	<p>1. The executive functions of the County Council in relation to Public Health.</p> <p>2. To monitor the performance of the Health and Wellbeing Board in respect of the executive functions outlined in 1. above and any other partnerships as appropriate that are associated with those functions.</p> <p>3. Health Service Functions:</p> <p style="margin-left: 20px;">(a) The exercise by health bodies of functions which affect the area of the County Council;</p> <p style="margin-left: 20px;">(b) Arrangements for responding to consultation by local health bodies for substantial development of the health service or substantial variation in the provision of such services save where these are dealt with through a joint committee with other Social Services authorities.</p>

[Note: Article 6.09 makes provision for the County Council to establish a joint committee with other Social Services authorities, to scrutinise any health issue or consultation which has an area larger than the County Council where it considers it necessary or is required to do so.]

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REPORT OF THE CORPORATE GOVERNANCE COMMITTEE

A. PROPOSED CHANGES TO THE CONTRACT PROCEDURE RULES

Introduction

1. This report concerns a review of the operation of the Contract Procedure Rules and recommended revisions to those rules.

Background

2. Article 15 of the County Council's Constitution gives the Chief Executive a duty to monitor and review the operation of the Constitution to ensure the aims and principles of the Constitution are given full effect.
3. Rule 8 (Annual Reporting) of the Constitution's Contract Procedure Rules stipulates that the Director of Corporate Resources, in consultation with the Director of Law and Governance, shall at least once in each financial year submit a report to the Corporate Governance Committee in relation to the operation of these Rules. This includes amongst other things any departures from or proposed revisions to the Rules and/or changes required to accommodate the requirements of UK and EU procurement law as may be necessary from time to time.
4. The Constitution requires that changes to these Rules must be approved by the Council after consideration of recommendations of the Corporate Governance Committee.

Proposed Revisions to the Rules

4. Changes to the Rules are proposed for the following reasons:
 - a. to clarify their meaning further;
 - b. to update with current systems and legislation post Brexit.
5. In the Queens Speech the government announced its intention to bring forward new legislation for the UK regarding procurement. The Council's Commissioning Support Unit has commented on the relevant Green Paper – Transforming Procurement. A further report will be brought to the Corporate Governance Committee and Council with proposals to bring the Contract Procedure Rules in line with future legislation at the appropriate time.
6. The proposed revisions to the Rules are set out in Appendix A attached to this report. The revisions to the Rules are supported by the Director of Law and Governance and the Director of Corporate Resources. The Corporate Governance Committee considered this matter at its meeting on 4th June 2021 and its recommendation is set out in the motion which appears below.

7. Should the County Council approve the draft revised Contract Procedure Rules, they will come into force on 30th July 2021 and will be published on the Council's internet and intranet sites, and communicated to all relevant managers and staff within the Council, including via newsletters and presentations.

Equality and Human Rights Implications

8. The Rules ensure that all potential suppliers and suppliers receive equal treatment when bidding for contracts.

(Motion to be moved:

That the proposed amendments to the Contract Procedure Rules, set out in Appendix A to the report of the Corporate Governance Committee, be approved.)

4 June 2021

**Mr T. Barkley
Chairman**

Background Papers

Joint report of the Director of Corporate Resources and Director of Law and Governance to the meeting of the Corporate Governance Committee on 4th June 2021 - Proposed Changes to the Contract Procedure Rules.

Appendix

Appendix A - Proposed amendments to the Contract Procedure Rules

Current Rule	Proposed Amendments
<p>RULE 1 Compliance</p> <p>(a) Officers must comply with these Rules. Failure to do so may result in disciplinary action.</p> <p>(b) Where a procurement under these rules involves a key decision, as determined by the appropriate Chief Officer, then prior to the commencement of the procurement this must be taken to the Executive. Key decisions are defined in Rule 8 of the Executive Procedure Rules (Part 4D) of this Constitution. In the case of ESPO only if a decision does not fall within Appendix 4 to Schedule 1: Functions of, and Delegations to the Director of ESPO, the decision can be escalated to the Director of ESPO, the decision can be escalated to the Chief Officers Group or Management Committee.</p> <p>(c) Sale of council assets are not part of these rules. They are covered by Rule 25 Purchasing and income collections and Rule 26 Inventories and assets of the Financial Procedure Rules (Part 4F) of the Constitution.</p>	
<p>RULE 2 Delegation</p> <p>Appropriate Chief Officers and the Director of Law and Governance may delegate their responsibilities under these Rules in accordance with Rule 6 of Section D (General scheme of delegation to heads of departments) of Part 3 (Responsibility for Functions) of the Constitution.</p>	
<p>RULE 3 Interpretation</p> <p>Words and expressions used in these Rules are to be interpreted in accordance with the provisions of Schedule 1.</p>	
<p>RULE 4 Application</p> <p>These Rules apply to every procurement contract made by or on behalf of the Council except contracts:</p> <p>(a) for only the acquisition or disposal of any interest in land;</p> <p>(b) for the lending or borrowing of money;</p> <p>(c) of employment (making an individual a direct employee of the Council).</p>	<p>Add (d) for financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments within the meaning of Directive 2004/39/EC of the European Parliament.</p>
<p>RULE 5 General Requirements</p> <p>(a) Every Contract or official order for works, supplies or services made by the Council shall be</p>	

for the purpose of implementing the Council's policies and must be made in accordance with the Council's duty of Best Value and in line with the Council's Strategic Plan 2018-2022.

(b) (i) Social Value will be considered in any contract with an estimated value equal to or greater than £50,000 in one of the of the following two ways: • As award criteria linked to the Council's Social Value Policy Statement and the Council's Strategic Plan 2018 – 2022; • As Outcomes built into the Specification or contract.

(ii) Social Value will be addressed at contract management for any contract with a value equal to or greater than £50,000.

(iii) Where Social Value has not been considered within either the tender process or specification, the reason shall be recorded and forwarded for approval to the relevant Commercial Specialist.

(c) Where the services are Light-Touch Services the threshold for contracts for public supply or services contracts applies for the purposes of the Social Value Act, being the sum specified in regulation 5 (1) (d) of the Public Contracts Regulations 2015.

(d) Use of Corporate Contracts: The Procuring Officer must ensure that whenever Corporate Contracts have been approved by a Commercial Specialist that supplies, services and works are ordered via these. Intention to award via these contracts where the value exceeds £25,000 the Procuring Officer should consult with the relevant Commercial Specialist before doing so. The Procuring Officer must consider what risks the contract presents ahead of any procurement exercise, considerations must include those relating to Health and Part 4G Contract Procedure Rules Page 3 Page 3/34 Safety, Business Continuity, Compliance with the Modern Slavery Act 2015 and Information Security. The Procuring Officer may not procure outside of the Corporate Contract unless it is agreed by the Commercial Specialist that better value for money can be clearly demonstrated outside of these approved Corporate Contracts. All such instances involving ESPO must be notified to ESPO by the Commercial Specialist.

(e) Procedures set out in the relevant EU Directives, EU Treaties, Acts of Parliament and UK legislation (including for the avoidance of doubt the Public Contracts Regulations 2015 the Concession Contracts Regulations 2016, and where applicable the Public Contracts Regulations 2006) must be complied with at all times.

(f) Based on criteria laid down by the Executive, the Chief Finance Officer will be responsible for evaluating the financial status of Tenderers and suppliers.

(g) The Procuring Officer must ensure that sufficient budget provision has been agreed with the budget holder prior to any Procurement Exercise being undertaken.

<p>(h) Procurement Exercises should usually be undertaken by electronic means provided that:-</p> <ul style="list-style-type: none"> (i) the requirements of these Rules are followed with only such modifications as may be necessary to allow for procurement by such means; and (ii) any electronic tendering system has been approved by the Director of Law and Governance following consultation with the Director of Corporate Resources. <p>(i) Subject to the provisions of Rule 28(b) Contracts shall not be longer than 5 years (including extensions) in duration or of indeterminate length without the prior written approval of the Director of Corporate Resources, such approval to be obtained prior to the commencement of the Procurement Exercise.</p>	
<p>RULE 6 Exceptions</p> <p>(a) Subject to the requirements of EU Directives, EU Treaties, Acts of Parliament and the Public Contracts Regulations 2015, and the Concession Contracts Regulations 2016, the following contracts may be placed by direct negotiation with one or more suppliers, contracts:-</p> <ul style="list-style-type: none"> (i) for supplies, materials, services or works which are available only as proprietary and/or patented articles, services or works from one contractor or supplier and for which the appropriate Chief Officer, on the advice of the Commercial Specialist, decides that there is no reasonably satisfactory alternative available in the European Union and for repairs to, or the supply of, parts of existing proprietary or patented articles or works, including machinery or plant; a note of that decision and the reasons for it must be retained on the appropriate file and where the contract is equal to or exceeds £181,302 a copy of the note and reasons must be provided to the Director of Corporate Resources and the Director of Law and Governance (ii) for works of art, museum specimens or historical documents; (iii) which constitute a variation or extension of an existing contract, as permitted by the contract and/or the Council's Standard Financial Instructions subject to the provisions of Rule 30 (Contract Modifications and Extensions) and Rule 31 (Novation of Existing Contracts); (iv) for the following social care services provided that the Estimated Value of such services does not exceed the EU threshold for Light-Touch service contracts: <ul style="list-style-type: none"> aa. residential placements sought for an individual with a registered care provider of their choice; bb. supported living services sought for an individual with an appropriate care and support provider of their choice under the National Health Service and Community Care Act 1990 and Care Act 2014; 	

<p>cc. social care packages managed by or on behalf of individual clients under the personalisation agenda;</p> <p>dd. where certain needs of an individual (either an adult or a child) require a particular social care package, which is only available from a specific provider in the opinion of the appropriate Chief Officer.</p> <p>ee. residential placements sought for an individual under the Shared Lives scheme (or any equivalent scheme).</p> <p>In each case the appropriate Chief Officer must ensure that the provider meets the relevant national minimum standards legislative or otherwise, (for example those standards set by the Health and Social Care Act 2008, OFSTED and HMI) and Part 4G Contract Procedure Rules Page 5 Page 5/34 that a record of the reasons for the choice of provider is maintained on the individual’s case notes as well as submitting to the relevant Commercial Specialist justification and evidence for exception placements. A record of the annual cumulative expenditure with each provider will be maintained by each directorate and made available for audit.</p> <p>(v) for those unforeseen emergencies, where immediate action is required in order to fulfil the Council’s statutory obligations under the Civil Contingencies Act 2004 with the authority of the appropriate Chief Officer in consultation with the relevant Commercial Specialist.</p> <p>(vi) Where appropriate with involvement of Supplier Relationship Manager or Commercial Specialist where the value exceeds £25,000 approval.</p> <p>(b) Other exceptions to these Rules may only be made within the relevant law and with the authority:-</p> <p>(i) of the appropriate Chief Officer in consultation with the relevant Commercial Specialist where the Estimated Value of the proposed contract is under £181,302. The appropriate Chief Officer shall maintain a record specifying the reason for all such departures; or</p> <p>(ii) of the Executive where it is satisfied that an exception is justified on its merits. In an urgent case the Chief Executive after consultation with the Council Leader or Deputy Leader (save where this is not practicable) may direct that an exception be made subject to this being reported to the next meeting of the Executive.</p> <p>(c) In all cases under Rule 6 a full record of the reasons for the exception shall be maintained.</p>	<p>Amend £181,302 to £189,330</p>
<p>RULE 7 Financial Thresholds and Delegation</p>	

<p>(a) Financial limits and thresholds within these Rules may be varied from time to time by the Corporate Governance Committee.</p> <p>(b) Arrangements for delegation of functions to Officers within these Rules may be varied from time to time by the Chief Executive.</p>	
<p>RULE 8 Annual Reporting</p> <p>The Director of Corporate Resources, in consultation with the Director of Law and Governance, shall at least once in each financial year submit a report to the Corporate Governance Committee in relation to the operation of these Rules (except those granted under Rule 6(iv)) and approved extensions to contract where not provided for in the contract, and proposed revisions to these Rules and/or changes required to accommodate the requirements of UK and EU procurement law as may be necessary from time to time.</p>	
<p>RULE 9 Prevention of Corruption / Conflict of Interest</p> <p>(a) The Employee Code of Conduct (Part 5b of the Constitution) applies to any Procurement Exercise.</p> <p>(b) The following clause, or a clause that is substantially similar, will be included as a standard term and condition in every written contract in accordance with Rule 25(c): "The Council may terminate this contract and recover all its loss from the Contractor if the Contractor, its employees or anyone acting on the Contractor's behalf do any of the following things: (i) offer, give or agree to give to anyone any personal inducement or reward in respect of this or any other Council contract (even if the contractor does not know what has been done); or (ii) commit an offence under the Bribery Act 2010 or give any fee or reward, the receipt of which is an offence under Section 117(2) of the Local Government Act 1972; or (iii) commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or employees. Any clause limiting the Contractor's liability shall not apply to this clause.</p> <p>(c) The Council's Supplier Code of Conduct 2018 applies to any Procurement Exercise.</p>	<p>(c) Remove 2018.</p>
<p>RULE 9A Counter Terrorism and Security Act 2015</p> <p>Where appropriate, the Contract shall make appropriate provision for information sharing between the Contractor and the Council in line with the General Data Protection Regulation</p>	

<p>(GDPR) and the Data Protection Act 2018, and/or such other measures as are appropriate, such as staff training, to support the Council in meeting its duty under section 26 of the Counter Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism.</p>	
<p>RULE 10 Pre-Estimate</p> <p>(a) Before any Procurement Exercise is begun the Procuring Officer must calculate its Estimated Value in accordance with this Rule. The estimated value for the Procurement must not be subdivided for the purpose of reducing the total value of the contract for multiple procurements.</p> <p>(b) The Estimated Value shall be calculated as follows:</p> <p>(i) Where the contract period is fixed the Estimated Value shall be the total estimated maximum value of the supplies, services or works to be supplied over the period covered including any extensions to the contract;</p> <p>(ii) Where the contract period is indeterminate the Estimated Value shall be calculated by multiplying the estimated average monthly value by 48;</p> <p>(iii) For feasibility studies the Estimated Value shall include the value of the study and any subsequent contracts which may be awarded to the same supplier as a result where this is known; (iv) For Concession Contracts the Estimated Value shall be the estimated financial value to the supplier that shall be made over the duration of the Contract, net of value added tax;</p> <p>(v) The Estimated Value must exclude Value Added Tax (VAT) but must include all other taxes and duties;</p> <p>(vi) Periodic purchases for the same requirement, whether that is from the same or different suppliers, must be aggregated over a minimum of a 12 month period;</p> <p>(vii) Where the Council may be contributing only part of the Total Value of a contract, it is nevertheless the total Estimated Value that should be applied in determining the correct procedures to be applied under these Rules.</p> <p>(c) Where there is any doubt as to the Estimated Value then the procedure for the higher threshold in Rule 11 must be used.</p> <p>(d) Where the Estimated Value is £5,000 or more the Procuring Officer must notify in writing the appropriate Commercial Specialist of the Estimated Value before proceeding. A written record of that Estimated Value must then be kept on file by the Procuring Officer.</p>	<p>(d) Add Where the Estimated Value is £25,000 or more the spend controls guidance must be followed and a Procurement Initiation Document used. (this is not applicable to ESPO).</p>

RULE 11

Procurement Exercise Process

- (a) Based on the Estimated Value, as identified in Rule 10, Table 1 below makes provision for the minimum requirements for the subsequent Procurement Exercise.
- (b) In the case of a contract for individual independent day or residential school placement sought for a child with Special Educational Needs (SEN) with an Estimated Contract Value up to the EU threshold for Light Touch Services three quotes must be sought.
- (c) All contracts with an Estimated Value equal to or greater than the EU threshold must be referred to the Commissioning Support Unit prior to the commencement of the Procurement Exercise. The Commissioning Support Unit shall advise the Procuring Officer on the appropriate route to market which may include the use of ESPO and ESPO framework agreements, Crown Commercial Services framework agreements, etc.
- (d) Details of oral Quotations must be recorded in writing.
- (e) Where any Corporate Contracts or Standing Lists have been set up for supplies, services or works then these Rules are deemed to have been satisfied when the arrangement was set up and do not have to be further applied, if appropriately used. When the Corporate Contract is a Framework Agreement then the Procuring Officer must comply with Rule 28(c) after consultation with a relevant Commercial Part 4G Contract Procedure Rules Page 9 Page 9/34 Specialist on the suitability of the framework intended to be used. When using a Standing List the Procuring Officer must comply with Rule 27.

Table 1: Minimum requirements for a Procurement Exercise (for exceptions see Rule 6):

Estimated Contract Value		Procurement Process	Minimum Contract Opportunity Publication	Documentation
From	Up To			
£0	£5,000	Obtain a minimum of one oral/written Quotation	None	Record Details
Above £5,000	£25,000	Seek to obtain a minimum of 3 written Quotations	When inviting quotations officers should consider the benefits of including a local supplier in the invitation to quote where appropriate or applicable	Record details. (If three Quotations cannot be obtained a record of the reasons for this must be agreed in consultation with the appropriate Commercial

(d) Amend from recorded to confirmed.

Add (f) All procurements over £25,000 must be approved before any procurement activity, by the Commissioning Support Unit via the spend controls guidance and use of the Procurement Initiation Document. (this is not applicable to ESPO).

			to the contract.*	Specialist). When inviting quotations officers should consider the benefits of including a local supplier in the invitation to quote where appropriate or applicable to the Contract.	
Above £25,000	Up to but not including £181,302	Seek written Quotations (to be based on a Request for Quotation document where practical) For exceptions see Rule 6(b)	Contracts Finder and on a website approved by the Director of Corporate Resources for the purpose of notifying the supply market.	Request for Quotation issued by the Procuring Officer and Quotations received.	
Equal to or Above £181,302	To the relevant EU Threshold	Formal Tender Process (Refer to Commissioning Support)	OJEU where required, Contracts Finder and on a website approved by the Director of Corporate Resources for the purpose of notifying the market.	Formal Tender and sealed bids (should be submitted via an electronic tendering system, see Rule 18 (d)).	
Relevant EU Threshold	Above the relevant EU Threshold	Formal Tender Process (Refer to Commissioning Support)	OJEU, Contracts Finder and on a website approved by the Director of Corporate Resources for the purpose of notifying the market.	Formal Tender and sealed bids (should be submitted via an electronic tendering system, see Rule 18 (d)).	
<p>* The Council cannot give preference to local suppliers, as there are legislative constraints and such a policy would be incompatible with Best Value. However, the Council recognises that there can be barriers limiting or restricting the ability of smaller suppliers to compete for Council business. The Council will seek to reduce the impact of such barriers, where it can do so legally, without discrimination, and without placing unacceptable levels of risk on the Council.</p>					Add (foot note) to the table to clarify that these are total contract spend estimates equalling total contract value over the term of the contract.
<p>RULE 12 Suitability Assessment and Award Evaluation Criteria (a) The Council shall not include a pre-qualification questionnaire stage where the value of the</p>					

<p>procurement is below the EU Threshold set out in Reg. 5 (1) (c) of the Public Contracts Regulations 2015. Below the EU Threshold only Suitability Assessment Questions may be asked. A standard form of Suitability Assessment Questions must be used.</p> <p>(b) In a Procurement Exercise with an estimated Value equal to or greater than the EU Threshold both selection and award criteria must be included. A Standard Selection Questionnaire or the European Single Procurement Document must be used for the selection criteria;</p> <p>(c) Selection criteria must be included in the evaluation process where applying the Open Tendering procedure (Rule 15) or must be the only criteria used for the shortlisting methodology where applying the Restricted Tendering procedure (Rule 16).</p>	
<p>RULE 13 Award and Evaluation Criteria</p> <p>(a) The award criteria shall be based on the most economically advantageous Tender from the Council's point of view. That Tender shall be identified on the basis of 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 or any other criteria linked to the subject-matter of the Contract in question.</p> <p>(b) Before a contract can be awarded following an Open Tender procedure the supplier must meet the minimum standard for the selection criteria included in the evaluation process.</p> <p>(c) In the case of a Procurement Exercise with an Estimated Value of £25,000 or more the process for identifying the most economically advantageous Tender, including selection and award criteria, must be agreed in consultation with the appropriate Commercial Specialist and included in the RFQ/Invitation to Tender and a copy retained on file.</p> <p>(d) The Procuring Officer must notify all Tenderers of the award methodology and evaluation criteria being used in the case of the contract in question. If weightings are to be applied to the criteria then the Procuring Officer must ensure that these are also incorporated into the Invitation to Tender.</p>	
<p>RULE 14 Contract Opportunity Publication</p> <p>(a) Unless otherwise agreed by the appropriate Chief Officer, the Procuring Officer must ensure, for all Procurement Exercises with an Estimated Value of £25,000 or more but less than the relevant EU Threshold, that Contract Opportunity Publication is given on a website approved by the Director of Corporate Resources for the purpose of notifying the supply</p>	<p>Replace all references to notices being placed "in the Official Journal of the European Union (OJEU)" with "on the UK e-notification service" which is now defined in the Public Contracts Regulations 2015 (as amended). Known as "FTS" Find a Tender Service.</p>

<p>market.</p> <p>(b) All Procurement Exercises with an Estimated Value of £25,000 or more must be advertised on Contracts Finder within 24 hours of the time when the Procurement Exercise is advertised in any other way. Procurement exercises over the relevant EU Threshold must be advertised in the OJEU and on Contracts Finder.</p> <p>(c) For all proposed contracts which are advertised where the Estimated Value is below the EU threshold, a period of at least ten working days should be allowed between the date when an Invitation to Tender becomes available to all bidders and either:</p> <p>(i) the deadline for receipt of Tenders where an Open Tendering procedure is being used; or</p> <p>(ii) the deadline for receipt of the standard form of Suitability Assessment Questions or the European Single Procurement Document, where a Restricted Tendering procedure is being used.</p> <p>(d) The Contract Opportunity Publication must express the nature and purpose of the Procurement Exercise, stating where further details may be obtained, how and to whom an interested supplier is to respond and any other requirements such as suitability requirements or explanatory information. (e) If the Estimated Value exceeds the relevant EU Threshold the Procuring Officer must ensure that Contract Opportunity Publication is first published in the OJEU and then on a website approved by the Director of Corporate Resources for the purpose of notifying the supply market and in Contracts Finder.</p> <p>(f) A Procurement Exercise that is equal to or more than the EU Threshold for Light-Touch Services must be procured in compliance with Chapter 3, section 7 of the Public Contracts Regulations 2015. Part 4G Contract Procedure Rules Page 12 Page 12/34 (g) Where a contract opportunity is equal to or greater than the EU Threshold a Contract Opportunity Publication should not appear in any form before publication in the OJEU and neither should any advertisement contain any more information than that published in OJEU.</p> <p>(h) The advertising requirements set out in this Rule 14 are minimum requirements and do not preclude further Contract Opportunity Publication where appropriate (e.g. in the local newspaper, trade or professional journal, the Council website).</p>	
<p>RULE 15 Open Tendering Under Open Tendering, Procuring Officers must send Invitations to Tender to all those Persons who respond to the Contract Opportunity Publication and who meet the requirements stated therein. Where the opportunity has been advertised via the electronic tendering system the</p>	

<p>Invitation to Tenders and all supporting documents must be made available in the system for all interested parties to access subject to confidentiality agreement where applicable.</p>	
<p>RULE 16 Restricted Tendering (a) Subject to Rule 16 (b), this Rule applies to Tenders where the Estimated Value is equal to or exceeds the EU Threshold. (b) Where the services being tendered are Light-Touch Services the Procuring Officer may choose to use this Restricted Tendering procedure but is not required to. (c) Under Restricted Tendering, Procuring Officers need only send Invitations to Tender to: (i) not less than five of the Persons who respond to the Contract Opportunity Publication and who best meet the shortlisting methodology agreed in Rule 12(c); or (ii) where fewer than five Persons have applied or are considered suitable, to all those Persons who equal or exceed the Part 4G Contract Procedure Rules Page 13 Page 13/34 minimum requirements for the shortlisting methodology agreed in Rule 12(c). (d) The shortlisting criteria and process must be prepared (in consultation with the Commercial Specialist) in advance of the issue of the Standard Selection Questionnaire or the European Single Procurement Document and a copy retained on file. (e) All Persons that do not qualify for inclusion on the shortlist to receive an Invitation to Tender must receive notice that they have been excluded from the Procurement Exercise. Any Person requesting in writing the reasons why they were unsuccessful shall be informed by the Procuring Officer of the reasons for the Council's decision.</p>	
<p>RULE 17 Negotiated Procedure, Competitive Procedure with Negotiation, Competitive Dialogue Procedure and Innovation Partnership Procedure</p> <p>The Negotiated Procedure, Competitive Procedure with Negotiation, Competitive Dialogue Procedure or Innovation Partnership Procedure must only be used with the prior approval of the Director of Law and Governance and the Director of Corporate Resources. Competitive Procedure with Negotiation or Competitive Dialogue can only be used when criteria under PCR Reg.26(4) are met. Competitive Procedure with Negotiation or Competitive Dialogue can only be used when criteria under PCR Reg. 26(4) are met.</p>	
<p>RULE 17A Concession Contracts</p>	

<p>Procuring Officers must only establish Concession Contracts with prior consultation of the Director of Law and Governance and with the prior approval of the Director of Corporate Resources also in the case of Concession Contracts above the EU threshold.</p>	
<p>RULE 18 Invitations to Tender (a) Every Invitation to Tender must specify the latest day and hour and the place appointed for the receipt of Tenders and must state the effect of Rule 19. Part 4G Contract Procedure Rules Page 14 Page 14/34 (b) Procuring Officers must give all Tenderers the same information about the Procurement Exercise and in particular information relating to the Tender process, specification, award methodology and evaluation criteria and the terms and conditions of the Contract or Framework agreement. (c) Procuring Officers must also give all Tenderers the same information relating to questions, answers and clarifications raised during the Procurement Exercise unless they relate solely to another Person’s Tender. (d) All Procurement Exercises equal to or greater than £25,000 shall be handled via an Electronic Tendering System. Only in exceptional cases may a Procurement Exercise be undertaken not using an Electronic Tendering System. Paper Tenders must be submitted to, addressed to and opened by the Chief Executive. Where the Estimated value is below £25,000 the Tenders may be returned directly to the Procuring Officer. (e) Where Tenders are to be received by the Chief Executive, the Procuring Officer must send to the Chief Executive a note of the subject and the closing date and time and (where appropriate) a list of the Persons invited to Tender together with the Estimated Value before the closing date for receipt of Tenders.</p>	<p>(d) Amend to where possible. (e) Amend only applies if an electronic tendering system is not available then paper tenders are to be opened by Chief executive.</p>
<p>RULE 19 Irregular Tenders (a) An Irregular Tender must not be accepted by either the Chief Executive or the Procuring Officer, other than in accordance with this Rule. (b) A Tender is not valid unless it has been either submitted via an Electronic Tendering System or in the case of paper tenders delivered to the place appointed in accordance with Rule 18 and not later than the appointed day and hour. (c) Tenders other than E-Tenders where the Estimated Value is equal to or greater than £181,302 are not valid unless they are received in a plain sealed envelope or parcel addressed</p>	

<p>to the Chief Executive. The envelope or package must bear the word “Tender” followed by the subject to which it relates.</p> <p>(d) E-Tenders must be submitted in accordance with the requirements of the Electronic Tendering System used. Part 4G Contract Procedure Rules Page 15 Page 15/34</p> <p>(e) Where a Tender has been received which is an Irregular Tender in that it does not fully comply with the instructions given in the Invitation to Tender and/or because it is received after the appointed time for receipt or does not comply with Rules 19(b) or 19(c), the provisions of Rules 19(f) and 19(g) apply.</p> <p>(f) A Tender other than an E-Tender which is received after the closing date and time may be opened and evaluated in accordance with Rule 20 if there is clear evidence of it having:- (i) been posted by first class post at least a day before the closing date; OR (ii) been posted by second class post at least three days before the closing date; OR (iii) been placed in the custody of a courier who has provided written assurance of delivery prior to the closing date and time.</p> <p>(g) If in other cases of Irregular Tenders the Chief Executive considers that there are exceptional circumstances and that the Tenderer who submitted the Irregular Tender has gained no advantage from its irregularity he may determine to accept the Irregular Tender and authorise that it be opened and evaluated together with any other Tenders in accordance with Rule 20. The Chief Executive shall record in writing the reasons why each Irregular Tender has been accepted or rejected.</p> <p>(h) Irregular Tenders that the Chief Executive has rejected under this Rule must be returned to the Tenderer by the Chief Executive with a covering letter stating the reason for their rejection.</p>	<p>Amend £181,302 to £189,330</p>
<p>RULE 20 Receipt and Opening of Tenders</p> <p>(a) Rules 20(b) to (f) apply only to Tenders where the Estimated Value is equal to or greater than £181,302 and the Tender is not an E-Tender. Rule 20(g) applies to E-Tenders only.</p> <p>(b) On receipt, envelopes containing Tenders must be date and time stamped by the Chief Executive and shall remain in his custody until they are opened.</p> <p>(c) The Chief Executive must keep a record of all Tenders received. Part 4G Contract Procedure Rules Page 16 Page 16/34</p> <p>(d) Tenders must be opened at one time in the presence of not less than two Officers one of whom is not involved in the Procurement Exercise and who is designated by the Chief Executive. Each Officer must initial each Tender once opened which must also be date stamped.</p> <p>(e) Particulars of all Tenders opened must be entered by the Chief Executive upon the record</p>	<p>Amend (b) any reference to chief executives should only be relevant for non-electronic tenders received.</p>

<p>which must be signed by the Officers present at the opening, together with a note of all Irregular Tenders. (f) The Chief Executive must forthwith send a copy of the record to the appropriate Procuring Officer (with the Tenders) and must retain a copy himself.</p> <p>(g) E-Tenders must be opened in accordance with the requirements of the Electronic Tendering System used.</p>	
<p>RULE 21 Errors or Discrepancies in Tenders</p> <p>(a) Tenderers are not allowed to alter their Tenders after opening save in accordance with this Rule or Rule 22.</p> <p>(b) Where it is suspected that there has been an error in a Tender and following the closing date for receipt of Tenders but before acceptance of any Tender discussions may take place with Tenderers in order to:</p> <p>(i) ensure that the Tender is constructed correctly; or (ii) ensure that the Tenderer has fully understood the specification; or</p> <p>(iii) seek clarification from Tenderers of cost, quality and performance indicators.</p> <p>(c) A written note of the discussions must be made to record the suspected error, date, time, detail of the discussion and any agreement reached.</p>	
<p>RULE 22 Discussions and Post Tender Negotiations</p> <p>(a) In the case where the Estimated Value is below the relevant EU Threshold, the Procuring Officer in consultation with the appropriate Part 4G Contract Procedure Rules Page 17 Page 17/34 Commercial Specialist may carry out Post Tender Negotiations with the Tenderer submitting the most competitive Tender in an attempt to secure improvements in the price or economic advantage in one or more of the following circumstances:</p> <p>(i) where the most competitive Tender (according to the predetermined award methodology and evaluation criteria) submitted exceeds the Estimated Value;</p> <p>(ii) where it is considered that the price of the most competitive Tender submitted does not represent the best value for money that can reasonably be obtained;</p> <p>(iii) where Tenders have been invited only on the basis of unit prices or a schedule of rates and the lowest in aggregate is not the lowest on all items;</p> <p>(iv) where the most competitive Tender contains conditions, trading terms, guarantees, or provisions relating to performance or service delivery less favourable than in other Tenders, or than stipulated for and this defect appears capable of being remedied by Post Tender</p>	

<p>Negotiations.</p> <p>(b) When conducting Post Tender Negotiations, the following additional Rules shall apply:</p> <p>(i) At no time during the negotiations must a Tenderer be informed of the detail of any other Tender submitted or as to whether or not the Tender he submitted was the lowest.</p> <p>(ii) During negotiations in person there must always be present at least two officers of the Council. (iii) A note of the negotiations will be made by one of the Officers present recording those present, the time and location of the negotiations, detail of the discussion and any agreement reached.</p> <p>(iv) Post Tender Negotiations shall not enable any material departure from the published specification. The Director of Law and Governance shall determine whether any proposed change to the specification constitutes a material departure.</p> <p>(c) Post Tender Negotiations are not allowed in the case of contracts with an Estimated Value exceeding the relevant EU Threshold. Part 4G Contract Procedure Rules Page 18 Page 18/34 However, clarifications of errors or discrepancies in Tenders may take place in accordance with Rule 21.</p>	
<p>AWARD OF CONTRACT RULE 23 Acceptance of Tenders</p> <p>(a) A Tender can only be accepted in accordance with the initial award methodology and evaluation criteria as set out in Rule 13. Any evaluation sheets must be maintained on file in accordance with Rule 34.</p> <p>(b) Any Tender with an Estimated Value of below £25,000 (where a Request for Quotation or an Invitation to Tender is not used) may only be accepted with the prior written approval of the appropriate Commercial Specialist.</p> <p>(c) If the Tender to be accepted exceeds the budget which was agreed in accordance with Rule 5(g) the Procuring Officer must ensure that sufficient funds are available and approved by the appropriate budget holder, appropriate Chief Officer or Executive prior to accepting the Tender.</p> <p>(d) Where an abnormally low Tender is submitted the Council shall require the Tenderer to explain in writing the price or costs proposed and may only reject the Tender where the explanation is unsatisfactory. Where it is established that the Tender is low due to breaches of environmental, social or labour law, the Council must reject the Tender.</p> <p>(e) Subject to Rule 1, the appropriate Chief Officer shall have the authority to accept a Tender</p>	

<p>but in any particular circumstance may decline to give approval and refer the decision to the Executive to determine.</p>	
<p>RULE 24 Notification of Contract Award (a) The Procuring Officer must notify the successful Tenderer of the acceptance of their Tender and for all Procurement Exercises with an Estimated Value of £5,000 or more this notification must be in writing. (b) In the case where the Estimated Value is £25,000 or more the Procuring Officer must notify in writing all Tenderers who submitted a Part 4G Contract Procedure Rules Page 19 Page 19/34 Tender of the decision as soon as possible after the decision has been made. (c) Where a Contract with an Estimated Value of £25,000 or more is awarded the Council must publish information as required by the Public Contracts Regulations 2015 on Contracts Finder within 30 calendar days of the date the Contract was awarded. (d) In the case where the Estimated Value is equal to or greater than the relevant EU Threshold the following additional Rules shall apply: (i) The notice in Rule 24 (b) shall include the award criteria, the reasons for the decision, including the successful Tenderer's score, the score (if any) of the Tenderer receiving the notice, and the characteristics and (if appropriate) relative advantages of the successful Tenderer's Tender, any reasons why the recipient of the notice did not meet the technical specification, the name of the Tenderer awarded the Contract, as well as the date when the standstill period required in accordance with Rule 24 (d)(ii) will come to an end. (ii) A minimum period of 10 calendar days must elapse between the day of sending the notice in Rule 24 (b) and the date on which the Council enters into a contract, if the notice is sent electronically. Where the notice is sent by other means then either 15 days from the day of sending the notice or 10 days from the day of receipt of the notice by the last Tenderer to receive the notice must elapse. In all cases counting the day after sending the notice as day 1. The standstill period must end on a working day. (iii) The Procuring Officer shall ensure that an OJEU contract award notice is placed within 30 days of the contract award where required. In the case where contracts are awarded under the regime covering Light Touch Services or Dynamic Purchasing System, award notices may be grouped together in accordance with regulation 74 for Light-Touch Services and regulation 50(5) for Dynamic Purchasing Systems. (iv) For every Contract or Framework Agreement covered by the Public Contract Regulations, and every time a Dynamic Purchasing System is established, the Procuring Officer shall draw up a written report in</p>	<p>24(c) Amend from 30 days to 90 days in line with legislation recommendations.</p> <p>Replace all references to notices being placed "in the Official Journal of the European Union (OJEU)" with "on the UK e-notification service" which is now defined in the Public Contracts Regulations 2015 (as amended). Known as "FTS" Find a Tender Service.</p>

<p>accordance with the requirements outlined in regulation 84 of PCR. Part 4G Contract Procedure Rules Page 20 Page 20/34 (e) The Procuring Officer must notify the appropriate Commercial Specialist in writing of any contract (including framework call off contracts) that has been awarded with a Total Value of £5,000 or more.</p>	
<p>RULE 25 Form of Contract (a) A Contract shall be formed: (i) by exchange of letter or electronic communication accepting the successful Tender and incorporating the Invitation to Tender or Request for Quotation and the outcome of any subsequent negotiations and discussions; or (ii) by completion of a formal contract incorporating the Invitation to Tender or Request for Quotation, the Tender and the outcome of any subsequent negotiations and/or discussions; or (iii) by placing an order in accordance with Rule 26. (b) In determining and negotiating the terms and conditions of contract, the Procuring Officer must ensure that the appropriate Standard Terms and Conditions are incorporated unless the Procuring Officer having consulted the appropriate Director of Law and Governance and the appropriate Commercial Specialist considers it inappropriate to do so. (c) All contracts with an Estimated Value of £25,000 or more must be in writing and where appropriate the appropriate Chief Officer shall: (i) ensure that the Contract includes a definition of the circumstances that will be considered to constitute a default on the terms of the Contract by the supplier. The Contract must provide for notice of default to be given to the supplier and for any resulting losses to be recovered from the supplier if the default is not rectified. (ii) decide whether it is necessary to require suppliers to provide a Performance Bond with a third party. The need for this will depend on an assessment of the risk associated with the contract or the supplier. Part 4G Contract Procedure Rules Page 21 Page 21/34 (iii) ensure that the contract provides for the supplier to have an insurance policy, which can be inspected during the contract period. The Chief Finance Officer shall be consulted on the insurance requirements. (iv) consult the Chief Finance Officer on the appropriate VAT requirements. (d) Every contract must be signed (by electronic means or otherwise) by the appropriate Chief Officer or an Officer designated, and in cases determined by the Director of Law and Governance or where otherwise required in law, shall be under the Common Seal of the County</p>	

<p>Council in a form prepared or approved by the Director of Law and Governance.</p> <p>(e) Except after consultation with the Director of Law and Governance, work or services must not be authorised to commence or goods to be supplied where such works, services or goods are to be the subject of a contract under seal entered into between the Council and the supplier, until the Director of Law and Governance has advised that the contract has been signed by the supplier.</p> <p>(f) The Procuring Officer shall comply with the General Data Protection Regulation (GDPR) and Data Protection Act 2018 requirements and shall include in the contract appropriate provisions.</p> <p>(g) The Procuring Officer shall ensure the contract includes a Right to Audit Clause.</p>	
<p>RULE 25A Contract Management</p> <p>(a) The Procuring Officer shall immediately upon completion of every Procurement Exercise;</p> <p>(i) In respect of contracts having a value of less than £25,000 and where the Electronic Tendering System has not been used, enter the Contract details in the Council’s contracts register;</p> <p>(ii) In respect of contracts of whatever value handled via the Electronic Tendering System the Procuring Officer shall ensure that the details of the Contract are published in the Council’s contracts register.</p> <p>(b) All contracts shall be managed in accordance with these Rules and the Council’s contract management toolkit which can be found in the Commissioning Toolkit on the Council’s intranet.</p> <p>(c) The authorised officer or Contract Manager responsible for the management of the Contract shall:</p> <p>(i) Obtain prior approval in accordance with Rule 30 before proceeding to authorise (in writing) any modification/extension to the Contract.</p> <p>(ii) Ensure all documentation is uploaded to the Council’s Contracts Register.</p> <p>(iii) Ensure that a record is kept of all certificates and instructions issued under the Contract;</p> <p>(iv) Keep documents in support of each payment showing how the payment amount has been valued and maintain a record of all such payments including any professional fees;</p> <p>(v) Prior to the contract renewal notice period for a contract, consult the relevant Commercial Specialist to review opportunities for contract negotiations for favourable contract terms.</p> <p>(vi) Before terminating any contract and in particular for breach, consult the Director of Law and Governance;</p> <p>(vii) Resolve all contractual matters and contractual claims, and issue any final account and final</p>	<p>Add – Rule 25A is not yet adopted by ESPO.</p> <p>(a). Amend -The Procuring Officer shall advise the Commercial Officer or Commercial Specialist who shall immediately upon completion of every procurement exercise.</p>

<p>certificate in accordance with the terms of the Contract, taking advice from the Director of Law and Governance.</p>	
<p>RULE 26 Orders for work, goods and services Orders for work, goods and services must only be placed in accordance with Instruction 8 of the Standard Financial Instructions.</p>	
<p>STANDING LISTS RULE 27 Standing Lists (a) Standing Lists must not be created or added to without the prior written approval of the appropriate Chief Officer in consultation with the appropriate Commercial Specialist. (b) Procuring Officers must not use a Standing List where the total value of contracts to be awarded using the Standing List is estimated to exceed the relevant EU Threshold. (c) The Standing List must contain the names of all Persons who are approved and indicate the categories of contract and the values or amounts in respect of those categories for which those Persons are approved. (d) At least four weeks before a list is first compiled, the Procuring Officer must publish on a website approved by the Director of Corporate Resources for the purpose of notifying the supply market a notice inviting applications by a specified date for inclusion in it. (e) Procuring Officers must renew all Standing Lists at intervals not exceeding four years. At least four weeks before each renewal, each Person whose name appears in the list must be notified by the Procuring Officer of the intention to review the list. If they wish to remain on the list they must re-apply for inclusion. Procuring Officers must ensure that notices inviting applications for inclusion in the list are published in the manner provided by Rule 27(d). (f) The case where the use of a Standing List has been authorised the Procuring Officer must send Invitations to Tender to not less than four of the Persons from among those approved for a contract of the relevant category and amount or value. Where fewer than four Persons are approved for a contract of the relevant category and amount or value Invitations to Tender shall be sent to no fewer than three Persons. Where there are fewer than three Persons the Part 4G Contract Procedure Rules Page 24 Page 24/34 procedure for Standing Lists must not be used unless the appropriate Commercial Specialist advises otherwise. (g) The Procuring Officer in consultation with the Commercial Specialist shall determine the criteria for selecting Persons from the list.</p>	

<p>(h) In such circumstances as the Director of Corporate Resources shall determine, Procuring Officers shall provide such information as shall reasonably be necessary of the extent to which Standing Lists have been utilised.</p>	
<p>FRAMEWORK AGREEMENTS RULE 28 Framework Agreements (a) Procuring Officers must establish all Framework Agreements in accordance with these Rules. (b) Framework Agreements must not be awarded for more than 4 years, including any extensions without the prior written consent of the Director of Corporate Resources following consultation with the Director of Law and Governance. (c) All suppliers on the Framework Agreement capable of performing the contract must be invited to participate in a Further Competition unless it is clear from the terms of the Framework Agreement which supplier best meets the award methodology set out in the Framework Agreement in which case that supplier may be selected provided the Procuring Officer can demonstrate value for money. Direct Award on frameworks must be first discussed with a relevant Commercial Specialist before proceeding if the value exceeds OJEU. (d) Additional suppliers may only be added to a Framework Agreement throughout its duration in circumstances where: (i) the Estimated Value is below the EU Threshold; or (ii) the services tendered are Light-Touch Services to which the full regime of the Public Contracts Regulations 2015 is not considered to apply: (iii) and in either case ((i) or (ii) above) provided that the Invitation to Tender states: (aa) that new suppliers may be added to the Framework Agreement; and Part 4G Contract Procedure Rules Page 25 Page 25/34 (bb) how many suppliers can apply to be added to the Framework Agreement; and (cc) that the same evaluation criteria and award methodology are applied when deciding whether to award a place on the Framework Agreement to new suppliers as was applied at the time of the original award. (e) Each use of a Framework agreement either by call off or direct award must be included on the Contracts Register within 30 days of award. R</p>	<p>Rule (d). Add or Dynamic Purchasing System.</p> <p>Replace all references to notices being placed "in the Official Journal of the European Union (OJEU)" with "on the UK e-notification service" which is now defined in the Public Contracts Regulations 2015 (as amended). Known as "FTS" Find a Tender Service.</p>
<p>RULE 29 Dynamic Purchasing Systems Procuring Officers must only establish Dynamic Purchasing Systems with the prior written</p>	<p>Add Prior written approval from a Senior Commercial Specialist and the Director of Corporate Resources.</p>

<p>approval of the Director of Corporate Resources and in accordance with the requirements of the Public Contracts Regulations 2015 and these Rules where appropriate.</p>	
<p>CONTRACT AMENDMENTS RULE 30 Contract Modifications and Extensions Contract Modifications (a) Subject to Rule 30(b) below, Contracts may be modified where the value of the modification is; (i) below the current EU Threshold for service/supply/works contracts; and (ii) is less than 10% of the initial Contract value for service and supply contracts and less than 15% of the initial Contract value for works. (b) The appropriate Chief Officer in consultation with the Commercial Specialist shall be authorised to modify the Contract in accordance with Rule 30(a) above provided: (i) the modification does not alter the overall nature of the Contract; and (ii) where there is, or has been more than one modification, the value shall be the net cumulative value of all modifications for the purpose of Rule 30(a) above. Part 4G Contract Procedure Rules Page 26 Page 26/34 (c) In all other circumstances, where the proposed modification exceeds either of the values stated under Rule 30(a) or where the proposed modification does not fall within Rule 30(a) above, the appropriate Chief Officer in consultation with the Commercial Specialist and the Director of Law and Governance must gain the prior approval of the Director of Corporate Resources. This authorisation must be issued before the supply, services or works are carried out. (d) Prior to any modification being agreed which would result in an increase in the Total Value of the Contract the Procuring Officer must ensure that sufficient additional budget provision has been approved by the budget holder.</p> <p>Contract Extensions (e) Where a Contract Extension has been provided for both in the Initial Procurement Documents and in the Contract in clear and precise terms then the appropriate Chief Officer or any Officer with delegated authority under Rule 2 shall be authorised to extend the Contract in consultation with the Commercial Specialist. (f) For the purpose of this Rule 30 “Initial Procurement Documents” shall mean any notice, OJEU notice, Request for Quotation, Invitation to Tender or Specification.</p>	<p>Amend Rule 30c A modification over 10% requires Director of Law and Governance and the Director of Corporate Resources prior approval if above EU Threshold.</p> <p>Replace all references to notices being placed "in the Official Journal of the European Union (OJEU)" with "on the UK e-notification service" which is now defined</p>

<p>(g) Where the Initial Procurement Documents and/or the Contract does not provide for an extension the appropriate Chief Officer in consultation with the Commercial Specialist shall consider the extension as a modification to the Contract and shall only be authorised to extend the Contract in accordance with Rules 30(a) and 30(b) above.</p> <p>(h) In all other circumstances and where Rule 30(e) and 30(g) above do not apply, the appropriate Chief Officer in consultation with the Commercial Specialist and the Director of Law and Governance must gain the prior approval of the Director of Corporate Resources. This authorisation must be issued before the extension is carried out.</p> <p>(i) Prior to any extension being agreed which would result in an increase in the Total Value of the Contract the Procuring Officer must ensure that sufficient additional budget provision has been approved by the budget holder</p>	<p>in the Public Contracts Regulations 2015 (as amended). Known as “FTS” Find a Tender Service.</p>
<p>RULE 31 Novation of Existing Contracts The novation of a Contract to a new Person requires the prior written approval of the Director of Corporate Resources in consultation with the Director of Law and Governance.</p>	<p>Add - irrespective of value. Add – Director of ESPO, in the case of ESPO.</p>
<p>RULE 32 Early Termination of Contracts Unless a provision for early termination is clearly stated in the Contract, Procuring Officers shall seek advice from the Director of Law and Governance where it is intended to terminate a contract early. Where the Total Value of the Contract is equal to £181,302 or more the prior written approval of the Director of Corporate Resources shall also be obtained.</p>	<p>Amend £181,302 to £189,330</p>
<p>MISCELLANEOUS PROVISIONS RULE 33 Application of these Rules to ESPO (a) Where acting solely on behalf of the Council ESPO must comply with these Rules where applicable. (b) In cases where ESPO is acting on behalf of the Council: (i) ESPO is authorised to act as agent of the Council in place of the appropriate Chief Officer or Procuring Officer for the purposes of Rules 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27 and 28 and these Rules shall be construed accordingly. (ii) ESPO is authorised to act as agent of the Chief Executive for the purposes of Rules 18, 19 and 20. (iii) For the avoidance of doubt, decisions under Rule 23 shall remain the responsibility of Procuring Officers who may receive advice from ESPO.</p>	

<p>RULE 34 Document Retention</p> <p>(a) All Contract records, that might be required in court proceedings must be retained for at least six years and any under seal for at least twelve years from expiry of the Contract.</p> <p>(b) Where the Contract is externally funded any contingent liabilities and/or grant conditions must be taken account of by the length of the retention period.</p>	
<p>RULE 35 Supervision of Contracts by Third Parties</p> <p>(a) The Procuring Officer shall ensure that it is a condition of any contract between the Council and any Person (not being an Officer of the Council) who is involved in a Procurement Exercise or the management of a contract on behalf of the Council that in relation to that contract he must comply with the requirements of these Rules and other reasonable requirements of the Council.</p> <p>(b) Such Person must:</p> <p>(i) at any time during the carrying out of the Contract produce to the appropriate Chief Officer or his representative, Commercial Specialist or in the case of ESPO an officer with delegated authority or Council Auditor on request all records maintained by him in relation to the Contract; and</p> <p>(ii) on completion of the Contract transmit all records to the appropriate Chief Officer, Commercial Specialist or in the case of ESPO an officer with delegated authority.</p>	
<p>RULE 36 Nominated Sub-Contractors and Suppliers</p> <p>(a) Where a sub-contractor or supplier is to be nominated by the Council to a main contractor, the provisions of these Rules shall have effect.</p> <p>(b) The terms of an Invitation to Tender under Rule 18 must require an undertaking by the Tenderer that, if selected, they will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against their own obligations under Part 4G Contract Procedure Rules Page 29 Page 29/34 the main contract in relation to the work, supplies or services included in the sub-contract.</p>	
<p>SCHEDULE 1 Interpretation</p> <p>1. “appropriate Chief Officer” means the Chief Officer responsible for the function to which the Contract relates except that, where another Chief Officer is responsible for the letting of the</p>	<p>4. Amend/Add under if there is no Commercial Specialist then the Senior Commercial Specialists or Procurement and Commissioning Support Manager will</p>

<p>Contract, it shall mean that Chief Officer in consultation with the Chief Officer on whose behalf the Contract is to be let.</p> <p>2. "Best Value" means the duty of the Council to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.</p> <p>3. "Chief Finance Officer" is a statutory appointment pursuant to Section 151 of the Local Government Act 1972. The functions of the Chief Finance Officer are set out in Article 12 of Part 2 of the Council's Constitution.</p> <p>4. "Commercial Specialist" means an Officer authorised by the Director of Corporate Resources to manage the procurement of a category or categories of goods, services and/or works. Where there is no Commercial Specialist for the goods, services and/or works being procured the Head of Commissioning and Procurement shall adopt this role.</p> <p>5. "Concession Contract" means a works concession Contract or services concession Contract for pecuniary interest concluded in writing by means of which the Council entrusts the execution of works or the provision and the management of services (other than the execution of works) to one or more economic operators, the consideration for which consists either solely in the right to exploit the works or the services that are the subject of the Contract or in that right together with payment; and that meets the requirements of Regulation 3(4) of the Concession Contracts Regulations 2016 (CCR 2016). Regulation 3(4) of the CCR 2016 further defines the necessary requirements of the arrangement for the purposes of the regime, which are :</p> <p>(i) the award of the Contract must transfer to the concessionaire the operating risk in exploiting the works or services encompassing demand or supply risk or both; and</p> <p>(ii) the part of the risk transferred to the concessionaire involves real exposure to the vagaries of the market, such that any potential Part 4G Contract Procedure Rules Page 30 Page 30/34 estimated loss incurred by the concessionaire is not merely nominal or negligible.</p> <p>6. "Concession Contracts Regulations 2016" means the Concession Contracts Regulations 2016 as amended, consolidated, extended, re enacted or replaced. These Regulations implement Directive 2014/25/EU of the European Parliament and of the Council on Public Procurement.</p> <p>7. "Contract" means a binding agreement between two or more parties for performing, or refraining from performing, some specified act(s) in exchange for lawful consideration.</p> <p>8. "Contract Extension" means an extension to the duration of the Contract, but not including any alteration to the scope of the Contract.</p>	<p>adopt this role.</p> <p>Add to definition of chief officer as point 4. Refer to the following for the list of Chief Officers: https://www.leicestershire.gov.uk/about-the-council/how-the-council-works/leader-and-cabinet/chief-officers-of-the-council</p> <p>In the case of ESPO the Chief Officer refers to the Director of ESPO.</p> <p>32. Replace OJEU -in the Official Journal of the European Union with FTS -Find a Tender Service the UK e-notification service which is now defined in the Public Contracts Regulations 2015 (as amended).</p> <p>Re number as appropriate.</p>
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9. "Contracts Finder" means the web-based portal provided for the purposes of Part 4 of the Public Contracts Regulations 2015.
10. "Contract Opportunity Publication" is the means by which a Procurement Exercise is advertised, and includes (where appropriate) the 'Contract Notice' and Contracts Finder as defined in the Public Contract Regulations 2015.
11. "Contract Manager" means an Officer responsible for the administration and management of the Contract.
12. "Contract Modification" means an alteration to the scope of the contract.
13. "Contracts Register" means a register of (current) contracts, commissioned activity, purchase orders, framework agreements and any other legally enforceable agreement with a value that exceeds £25,000 entered into by the Council and held on the Councils electronic tendering system.
14. "Corporate Contract" means any Contract or Framework Agreement or other arrangement approved for use in sourcing a particular requirement in consultation with the relevant Commercial Specialist, and put in place by the Council itself, ESPO, or any other public sector organisation (including other Local Authorities) or consortium in which the Council is entitled to participate and which, where necessary, has been awarded in compliance with EU legislation.
15. "Council" means Leicestershire County Council. Part 4G Contract Procedure Rules Page 31 Page 31/34
16. "Direct Employee: a person who works as an employee of the Council and is paid a salary by it, rather than being employed through an agency or other third party."
17. "Dynamic Purchasing System" means a completely electronic process, which has a limited duration, for making commonly used purchases, as more particularly defined and described in the Public Contract Regulations 2015.
18. "Electronic Tendering System" means an electronic tendering system approved in accordance with Rule 5 (h) (ii).
19. "ESPO" means the Eastern Shires Purchasing Organisation being a local authority purchasing and distribution consortium of which the Council is a joint member authority.
20. "Estimated Value" means the value as estimated under Rule10.
21. "E-Tender" means a Tender that has been submitted using an Electronic Tendering System.
22. "EU Threshold" means the respective threshold for Services, Supplies, Works or Light-Touch Services contracts referred to in the Public Contract Regulations 2015.
23. "Executive" means the executive or committee determined in accordance with the Council's

constitution.

24. "Formal Tender Process" is a process following the requirements of Open Tendering, Restricted Tendering, Standing List, Negotiated Procedure, Competitive procedure with Negotiation, Competitive Dialogue or Innovation Partnership Procedure. And Formal Tender shall be construed accordingly.

25. "Framework Agreement" is a general term for agreements with suppliers which set out terms and conditions under which specific purchases (calloffs) can be made throughout the term of the agreement. The Framework Agreement may, itself, be a contract to which the EU procurement directives and Public Contracts Regulations 2015 apply.

26. "Further Competition" is undertaken where not all the terms of a proposed contract are laid down in a Framework Agreement. It involves re-opening competition between the economic operators which are parties to the Framework Agreement and which are capable of performing the proposed contract, on the basis of the same or, if Part 4G Contract Procedure Rules Page 32 Page 32/34 necessary, more precisely formulated terms, and where appropriate other terms referred to in the contract documents based on the Framework Agreement.

27. "Invitation to Tender" means the document(s) containing the specification, proposed terms and conditions and other appropriate information as issued to the Tenderers to solicit Formal Tenders. 28. "Irregular Tender" means a Tender that does not fully comply with the instructions given in the Invitation to Tender.

29. "Life-Cycle Costing" means all or part of the following costs over the lifecycle of a product, service or works, to the extent that they are relevant:

(i) Costs of acquisition;

(ii) Costs of use, such as consumption of energy and other resources;

(iii) Maintenance costs;

(iv) End of life costs, such as collection and recycling costs;

(v) Costs imputed to the environmental externalities linked to the product, service or works during its life cycle, provided their monetary value can be determined and verified. These costs may include the costs of emissions of greenhouse gases and of other pollutant emissions and other climate change mitigation costs.

30. "Light-Touch Services" means those services referred to in regulation 74 and Schedule 3 of the Public Contracts Regulations 2015.

31. "Officer" means an employee of the Council.

32. "OJEU" means Official Journal of the European Union.

33. "Person" includes a partnership, body corporate or unincorporated association.
34. "Post Tender Negotiations" means the ability to negotiate with a Tenderer after a Tender has been opened and evaluated in accordance with the published evaluation criteria for the purposes of securing an improvement in the delivery of the contract including but not limited to improvements in price. Part 4G Contract Procedure Rules Page 33 Page 33/34
35. "Procurement Exercise" means any process by which goods, services and/or works are to be procured including but not limited to Request for Quotations and Formal Tender Processes. For the purpose of these Rules a contract for a Concession, a contract via a Framework Agreement/Dynamic Purchasing system shall be treated as a Procurement Exercise.
36. "Procuring Officer" means any Officer, acting under the delegated powers of the appropriate Chief Officer, who is responsible for the procurement of works, goods and/or services.
37. "Public Contracts Regulations 2015" means the Public Contracts Regulations 2015 as amended, consolidated, extended, re-enacted or replaced. These Regulations implement Directive 2014/24/EU of the European Parliament and of the Council on Public Procurement.
38. "Quotation" means an offer to sell works, goods and/or services at a stated price under specified conditions. A Quotation may or may not be written.
39. "Request for Quotation" ("RFQ") means a document or documents containing the specification, and proposed terms and conditions issued to potential suppliers to solicit written Quotations.
40. "Standard Terms and Conditions" means standard contractual terms used by Leicestershire County Council, including those attached to iprocurement orders or orders generated by 'line of business' systems, those included in Request for Quotation templates, and standard industry terms.
41. "Standard Selection questionnaire" means a questionnaire that complies with the Crown Commercial Service statutory guidance relating to Standard Selection Questionnaires.
42. "Standing List" means a list of Persons which has been established in accordance with Rule 27.
43. "Suitability Assessment Question" means a question which relates to the subject matter of the procurement and is proportionate and which the Council requires for assessing the Tenderers suitability.
44. "The Council's Strategic Plan 2018-22" means the strategy document that explains how the Council's commissioning and procurement activity will be used between 2018 and 2022 to

improve the quality of life for the people of Leicestershire and make Leicestershire the best possible place to live and work for everyone. Part 4G Contract Procedure Rules Page 34 Page 34/34

45. "Tender" means the formal offer from a Tenderer, which is capable of acceptance by the Council, which is a response to an Invitation to Tender. It shall include all documents comprising the submission including pricing, technical specification and method statements as well as information about the Tenderer. A written Quotation is also a Tender. The term "Tender" also includes an E-Tender except where the context implies otherwise.

46. "Tenderer" or "Tenderers" means the Person or Persons invited to participate in a Procurement Exercise.

47. "Total Value" means the value of a contract which has been calculated in accordance with Rule 10(b) (excluding Rule 10(b)(vii)) reading where appropriate Total Value for Estimated Value.

48. "In writing" or "written" for the purpose of interpreting these Rules includes transmission by any electronic means which have been approved by the Director of Law and Governance in consultation with the Director of Corporate Resources.

49. Words imparting the masculine include the feminine gender.

50. "Rule(s)" means these Contract Procedure rules as may be amended from time to time.