

Department of Corporate Services

Members of Council

Committee Secretariat

Legal and Democratic Services
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Bradford
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Tel: 01274 432435
Contact: Adrian Tumber
Email: adrian.tumber@bradford.gov.uk
Your Ref: AT/Council

Date: 8 May 2017

Dear Councillor

MEETING OF COUNCIL – TUESDAY, 16 MAY 2017

You are requested to attend the meeting of the Council to be held in the Council Chamber - City Hall, Bradford, City Hall, Bradford, on Tuesday, 16 May 2017 at 10.30 am

The agenda for the meeting is set out overleaf.

Yours sincerely

Parveen Akhtar
City Solicitor

Notes:

- ◆ This agenda can be made available in Braille, large print or tape format.
- ◆ The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present at the meeting should be aware that they may be filmed or sound recorded.



The Council's Fire Bell and Evacuation Procedure requires people to leave the building in an orderly fashion by the nearest exit, should the fire alarm sound. No one will be allowed to stay or return until the building has been checked.

Members are reminded that under the Members' Code of Conduct, they must register within 28 days any changes to their financial and other interests and notify the Monitoring Officer of any gift or hospitality received.

AGENDA

A. PROCEDURAL ITEMS

1. ELECTION OF LORD MAYOR

To elect a Lord Mayor for the 2017/2018 municipal year.

2. APPOINTMENT OF DEPUTY LORD MAYOR

To appoint a Deputy Lord Mayor for the 2017/2018 municipal year.

3. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

Notes:

- (1) *Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*



- (3) *Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

4. MINUTES

Recommended –

That the minutes of the meeting held on 21 March 2017 be signed as a correct record (previously circulated).

(Adrian Tumber – 01274 432435)

5. APOLOGIES FOR ABSENCE

6. WRITTEN ANNOUNCEMENTS FROM THE LORD MAYOR (Standing Order 4)

(To be circulated before the meeting).

7. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Adrian Tumber - 01274 432435)



B. BUSINESS ITEMS

8. AMENDMENTS TO THE CONSTITUTION - FINANCIAL REGULATIONS AND CONTRACT STANDING ORDERS

1 - 38

At the meeting of the Governance and Audit Committee on 25 April 2017 the report of the City Solicitor (**Governance and Audit Committee Document "AN"**) provided Members with details of the annual review of the Financial Regulations and Contracts Standing Orders Sections of the Council's Constitution and makes recommendations for their amendment. It is,

Recommended –

- (1) That the proposed amendments to the Constitution listed in Appendices 1 and 2 attached to Governance and Audit Committee Document "AN" be adopted and implemented.
- (2) That the City Solicitor ensures the agreed amendments are implemented.
- (3) That the City Solicitor be granted delegated authority to make consequential amendments to the Constitution as a result of the recommendations approved by Council.

(Mark St Romaine – 01274 432888/ Duncan Farr – 01274 434588)

9. REVIEW OF THE COUNCIL'S CONSTITUTION

39 - 64

At the meeting of the Governance and Audit Committee on 25 April 2017 the report of the City Solicitor (**Governance and Audit Committee Document "AO"**) detailed proposed amendments to the Constitution for recommendation to Council. It is,

Recommended –

That the proposed amendments to the Constitution listed in Appendices 1 to 8 of Document "AO" be adopted and implemented.

(Michael Bowness - 01274 432496)

10. MEMBERSHIP OF COMMITTEES AND JOINT COMMITTEES (Standing Order 4)

To appoint Members to Committees; Chairs and Deputy Chairs of Committees (other than Area Committees) and West Yorkshire joint



committees (**Document “A” containing the list of appointments will be circulated at the meeting**).

(Adrian Tumber – 01274 432435)

**11. RECOMMENDATIONS FROM THE EXECUTIVE AND COMMITTEES
(Standing Order 15)**

To consider any recommendations arising from meetings of the Executive and Committees held after the publication of this agenda and prior to the Council meeting.

12. COUNCIL MEETINGS 2017/2018

Recommended –

That ordinary meetings of Council during the municipal year 2017/18 be held at 1600 on the following Tuesdays except where indicated otherwise:

**18 July 2017
17 October 2017
12 December 2017
16 January 2018
22 February 2018 (Thursday)
20 March 2018
15 May 2018 (1030)**

(Adrian Tumber – 01274 432435)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER



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Report of the City Solicitor to the meeting of the Governance and Audit Committee to be held on 25 April 2017

Subject:

AN

Amendments to the Constitution

Summary statement:

This report provides members with details of the annual review of the Financial Regulations and Contracts Standing Orders Sections of the Council's Constitution and makes recommendations for their amendment.

Parveen Akhtar
City Solicitor

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Portfolio:

Leader

Overview & Scrutiny Area:

Corporate



1. Summary

- 1.1 This report provides members with details of the annual review of the Financial Regulations and Contracts Standing Orders Sections of the Council's Constitution and makes recommendations for their amendment.

2. Background

- 2.1. During the municipal year 2016/17, Finance Officers have undertaken their annual review of Financial Regulations to ensure they properly reflect appropriate governance procedures for the Council. This report sets out the proposals for amendments to deliver those changes and improvements. The Committee is asked to consider the proposed amendments to the Constitution for recommendation to Council for formal approval on the 16 May 2017 and seeks delegated authority to the City Solicitor to implement the proposed amendments.

3. Amendments to the Financial Sections of the Constitution

- 3.1 There are a number of changes to Financial Regulations. Below is a list of the main changes.

- a) The role of Section 151 Officer is now held by the Strategic Director of Corporate Services. These changes have already been reflected in Financial Regulations
- b) An Alternative Delivery Model Steering Group has been established within the Department of Corporate Services. This reviews the processes, arrangements and safeguards supporting the transfer of existing services from Council control. A new financial regulation has been prepared which requires the group to be consulted when there are proposals for transferring services.
- c) Financial Regulations now refer to the need for payments to staff to comply with IR35 to ensure appropriate reporting to the inland revenue occurs.
- d) The need for all officers to undertake Information Governance training annually is incorporated into the regulations
- e) As the use of cheques has reduced significantly the requirement for Financial Regulation 35 has diminished and has been removed entirely.

These have been annotated on Appendix 1, which highlights the changes to financial regulations.

- 3.2 Contract Standing Orders were substantially re-written in 2015 following the publication of new public contract regulations in February 2015. A relatively small number of amendments are now proposed to improve clarity on the policy and procedures for both procurement and contracting. Other than general formatting and simplifications below is a list of the main changes that are proposed:

- a) Within the definitions re-introduction of an 'Appropriate Officer' and removal of the 'Chief Officer' role; so that Contracts Standing Orders are consistent with the Council's Financial Regulations

- b) In line with the Council's senior management re-structure removal of references to the post Assistant Director of Commissioning and Procurement, replacing this with the Assistant Director of Finance and Procurement.
- c) Requiring that the use of any pre-qualification or selection criteria, used in short listing organisation eligible to bid for Council contracts follow mandatory guidance issued by the Secretary of State.
- d) Clarifying the choice between open tender adverts using Contracts Finder, or seeking quotes for contracts estimated to be valued between £25k and £100k.
- e) Requiring the use of an Exception to Competition Requirement to be undertaken by the Authorised Officer in consultation with the Assistant Director of Finance and Procurement.
- f) Requiring the Authorised Officer to follow an escalation process should outturn contractual costs exceed estimated costs by either less than 25%, 25% to 50%, or by more than 50%
- g) Including adherence to IR35 and CIS legislation for instances including; consultancy work, self employment, personal service companies, limited companies substantially owned by a Director and CIS register building contractors.

The aim is to improve overall control of procurement so that the law is followed, value for money obtained and exceptions are properly authorised. The effect of these on contract standing orders is shown as tracked changes in Appendix 2

4. Financial and Resource Appraisal

- 4.1 The resources required to amend the Constitution can be met from existing provision.

5. Legal Appraisal

- 5.1 Article 17 of the Constitution requires the Monitoring Officer to take steps to make himself/herself aware of the strengths and weaknesses of the Constitution and make recommendations for improvement.
- 5.2 The review and development of the Constitution is undertaken in compliance with the provisions of the Local Government Act 2000, regulations and guidance made and issued under the Act.

6. Other implications

- 6.1 There are no equal rights, sustainability, community safety, Human Rights Act or trade union implications of this report.

7. Not for publication documents

- 7.1 None

8. Recommendations

- 8.1 That the Governance and Audit Committee consider the proposed amendments to the Constitution listed in Appendices 1 and 2 attached to this report and consider which, if any, should be recommended to Council for adoption and implementation.
- 8.2 That the City Solicitor reports any recommendations to Council and ensures the agreed amendments are implemented.
- 8.3 That the City Solicitor be granted delegated authority to make consequential amendments to the Constitution as a result of the recommendations approved by Full Council.

12. Appendices

Appendix 1 - Draft amendments to Financial Regulations.

Appendix 2 - Draft amendments to Contract Standing Orders.

Appendix 1

PART 3F Financial Regulations

GENERAL

1 Application

- 1.1 These Financial Regulations are made in accordance with the provisions of section 151 of the Local Government Act 1972 and the Accounts and Audit Regulations 2003 and subsequent amendments to provide for the proper administration of the Council's financial affairs. The Strategic Director Corporate Services has overall responsibility for this administration. More detailed guidance is contained in Financial Advice Notes and other procedures issued by the Strategic Director Corporate Services.
- 1.2 In these Financial Regulations "Appropriate Officer" means the Chief Executive, Strategic Directors, Directors, City Solicitor or any other officer designated by resolution of the Executive.
- 1.3 In these Financial Regulations "Appropriate Member" for the purposes of paragraph 16.4.2 means the portfolio holder for the service area required to comply with the Financial Regulations and the Ward members where the proposed expenditure has implications for a specific Ward.
- 1.4 These Regulations state the principles of financial control and administration, which must be followed by all officers of the Council. Failure to comply with these Financial Regulations may result in disciplinary action against the officer(s) concerned. Appropriate Officers must certify annually their compliance with internal controls.
- 1.5 In applying these Financial Regulations, all officers shall have regard to the duty of Best Value under the Local Government Act 1999.
- 1.6 The Governance and Audit Committee may alter these Financial Regulations on the recommendation of the Strategic Director Corporate Services.
- 1.7 The Strategic Director Corporate Services may allow specific exceptions to these Financial Regulations where in his/her opinion it is in the Council's interest. The Strategic Director Corporate Services must keep a record of these exceptions and report these to the Governance and Audit Committee on an annual basis.
- 1.8 The Strategic Director Corporate Services can alter the financial limits in these regulations because of changes in the value of money. S/he must report any alterations to the next meeting of the Governance and Audit Committee.
- 1.9 All amounts quoted in these Financial Regulations refer to values excluding Value Added Tax.

- 1.10 In applying these Financial Regulations, all officers shall comply with the Budget and Policy Framework Procedure Rules set out in Part 3C of the Constitution and implement the specific further requirements and best practice advice provided by the Strategic Director Corporate Services.

FINANCIAL CONTROLS AND PROCEDURES

2 Accounting Control

- 2.1 The Strategic Director Corporate Services is responsible for approving and controlling the Council-wide accounting and financial systems. Appropriate Officers must comply with these accounting and financial systems.

3 Audit Arrangements

- 3.1 The Strategic Director Corporate Services must monitor, review and report on:
- 3.1.1 The soundness and adequacy of financial management control systems and how they are implemented.
 - 3.1.2 How far established policies, plans and procedures are complied with and the financial effect.
 - 3.1.3 How far assets, resources and interests are accounted for and safeguarded from losses due to fraudulent offences, waste, extravagance and inefficiency.
- 3.2 S/he can visit all premises to see cash, stores and other property. S/he has access to any documents and all other data sources s/he thinks necessary. S/he can ask any officer for any information and explanations s/he thinks necessary and may produce a report. The officer concerned then has two months to respond to the report detailing the intended action to be taken on the report's recommendations. The Appropriate Officers are responsible for appropriate procedures being in place to ensure that the intended action has been implemented. The Strategic Director Corporate Services must take to the Governance and Audit Committee the Annual Internal Audit Plan, the Annual Internal Audit Report and any other report relevant to Internal Audit. The Strategic Director Corporate Services must inform the Governance and Audit Committee every year about any replies to reports which are still outstanding.
- 3.3 If any officer suspects or knows of any losses or irregularities concerning cash, property, stores or other financial matters s/he must inform the Corporate Fraud Unit at once and discuss action to take. The Strategic Director Corporate Services must report serious losses and irregularities to the Governance and Audit Committee.

4 Statement of Accounts

- 4.1 Each year the Strategic Director Corporate Services must produce to the Executive an outturn report for the previous financial year showing income and expenditure on both capital and revenue account compared against estimates.
- 4.2 Each year the Strategic Director Corporate Services must produce the Council's Statement of Accounts (which shall include the Annual Governance Statement) and submit them to the Governance and Audit Committee.

5 Payments to Staff

- 5.1 Appropriate Officers are responsible for arrangements for paying employees in accordance with rules issued and systems established by the Strategic Director Corporate Services. [Payments to staff must comply with IR35.](#)
- 5.2 The Appropriate Officer is responsible for the accuracy of all information passed to the Strategic Director Corporate Services that is used for making payments to staff and the Strategic Director Corporate Services is responsible for the accuracy of payments made in accordance with information received.
- 5.3 Appropriate Officers or their nominees should maintain an up to date signatory list of all officers approved by them to manually authorise all payroll and related documents.
- 5.4 Appropriate Officers or their nominees should authorise staff who can have Chief Position status on MSS. Only staff with Chief Position status can authorise electronic payroll and related documents including starters and leavers for their staff.

6 Banking Arrangements

- 6.1 The Strategic Director Corporate Services controls the Council's bank and giro accounts and is responsible for all procedures.
- 6.2 All cheques, giros, promissory notes and any other financial instruments and other orders for payment can be signed only by the Strategic Director Corporate Services or other officers authorised by her/him.

7 Borrowing and Credit Arrangements

- 7.1 The Chief Executive and Strategic Director Corporate Services exclusively can negotiate loans to the Council.
- 7.2 Appropriate Officers must consult the Strategic Director Corporate Services before entering into any property lease, finance lease or other contract for the use of an asset which may be deemed a credit arrangement and controlled under Sections 7 and 8 of the Local Government Act 2003.

8 Investments

- 8.1 The Chief Executive and Strategic Director Corporate Services exclusively can make investments. S/he must put them under the name of the Council and/or the appropriate Trust Fund. Investments can include loans made, to for profit and not for profit organisations providing the purpose of the loan is consistent with the Council's priorities.

9 Treasury Management

- 9.1 The Treasury Management function shall be carried out by the Strategic Director Corporate Services in accordance with the Code of Practice on Treasury Management in the Public Service produced by CIPFA and in accordance with the Treasury Policy Statement and Treasury Management Practices/Schedules approved by the Governance and Audit Committee.
- 9.2 All Council money (excluding cash controlled by schools under delegated budgets) shall be under the control of the Strategic Director Corporate Services.
- 9.3 All operational decisions on borrowing, investment or financing (except for schools under delegated budgets) shall be made by the Strategic Director Corporate Services or officers nominated under the Scheme of Delegation contained in the Treasury Management Practices/Schedules.
- 9.4 Each year the Strategic Director Corporate Services shall present to Governance and Audit Committee the following reports on Treasury:
- 9.4.1 A Treasury Strategy for Borrowing and Annual Investment Strategy which subsequently will also be presented to Council.
- 9.4.2 An Annual Investment Report on Treasury for the preceding year

10 Value Added Tax

- 10.1 Appropriate Officers must fully consider and take into account the VAT implications of all policy decisions.
- 10.2 Where a capital project is proposed which involves expenditure in any of the VAT exempt activity areas Appropriate Officers must:
- 10.2.1 Ensure that the VAT implications are taken into account during the planning stage.
- 10.2.2 Liaise with the Strategic Director Corporate Services on any capital proposals which may have exempt implications; and

10.2.3 Ensure that any report to members states that the VAT exempt implications have been considered within the financial implications section of the report.

10.3 Any proposal to change the method by which a service is provided should be notified to the Strategic Director Corporate Services.

11 Partnerships, Joint Ventures and Companies in which the Council is a Guarantor or has a Share Holding Interest

11.1 Where it is proposed that the Council be involved in a partnership arrangement or a joint venture or where the Council is to be a guarantor of a company limited by guarantee or a shareholder of a company, the Appropriate Officer shall first consult with the Strategic Director Corporate Services and City Solicitor on the proposals, and shall agree arrangements to provide for the effective monitoring in each case of the arrangement, Joint Venture or company operation.

[11.2 All proposals for the transfer of in house services to an external provider must be considered by the Alternative Delivery Model Steering Group to ensure adequate safeguards are in place.](#)

11.23 This Regulation does not apply to investments under Regulation 9 or pension fund investments under Regulation 34.

PROCUREMENT OF GOODS, WORKS AND SERVICES

12 Contract Standing Orders

12.1 Any officer of the Council who is either responsible for, or undertakes, procurement of goods, works and services on behalf of the Council, or behalf of any other body for whom the Council acts, must follow the procurement regulations set out in the Council's Contract Standing Orders.

EXPENDITURE REQUIREMENTS

13 Expenditure Limits

13.1 Appropriate Officers may spend up to the total budgeted resources for their services in the most efficient and cost effective manner and deploy those resources flexibly in order to meet the objectives and policies for those services as approved in the Council's budget and policy framework, provided that:

13.1.1 Budget for capital charges and/or statutory charges may not be vired for other purposes.

- 13.1.2 Portfolio holders are consulted before the Appropriate Officer transfers resources under their delegated control but between Portfolio Holders' remits.
- 13.1.3 Requests for virement of revenue over £100,000 from the control of one Appropriate Officer to another are to be approved by Council unless agreed by all three leaders of the three largest political groups represented on the Council.
- 13.2 Where a request for virement of revenue over £100,000 is approved in accordance with Standing Order 13.1.3 above the officer seeking approval will notify all elected members of Council of that approval within 5 working days.
- 13.3 The Strategic Director Corporate Services will report all approvals given under Standing Order 13.1.3 to the Executive, as part of the Quarterly Financial Report.
- 13.4 Appropriate Officers are responsible for all expenditure incurred.
- 13.5 Appropriate Officers may make variations within their total budget but where any such variations will have a financial impact on another Council department they must consult with the department concerned.
- 13.6 Appropriate Officers shall not incur expenditure beyond the total budgeted provision, nor make commitments or variations in staffing levels which would lead to increases in expenditure in future years beyond approved limits. Appropriate Officers must inform the Strategic Director Corporate Services immediately if it appears to them that the total expenditure incurred by their services (including expenditure they propose to incur) is likely to exceed the approved budget.

14 Better Use of Budget

- 14.1 In order for Appropriate Officers to manage their budgets more effectively, they may:
 - 14.1.1 Underspend their allocation and carry the balance forward to the following year, or,
 - 14.1.2 Overspend their allocation and deduct the amount overspent from the following year's budget, provided that by carrying a balance forward this would not create an overspending in the following year.
- 14.2 Any action taken under paragraph 14.1.1 or 14.1.2 above must be agreed with the Strategic Director Corporate Services.

15 Procure to Pay and Miscellaneous Payments

- 15.1 Appropriate Officers, or their nominees, are responsible for authorising purchases or miscellaneous payments, and should ensure that either of these is necessary

and that there is a budget on the correct financial code to cover such expenditure, before giving approval.

- 15.2 Appropriate Officers should ensure that staff and managers responsible for purchasing goods, services and works are properly trained to follow the procure to pay process and to use SAP Procure to Pay
- 15.3 Officers who have been delegated responsibility for buying goods, services or works as part of their duties, are responsible for following the procure to pay process properly. This includes ensuring that the Council's requirements are clearly articulated to the supplier or contractor (on the purchase order), that expenditure is correctly coded and that contracted suppliers are used where possible.
- 15.4 Appropriate Officers should review and document the access that is given to staff and managers to the SAP Procure to Pay system at least on an annual basis to ensure it is up to date.

CAPITAL EXPENDITURE

16 Expenditure Arrangements

- 16.1 Appropriate Officers shall ensure that the potential effects of capital expenditure on the Council's VAT position are properly considered in accordance with Regulation 10.
- 16.2 All Capital Investment proposals must be supported by a business case approved by both the Project Appraisal Group and the Portfolio Holder. These proposals must be evaluated in terms of value for money risk, deliverability and fit within the overall Capital Programme. Only proposals with approved business cases can be included in the Capital Plan.
- 16.3 Appropriate Officers shall ensure that every scheme involving capital expenditure is approved for inclusion in the Capital Investment Plan before any commitment is made, and in this respect:
 - 16.3.1 Schemes to be financed from an approved revenue budget or to be fully financed from capital grant may be approved by the Strategic Director Corporate Services, and
 - 16.3.2 All schemes other than those approved by the Strategic Director Corporate Services in accordance with 16.3.1 must be agreed by the Project Appraisal Group before submission to the Executive for approval.
- 16.4 Appropriate Officers shall ensure that:
 - 16.4.1 The scheme is designed and specified within the approved costs in the Capital Investment Plan (which will be shown at outturn prices) in consultation with the Strategic Director Corporate Services where appropriate.

- 16.4.2 Appropriate Members are consulted on plans and detailed estimates for schemes over £75,000.
- 16.4.3 Where appropriate, Government or any other source of external funding approvals have been received.
- 16.4.4 The tender to be accepted does not exceed the technical officer's estimate of the tender price (as reflected in the Capital Investment Plan) by more than:
 - 16.4.4.1 10% or £100,000, whichever is the lesser, for schemes costing over £75,000.
 - 16.4.4.2 15% or £7,500, whichever is the lesser for schemes costing £75,000 and below.
- 16.5 Appropriate Officers shall ensure compliance with all current policies on capital expenditure including the requirement to refer schemes (excluding schemes that are entirely funded by external grants) to the Executive immediately prior to entering into any completely new commitments. In addition Appropriate Officers shall be responsible for keeping both the appropriate Executive member with portfolio and the Strategic Director Corporate Services advised of schemes; and shall ensure that the resultant revenue consequences of a capital scheme can be financed within their approved revenue budget.

17 Monitoring the Capital Investment Plan

- 17.1 Each Appropriate Officer must ensure that annual spending on capital schemes does not exceed the approved cost.
- 17.2 Once a scheme has started an Appropriate Officer must report to the Executive at the point at which it becomes apparent that the cost of a capital scheme will exceed the approved figure in the Capital Investment Plan by more than the amounts referred to in 16.4.4.
- 17.3 Additional works to an approved scheme beyond the original scheme proposals exceeding the approved figure in the Capital Investment Plan may only be authorised by the Executive.
- 17.4 Where the approved cost of schemes is reliant on funding from specific resources such as supplementary credit approvals and grants, Appropriate Officers must secure the funding before entering into commitments.
- 17.5 Capital expenditure and funding form part of the financial monitoring reports prepared for the Executive which must include the benefits of investment. Each Appropriate Officer will monitor capital spending and resources and provide information in accordance with the timetable and guidelines issued by the Strategic Director Corporate Services.

INCOME REQUIREMENTS

18 Income Arrangements

- 18.1 When the authority provides goods or discretionary services to bodies or individuals external to the Council, Appropriate Officers must ensure
 - 18.1.1 A sound business case is established
 - 18.1.2 The Council has legal authority to carry out the service
 - 18.1.3 All relevant financial, employment and legal aspects have been properly considered and
 - 18.1.4 The Council is not exposed to unreasonable or disproportionate financial or other risk
- 18.2 Appropriate Officers are responsible for arrangements for the collection, receipt, recording, banking and safe-keeping of all Council income in accordance with rules issued by the Strategic Director Corporate Services.
- 18.3 Appropriate Officers are responsible for all arrangements for credit facilities and accounting for doubtful debts in accordance with rules issued by the Strategic Director Corporate Services. The Council's Accounts Receivable System must be used for the recording and collection of credit income due and the recovery of all outstanding debt unless other arrangements have been agreed with the Strategic Director Corporate Services. Arrangements whereby customers self-bill should not be entered into.
- 18.4 All contracts where the Council agrees to provide a service for a fee must be in writing and state the services to be provided, the price to be paid, the payment agreement and the time within which the contract is to be performed.
- 18.5 Credit notes must only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt and once it is confirmed that the debt is not payable. Credit notes must be approved by the relevant Appropriate Officer or their nominated Senior Officers before they are raised.
- 18.6 The Strategic Director Corporate Services must approve the writing-off of debts and other losses except where s/he has specified the level of small value debts below £100 for which Appropriate Officers can give approval. S/he may also nominate senior officers within his/her department to approve write-offs.

19 Prevention of Money Laundering

- 19.1 In accordance with the Money Laundering Regulations 2007, the Council will not accept cash payments in excess of €15,000. For practical purposes, this limit is set at £9,000 subject to Financial Regulation 1.8.
- 19.2 All officers must adhere to guidance issued by the Strategic Director Corporate Services on compliance with Money Laundering Regulations

20 Review of Fees, Charges and Concessions

- 20.1 The introduction of any fee, charge or concession, or removal of any subsidy must be approved by the Executive unless it is required by legislation or is in accordance with approved policy or strategy.
- 20.2 The Appropriate Officer must review fees charges and concessions annually; including circumstances where there is a legal power to charge but no charge is currently applied.
- 20.3 The annual review must have regard to relevant policies and strategies, cost of service and budget implications and inflation. In particular where there is a requirement for a service to break even or to generate a surplus, the review must have regard to this requirement.
- 20.4 Appropriate Officers may vary fees charges and concessions in line with inflation forecasts stated by the Strategic Director Corporate Services.
- 20.5 Proposed variations to fees, charges and concessions other than in line with inflation forecasts must be referred to the Executive, except that minor variations may be made by the Appropriate Officer after consultation with the appropriate Executive portfolio holder subject to any budgetary consequences being managed within existing service revenue budgets.

21 Grant Applications and Claims

- 21.1 Appropriate Officers are responsible for arrangements for the submission of grant applications to outside agencies, the certification of claims and the proper management of monies received in accordance with the Corporate Standard 3.
- 21.2 The Strategic Director Corporate Services must be informed of all grant applications in excess of £100,000 at the time of application; and the result of all such grant applications as soon as this is known.

MANAGEMENT OF ASSETS

22 Asset Register

- 22.1 The Strategic Director Corporate Services will keep the asset register of the Council and will issue procedures for its maintenance and valuation.
- 22.2 Appropriate Officers must ensure that all assets which are used by or are the responsibility of their services are recorded in accordance with rules laid down by the Strategic Director Corporate Services. Appropriate Officers must supply such information to the Strategic Director Corporate Services as may be required by her/him from time to time.

23 Keeping Inventories and Stock Control

- 23.1 Appropriate Officers must keep inventories of equipment, plant and machinery in accordance with rules issued by the Strategic Director Corporate Services. Inventories must be regularly reviewed and all items physically checked at least annually.
- 23.2 Stock held for re-sale must be valued at the lower of cost or net realisable value. Where valuation on this basis would result in a reduction in the overall carrying value of the range of stock held at a particular establishment of more than 10%, the Strategic Director Corporate Services must be consulted as to the appropriateness of the valuation. Any stock losses should be dealt with under Financial Regulation 3.3.

24 Property Marking

- 24.1 Wherever possible, all portable and/or attractive equipment, plant and machinery that belongs to the Council must be visibly and permanently marked to show that it is the property of Bradford Council. In the case of new equipment the Appropriate Officer must first check to ensure that marking will not invalidate the warranty. Leased items will be marked as such where marking is acceptable to the Lessor.

25 Control of Assets

- 25.1 Appropriate Officers are responsible for the safekeeping and proper use of all Council assets and other resources under their control.

26 Private Property

- 26.1 When an Appropriate Officer has to look after private property s/he must make a complete inventory of the property under her/his custody and make arrangement for its safekeeping.

27 Private Funds

- 27.1 Appropriate Officers must ensure that when an employee because of her/his job has to look after money that does not belong to the Council s/he must keep it separate from the Council's money and make arrangements for its recording and safekeeping.
- 27.2 A private fund can only be set up with the approval of an Appropriate Officer.
- 27.3 Private funds must be audited every year by two independent individuals or one CCAB qualified accountant. Copies of the audited accounts must be sent to the Appropriate Officer.
- 27.4 The Strategic Director Corporate Services can see all records and vouchers for private funds. S/he must be told of any funds which do not comply with all these requirements.

28 Land and Buildings

- 28.1 Appropriate Officers must consult with the Strategic Director Corporate Services before acquiring or disposing of land or buildings by whatever means (purchase, sale, lease, tenancy or licence). The Strategic Director Corporate Services shall ensure compliance with all relevant current legislation, policies and protocols
- 28.2 The Strategic Director Corporate Services shall be consulted on the annual asset disposal plan and will approve all asset disposals before contract exchange.

29 Disposal of Assets

- 29.1 When disposing of any other asset, Appropriate Officers must ensure the Council's Land and Property Disposal Policy and the Community Asset Transfer Policy is followed.

INFORMATION MANAGEMENT

30 Computer and Information Management

- 30.1 Appropriate Officers shall make adequate arrangements for the protection, identification, security, recording and proper use of all:
 - 30.1.1 Computer hardware/software and associated technologies owned by or accessible to the Council.
 - 30.1.2 Council information systems, manual and electronic, including the control of access to premises where information is processed.
- 30.2 Appropriate Officers shall have regard to the provisions of the British Standard Code of Practice for Information Security Management (BS 7799) or any replacement thereof for the time being in force when considering the protection and security of personal, financial, sensitive and confidential information.

- 30.3 All officers must comply with the Council's guidelines relating to the use of computer hardware, software, related technologies, E-mail and the Internet. [All Officers must undertake Information Governance update training annually.](#)

INSURANCE ARRANGEMENTS

31 Insurance Cover

- 31.1 The Strategic Director Corporate Services will arrange all insurance cover and keep a record of details.
- 31.2 Appropriate Officers must immediately tell the Strategic Director Corporate Services about:
- 31.2.1 New risks to be insured.
 - 31.2.2 Alterations to existing insurance cover required.
 - 31.2.3 Insured Assets which have been disposed of.
- 31.3 Each year Appropriate Officers must check that insurance cover is adequate.

32 Insurance Claims

- 32.1 The Appropriate Officer, immediately s/he is aware of any loss, liability or damage which may involve a claim, must notify the Strategic Director Corporate Services who will negotiate and/or arrange settlement in accordance with any insurance arrangements made.

PENSION FUND

33 Pension Arrangements

- 33.1 The Governance and Audit Committee has legal and strategic responsibility for the West Yorkshire Pension Fund. The WYPF Joint Advisory Group and the WYPF Investment Advisory Panel have been established to support and assist the Governance and Audit Committee. All decisions of the Joint Advisory Group and the Investment Advisory Panel are reported to the Governance and Audit Committee.
- 33.2 The Director, West Yorkshire Pension Fund will control the management of the pension function in accordance with pension regulations and legislation, the decisions of the Joint Advisory Group, and the decisions of the Governance and Audit Committee.

- 33.3 The investment of the funds of the West Yorkshire Pension Fund shall be carried out by the Director, West Yorkshire Pension Fund in accordance with investment regulations, the decisions of the Investment Advisory Panel and the decisions of the Governance and Audit Committee. All investments shall be in the name of City of Bradford Metropolitan District Council on behalf of the West Yorkshire Pension Fund.
- 33.4 The Strategic Director Corporate Services is responsible for the preparation of the year end accounts for the West Yorkshire Pension Fund.

PUBLIC ACCOUNTABILITY REQUIREMENTS

34 Rules for Officers

- 34.1 An officer of the Council must not, in connection with her/his office of employment, accept any fee or reward whatsoever other than his/her proper remuneration.
- 34.2 An officer must not receive or give or offer any gift or bribe or personal inducements in connection with the Council's business.
- 34.3 An officer must not use Council property, assets or materials for other than the purposes of the Council. Permission of the Appropriate Officer must be sought for use of Council property, assets and materials for other purposes and such permission may only be given if it can be shown that such use is in the Council's interests.
- 34.4 An officer must not subordinate his/her duty to the Council to his/her private interests or put herself/himself in a position where her/his duty and private interests conflict.
- 34.5 If any officer suspects or knows of any financial loss or irregularity they must inform the Corporate Fraud Unit immediately.
- 34.6 An officer must comply with the Employee Code of Conduct.

35 Cashing of Cheques

- ~~35.1 The cashing of personal cheques (whether drawn against the Council's bank account or any other) by any officer is prohibited except with the specific approval of the Strategic Director Corporate Services.~~

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PART 3G Contracts Standing Orders 2016/17

Definitions

- 'Aggregation' is the combining together of the total contract value from separate contracts where they meet a single requirement for works, goods or services or where a series of contracts within a twelve month period are for the same type of goods or services.
- 'Appropriate Officer' is the Chief Executive, Strategic Directors, Director, City Solicitor or any other officer designated by resolution of the Executive.
- 'Authorised Officer' is any officer permitted by an ~~an Chief Officer~~ Appropriate Officer to authorise orders and contracts as per clause 2.4.
- 'Best Value for Money' is the optimum combination of whole life costs, quality and benefits, including economic, environmental and social value to meet the customer's requirement.
- 'Bradford District' is the geographical area administered by the Council.
- 'Call Off' is a separate purchase from an existing framework agreement that creates a binding contract. The framework agreement sets out: terms and conditions, standards and prices although further competition may be permitted. The full EU procurement rules do not apply provided the rules were followed in the setting up of the framework agreement and the contractor(s) on the framework have already met the required technical capability and financial standing to perform the contract.
- ~~'Chief Officer' is the Chief Executive, Strategic Directors, Director, City Solicitor or any other officer designated by resolution of the Executive.~~
- 'Contract' means a formal agreement between the Council and any Contractor made by issue of a letter of acceptance or official order for:
 - the supply of works, goods or services including consultants
 - a call-off from a framework agreement
 - an arrangement where no payment is made but there is financial value to the Contractor e.g. a catering concession

It does not include employment and property contracts or grant agreements.

- ~~'Contracts Finder' is the government a portal for information on public sector contracts contracts over £10,000 with the government and its agencies~~ <https://online.contractsfinder.businesslink.gov.uk/>
- 'Contract Value' is the total monetary value over its full duration, including any extension options (not the annual value).
- ~~'Contract and Grant Register' a record of all grants and contracts except one-off purchases under £5,000.~~ the Council's database of all contracts, commissioned activity,

purchase orders, framework agreements, and other legally enforceable agreements with a value exceeding £5,000 and grants of any value.

- 'Contractor' an individual or organisation that contracts with the Council to provide works, goods or services.
- 'Controlled Entities' a subsidiary company of the Council where the Council exercises control similar to that over its own departments, the subsidiary carries out at least 80% of its activity for the Council and there is no direct participation of private capital.
- 'Corporate Contract' is an agreement procured in consultation and for the benefit of more than one Council department. More details can be found on Bradnet <http://intranet.bradford.gov.uk/working-day/corporate-contracts>.
- 'Council' means the ~~local authority or~~ City of Bradford Metropolitan District Council.
- 'DPS or Dynamic Purchasing System' is an electronic process for commonly used purchases that are generally available and is open throughout the contract period to any new supplier that meets the selection criteria.
- 'Electronic Auction' is a process whereby suppliers who have submitted admissible tenders can revise their original prices or values during the period of the auction.
- 'EU Procurement Rules' are the Directions and Regulations implemented by the UK to set out the law on public procurement.
- 'EU Thresholds' the financial threshold at which the EU Procurement rules are applicable.
 - As of 1st January 2016 these are: Works (maintenance and construction) €5,186,000 (£4,104,394) and Services and Supplies €207,000 (£164,176).
 - Social, Health and some other services will have a threshold of €750,000 (£589,148) and a new light touch regime has been introduced.
- 'Exception to Competition Log' a record held by the Assistant Director Finance and Procurement of all contracts awarded without competition because the contract meets one or more of the requirements listed in CSO 9.1~~a record of all contracts awarded without competition as a result of the contract meeting one of the requirements listed in CSO 10.1 now incorporated as separate fields in the Contract and Grant Register.~~
- 'Framework Agreement' an agreement which sets out the terms and conditions under which the Council can make specific purchases ("call-off") from a Contractor(s) to provide services, goods or works at agreed standards and prices. If the Council calls off services, goods or works from the Contractor then a binding contract comes into place.
- 'Grant' for the purposes of these contract standing orders means a formal agreement giving financial assistance to an individual or organisation to assist in meeting its general purpose or objectives but where the specific supply of goods, works or services is not required in return. There may be award criteria, performance targets

and conditions on how the money is spent and Officers should monitor these in accordance with the terms of the grant agreement.

- 'Light touch regime' applies to social, health and some other services as listed in Schedule 3 of the Public Contracts Regulations where a higher threshold applies below which the Council has more freedom on the procurement procedures to apply providing they are sufficient to comply with the principles of transparency and equal treatment of suppliers.
- 'Local Supplier' is any supplier that provides works, goods or services from a location within the Bradford District or where a substantial number of any employees working directly on the contract are resident in the Bradford District.
- 'Officer' means employee(s) of the Council.
- 'OJEU' is the Official Journal of the European Union which is the publication in which all tenders from the public sector above relevant financial thresholds must be published.
- ~~'Procurement Risk Assessment Form' a form which evaluates the overall risk of the procurement by assessing the likely impact of the procurement in terms of key criteria such as: corporate priorities, equalities, community benefits, information security, complexity, timescale, value.~~
- 'Public Service Mutual' an organisation which has left the Council parent body but continues to deliver public services. Mutuals are organisations in which employee control plays a significant role in their operation.
- 'Quotation' a formal written offer to execute works, purchase supplies, or provide services at a stated price of a value less than £100k.
- 'Sheltered workshop' an organisation that employs a proportion of disadvantaged or disabled workers which allows the supplier to be eligible to bid for certain types of contracts which can be specifically reserved to organisations meeting the criteria.
- 'SIRO' Senior Information Risk Owner is the person with overall accountability and responsibility for information governance. Currently the Strategic Director Corporate Services.
- 'Tender' a written offer to supply or purchase goods, execute works or provide services at a stated price of a value more than £100k.
- 'TUPE' means the Transfer of Undertakings (Protection of Employment) Regulations 2006.
- 'Whole Life-Cycle Costs' is an estimate of the total costs of works, goods or services over their life. It is a combination of the purchase price, implementation and operating costs, procurement and contract management costs, disposal costs less any residual value.

- 'YORtender' is the procurement portal ~~for the Yorkshire and Humber region used by the Council~~ [-\(www.yortender.co.uk\)](http://www.yortender.co.uk) ~~which must be used for obtaining quotes or tenders all contracts over £5,000.~~

1 Introduction

- 1.1 The purpose of Contract Standing Orders is to set clear rules by which the Council spends money on works, goods and services. The rules apply to any contract or grant that results in payment being made by the Council.
- 1.2 Public procurement must be undertaken in accordance with principles enshrined in EU and national legislation. The Council must always act to promote competition and to ensure that each procurement is conducted as an open, transparent and fair competition. The Council must avoid practices which may restrict or distort competition.
- 1.3 All amounts quoted in these Standing Orders are exclusive of recoverable VAT.
- 1.4 Any dispute or difference as to the interpretation of these Standing Orders shall be resolved by the City Solicitor.
- 1.5 The Assistant Director ~~Commissioning Finance~~ & Procurement shall undertake a formal review of Contract Standing Orders on an annual basis which will be reported to the Governance and Audit Committee.

2 Compliance

- 2.1 Failure to comply with these Contract Standing Orders result in disciplinary action against the officers concerned.

- 2.2 Every contract made by or on behalf of the Council for works, goods and services and all Council employees engaged to act in any capacity to manage or supervise a contract must comply with:-

- EU Procurement ~~rules where applicable~~ Directives
- All relevant statutory provisions including the Public Contracts Regulations 2015, competition law and Public Services Acts (e.g. Social Value, Care Act 2014)
- The Council's Constitution including these Standing Orders, the Council's Financial Regulations and the Council's Procurement policies
- The Council's strategic objectives and policies

- 2.3 All Council employees and organisations engaged on the Council's behalf shall ensure that all procurement activity is undertaken with regard to high standards of probity and in a manner which avoids any conflicts of interest. Any conflicts of interest that do arise shall be dealt with in accordance with the Council's '*Code of Practice in relation to Conflicts of interest and Registration of interests*' available from the Human Resources intranet pages.

- 2.4 In applying these Standing Orders, all officers shall have regard to the duty of Best Value under the Local Government Act 1999.

- 2.5 Within limits specified by him/her, an ~~Chief Officer~~Appropriate Officer may permit other officers to authorise orders and contracts in their own names on behalf of the Council. Any orders or contracts made shall remain the responsibility of an ~~Chief Officer~~Appropriate Officer. ~~Chief Officer~~Appropriate Officers must maintain an up to date record of authorised officers.
- 2.6 All orders for works, goods or services must be placed using the Council's approved systems in advance of the invoice being received and coded to the appropriate account codes. Miscellaneous payments must only be used where the payments is not as a result of a purchase. For example, a refund, grant payment or third party payment
- ~~2.6 With regard to new major projects all officers must comply with the approved Project Management Framework documents.~~
- 2.7 Exemption from these Standing Orders shall only be ~~awarded~~used in exceptional circumstances and following authorisation by either:
- 2.7.1 The Executive after considering a report by an ~~Chief Officer~~Appropriate Officer; or
- 2.7.2 An ~~Chief Officer~~Appropriate Officer obtains the agreement of the Strategic Director Corporate Services and the City Solicitor. ~~A—The Chief Officer~~Appropriate Officer must retain written reasons of the decision.
- 2.8 Exemptions authorised under Standing Order 2.7.2 will be reported to Governance and Audit Committee on a quarterly basis.
- 2.9 All ~~Chief Officer~~Appropriate Officers are responsible for ensuring compliance by their staff and shall report all breaches to the Assistant Director of ~~Commissioning and Procurement~~Finance and Procurement.
- ~~2.10 Failure to comply with these Contract Standing Orders and the Commissioning Framework may result in disciplinary action against the officers concerned.~~

3 Social, Economic, Environmental and Ethical Considerations

- 3.1 In formulating proposals for a services contract, the Authorised Officer must consider the Public Services (Social Value) Act implications and whether and to what extent any ethical, social or environmental aspects of procurement should be taken into account. These would include: the Council's Fair Trade Policy, sustainability, equality and diversity, living wage, means of production and community benefit (including maximising employment and training opportunities within the District).
- 3.2 Where appropriate and always subject to EU law and Public Contract Regulations, the Authorised Officer should ensure tenders or quotes are framed in such a way to encourage local suppliers, small and medium sized companies (SME's) and third sector organisations such as social enterprises to bid. This may includes dividing the contract into lots.

4 Pre-Contract Requirements for all Contracts

- 4.1 The procurement of works, goods or services should be done through existing approved arrangements where they exist. These include:
- In-house provision
 - Corporate contracts, framework agreements or DPS
- 4.2 Other arrangements should be considered and used where it can be evidenced that they provide best value for money:
- Contracts, framework agreements or DPS established by central purchasing bodies (Crown Commercial Services, YPO etc.) or other public body
 - Collaborative or shared service arrangements with another public body
 - Alternative delivery vehicles such as Controlled Entities (Teckal) or Public Service Mutuels
 - Sheltered workshops
 - Other approved e-procurement solutions (e.g. purchasing cards)
- 4.3 Where the Council has an in-house provision and the estimated contract value is less than £100,000, external suppliers can only be used when the **Strategic Director** Appropriate Officer providing such in-house provision confirms that they are unable to meet the requirements on that occasion due to insufficient resources, skills or capacity.
- 4.4 If the estimated contract value is more than £100,000, the **Strategic Director** Appropriate Officer providing such in-house service may also be required to clearly demonstrate that they provide best value for money.
- ~~4.5 In the event that the Strategic Director providing such in-house provision is able to sub-contract the works, goods or services to an external supplier, they must obtain the agreement of the Strategic Director requiring the works, goods or services before doing so.~~
- 4.5 All procurement processes will be proportionate to the total value of the contract (see Table 1), the nature of the works, goods or services and the Council will produce clear accessible documentation which must be available in electronic format.
- 4.6 Before inviting tenders or quotations, the Authorised Officer must:
- 4.6.1 for contracts with a total estimated contract value in excess of £2m, report details to the relevant Overview and Scrutiny Committee using the **agreed pre-contract reporting process determined by the Assistant Director of Commissioning & Procurement** standard Committee report template. For clarity, details of call-off contracts from a framework or DPS do not need to be separately reported providing the original framework has been reported except where the relevant Overview and Scrutiny Committee request a separate report.

- 4.6.2 have carried out, where appropriate pre-procurement engagement with the market (including talking to suppliers, clients and other stakeholders) to understand the availability, strengths and weaknesses of markets and to develop the specification and the best value for money procurement and contractual approach. Pre-engagement with the market must be done in such a way that ensures the subsequent procurement process remains open, fair and transparent with no supplier gaining an unfair advantage which would distort competition.
- 4.6.3 consider whether a framework agreement, DPS or electronic auction is appropriate and would deliver best value for money seeking advice from the Assistant Director of Commissioning and Procurement Finance and Procurement where necessary
- ~~4.7.4 divide the contract into separate lots or indicate in the procurement document the main reasons why this would not provide value for money~~
- 4.6.4 be satisfied that a written and clear specification has been prepared which will form the basis of the contract.
- 4.6.5 where there is a significant supply risk and for all contracts valued over £100,000, complete a procurement risk assessment form (~~held by Commissioning and Procurement~~available on Bradnet) and produce and maintain a documented risk log
- 4.6.6 consider at the outset any equality and diversity implications that may require an equality impact assessment to be undertaken
- 4.6.7 consider at the outset any TUPE implications
- 4.6.8 consider at the outset any data protection, information security or data processing implications that may require additional schedules or terms and conditions and need the SIRO to be notified
- 4.6.9 consider at the outset any implications from the Social Value Act
- 4.6.10 prepare and document an estimate of the whole life-cycle costs including where appropriate any on-going costs and/or disposal costs and ensure that the cost is within the approved current and future budget provision for both capital and revenue expenditure
- 4.6.11 ensure that all evaluation criteria including sub-criteria have been determined in advance, put in order of relative importance or weighting and published in the tender documentation. ~~This includes any selection criteria used to evaluate the supplier and award criteria used to evaluate the tender or quote.~~Selection criteria must be relative and proportionate following statutory guidance issued by the Secretary of State.
- 4.6.12 ensure that electronic versions of all the appropriate and approved forms of procurement documentation is available through an internet portal immediately on publication of any advert

4.7 Before entering into any contract, the Authorised Officer must

4.7.1 be sure that they have the necessary authority to enter into the contract and that these Standing Orders, the Council's Financial Regulations and procurement advice have been complied with, and that the proposed contract represents best value for money

4.7.2 be satisfied about the technical capability of such proposed contractor; and

4.7.3 where there is a significant supply risk and all contracts which exceed £100,000, consult with the Strategic Director Corporate Services and the Assistant Director of Commissioning and Procurement Finance and Procurement to agree appropriate checks on the financial and resource capacity of the contractor to perform the contract and to agree what, if any, security should be provided for performing the contract. Forms of security include such as: parent company guarantee, Director's guarantee and performance bonds.

4.8 Authorised Officers are responsible for arrangements to ensure the proper control and use of Council ordering and contracting procedures, in accordance with guidance issued by the Strategic Director Corporate Services and City Solicitor.

4.9 All quotations and tenders must be undertaken using the Council's standard template documentation unless prior approval has been obtained from the Assistant Director of Commissioning and Procurement Finance and Procurement

~~5 Selective Tendering From Approved Lists~~

~~5.1 Selective tendering from an approved list does not comply with the new regulations when inviting bids for a total contract value over £25,000 and must not be used.~~

5 Contracts under £25,000

~~6.1 For contracts valued at below £25,000, there are minimal competition requirements and the Authorised Officer concerned should proceed in a manner to enable the most efficient management of the service but must use a local supplier where the supply base is available.~~

5.1 The Authorised Officer must be able to demonstrate best value for money and may must invite quotes using local suppliers only where the supply base is available. All quotations must be in writing.

5.2 Officers shall retain a written record of actions taken and the reasons.

5.3 Invitations to quote over £5,000 must use the Council's procurement portal, Yortender ~~YORTender~~ and all contracts over £5,000 must be recorded on the Contract and Grant Register.

6 Contracts between £25,000 and £100,000

6.1 The Authorised Officer must either:

6.1.1 seek at least 4 written quotations ~~by selecting suppliers registered on YORtender inviting a minimum of two local suppliers where the supply base is available, or~~

6.1.2 advertise an open invitation to tender using both YORtender and Contracts Finder

~~or advertise an invitation to tender for a proposed contract of an estimated contract value of over £25,000 and up to £100,000 inviting a minimum of two local suppliers where the supply base is available. All invitations to quote or invitations to tender for contracts must use the Council's procurement portal, YORtender and also Contracts Finder. A record must be kept of the reasons for accepting a quotation or tender.~~

6.2 If 4 quotations or tenders cannot be obtained owing to insufficient suitable suppliers prepared to quote or provide tenders, then the Authorised Officer must keep a record of this.

6.3 No pre-qualification questionnaire is permitted during the procurement stage ~~under the EU threshold but~~ suitable assessment questions ~~which are relevant and proportionate may be asked to assess eligibility are part of the Council's template procurement documents.~~ Only the winning bidder(s) will be required to submit certificates and documents as evidence of their legal and financial standing and technical or professional ability in addition to specific requirements relating to insurance, health and safety, equality, environmental management etc.

7 **Contracts over £100,000**

7.1 Where the contract value is likely to exceed the EU threshold, taking account of the rules of aggregation, it must be tendered in accordance with the relevant EU procurement rules. ~~The exception to, unless~~ this rule is through an existing framework or DPS agreement that has been established via a compliant EU procurement process.

7.2. Before commencing any process for the procurement of works, goods or services with an estimated contract value in excess of £100,000 or any process which involves a proposed service transfer or the development of a strategic partnership, the Authorised Officer must consult the Assistant Director of ~~Commissioning and Procurement~~ Finance and Procurement.

7.3 For contract values of £100,000 or more, contractors must be appointed by one of the procedures under Contract Standing Order ~~9-8~~

7.4 All tenders shall be advertised and available for download on the YORtender system and Contracts Finder. Standard template documentation must be used

7.5 All tenders above the relevant EU threshold must be advertised in the OJEU.

8 **Procurement Procedures**

8.1 The **open procedure** under which all those interested may respond to the advertisement by submitting a tender. This is often the most expedient system and

enables all of the suppliers in the market that wish to engage in the process to submit a tender. There is no pre-qualification questionnaire (PQQ) or short-listing stage prior to invitation to tender (ITT).

8.2 The **restricted procedure** under which a selection is made of those who respond to the advertisement and only they are invited to submit a tender. This procedure can only be used for tenders above the EU threshold for goods and services. ~~For clarity this procedure can be used for works contracts above the EU threshold for goods and services but below the EU threshold for works.~~

8.3 ~~The following procedures apply to more strategic, complex or high value projects and must be done in consultation with the Assistant Director Finance and Procurement as there are limited circumstances under which this process can be used.~~

8.4 The **competitive dialogue procedure** under which a selection is made of those who respond to the advertisement and the Council enters into dialogue with potential bidders to develop one or more suitable solutions on which the chosen bidders submit a tender. This can be used where the contract is complex and cannot be purchased “off the shelf”

8.5 The **competitive procedure with negotiation** under which a selection is made of those who respond to the advertisement and only they are invited to submit a tender. The Council may then open negotiations to seek improved offers. ~~This applies to more strategic, complex or high value projects and must be done in consultation with the Assistant Director Commissioning and Procurement as there are limited circumstances under which this process can be used.~~

8.6 The **innovation partnership procedure** under which a selection is made of those who respond to the advertisement and the Council uses a negotiated approach to invite suppliers to submit innovative ideas to meet a need where there is no suitable existing “product” on the market. The partnership can be awarded to more than one supplier.

~~**9.6** The Public Contracts Regulations contain both mandatory and discretionary grounds for exclusion of a supplier from the tender process which now includes previous poor performance. The time limits are five and three years respectively but if a supplier provides evidence to demonstrate its current reliability this must be evaluated in light of the seriousness of the misconduct and relevance of the exclusion criteria.~~

9 Exceptions to Requirements of Competition

9.1 Subject to the statutory requirements for procurement processes above EU thresholds and provided that the market for a proposed contract has been investigated and it can be demonstrated that departure from these Rules is justifiable and provides overall value for money, no procurement process is required where one or more of the following exceptions apply:

9.1.1 the purchase of proprietary or patented goods or materials or services which, in the opinion of the Authorised Officer in consultation with the

Assistant Director Finance and Procurement, are obtainable only from one supplier, and where no reasonably satisfactory alternative is available;

9.1.2 the execution of works or the supply of goods or services are controlled by a statutory body

9.1.3 the execution of works or supply of goods or services are of a specialised nature which, in the opinion of the Authorised Officer in consultation with the Assistant Director Finance and Procurement, are carried out by only one supplier, and where no reasonably satisfactory alternative is available;

9.1.4 the execution of works or supply of goods or services for which the Authorised Officer in consultation with the Assistant Director Finance and Procurement can demonstrate that no genuine competition can be obtained;

9.1.5 the purchase of a named product required to be compatible with an existing installation as approved by the Authorised Officer in consultation with the Assistant Director Finance and Procurement;

9.1.6 procurements made through or on behalf of any consortium, local authority, statutory or similar body provided that tenders or quotations are invited and contracts placed in accordance with national or EU legislation;

9.1.7 obtaining work or supplies from the Industrial Services Group or other in-house service provider;

9.1.8 special education, health or social care contracts, if in the opinion of the Authorised Officer and following consultation with the Assistant Director of ~~Commissioning and Procurement~~ Finance and Procurement, it is considered in the Council's interests and to meet its obligations under relevant legislation;

9.1.9 the execution of works or the supply of goods and services that are required so urgently as not to permit compliance with the requirements of competition. However these should be immediately reported to the Assistant Director Finance and Procurement.

9.1.10 carrying out, with the approval of the Strategic Director Corporate Services, security works where the publication of documents or details in the tendering process could prejudice the security of the works to be done.

9.2 The Authorised Officer must retain written reasons justifying the decision to use Standing Order 10.1 and be able to demonstrate that best value for money has been obtained.

9.3 Any contract awarded using an exception to competition shall be notified to the Assistant Director Commissioning & Procurement ~~and recorded~~ who will record the contract in the "Exceptions to Competition Log".

10 Submitting and Opening Tenders and Quotations

- 10.1 Every invitation to tender or request for a quotation must state that a tender or quotation will only be considered if it is received by the specified closing date and time ~~by the Council's approved on-line electronic tender process via YORtender~~, or for quotes below £5,000 at the specified ~~place in a sealed envelope with the word "QUOTATION" and the title of the contract written on it. The Authorised Officer must keep the envelopes received in secure custody date and time.~~
 - 10.2 All tenders or quotations for each contract must be opened ~~together~~ by ~~two~~ officers appointed by the Authorised Officer at a prescribed time.
 - 10.3 The Authorised Officer must keep a record of all tenders and quotations.
 - 10.4 The Authorised Officer ~~shall after must~~ consultation with the Assistant Director Finance and Procurement disqualify a tender or quotation which fails to comply with the requirements of this Standing Order and must return the tender or quotation to the tenderer or quotation provider stating the reason for the disqualification.
- 11 Errors in Tenders and Quotations**
- 11.1 Prior to acceptance of any tender or quotation received, any arithmetic error or other minor discrepancy made in good faith can be corrected by the City Solicitor after consultation with the Authorised Officer in one of the following two ways:
 - 11.1.1 The tenderer shall be given details of the error(s) found during the examination of the tender and shall also be given the opportunity of confirming without amendment or withdrawing the tender; or
 - 11.1.2 Amending the tender to correct genuine arithmetic error(s) provided that in this case, apart from these genuine arithmetic errors, no other adjustment, revision or qualification is permitted.
 - 11.2 A written record must be kept of all such amendments
- 12 Post Tender and Quotation Negotiations**
- 12.1 In the interests of ensuring an open, fair and transparent process, negotiation following receipt of tenders is only permissible in limited circumstances.
 - 12.2 No negotiation ~~must be undertaken~~ is permitted following receipt of final tenders where the tender was subject to EU procurement rules ~~except where the "competitive procedure with negotiation" or "innovation partnership" has been used.~~
 - 12.3 The Authorised Officer may, after consulting with the Assistant Director of ~~Commissioning and Procurement~~ Finance and Procurement, and where it is intended to obtain better value for money, authorise negotiations with one or more tenderers or quotation providers where s/he considers that none of the tenders or quotations are acceptable and it is in the Council's interests to do so.
 - 12.4 Negotiation on behalf of the Council should be conducted by two or more Authorised Officers and a written record kept of the negotiation.

13 Accepting Tenders and Quotations

- 13.1** Prior to accepting a tender or quotation the Authorised Officer must evaluate all tenders and quotations received in accordance with the evaluation criteria issued with the tender documentation.
- 13.2** The Authorised Officer can only accept the most economically advantageous tender or quotation ~~using whole life costs~~ and must record the reasons for acceptance.
- 13.3** The Authorised Officer must investigate any tender considered to be abnormally low, ~~and disregard any bid based on approaches in breach of environmental or social law.~~
- 13.4** All suppliers who submit a tender or quotation should be notified in writing of their success or failure in a timely manner using the standard documents and offered feedback.
- 13.5** For all tenders covered by the EU procurement rules, the minimum statutory standstill period is required between notification of the award decision and final contract award.
- 13.6** All contracts over £5,000 must be awarded on the YORtender system and all contracts over £25,000 must also be awarded on Contracts Finder. All contracts above the EU threshold must also be published in OJEU.
- 13.7** For every contract, framework or DPS agreement over the EU threshold, a written report must be retained which includes details of:
- the winning bid,
 - the suppliers involved,
 - results of any selection process,
 - the value and subject matter of the contract,
 - justification for using any negotiated type procedure,
 - any decision not to award,
 - reasons for not using electronic communications,
 - any conflict of interest,
 - reasons for rejecting abnormally low bids.

14 Contract Extensions, Variations or Novation

- 14.1** The Authorised Officer can extend a contract by any value subject to the extension being permitted within the scope and terms of the original procurement and contract and before the expiry date.
- 14.2** An options appraisal must be undertaken to determine if it represents best value for money to extend the contract and any approval required must be sought in a timely manner
- 14.3** The Authorised Officer must make every effort to negotiate improved terms with regard to the cost and quality of the goods or services.

- 14.4** No extension shall be made until funding has been secured in accordance with the Council's Financial Regulations or any other similar requirement.
- 14.5** All contract variations must be carried out within the scope of the original contract and must not materially affect or change the contract.
- 14.6** A new procurement will be required if the proposed variation has a material change where one or more of the following are met;
- 14.6.1** the variation introduces new conditions which had they been part of the original procurement procedure would have allowed other candidates to be selected to bid or the contract to be awarded to another tenderer
 - 14.6.2** the variation changes the economic balance in favour of the contractor
 - 14.6.3** the variation extends the scope of the contract considerably
- 14.7** Contract variations which are not within the scope of the original contract ~~are also permitted where:~~ must be reported to:
- 14.7.1** ~~additional works, goods or services are required and a change of contractor cannot be made for economic or technical reasons or would cause significant operational disruption~~ the Assistant Director of the Service if the value of the variation is less than 25%,
 - 14.7.2** ~~the variation could not have been foreseen and does not alter the overall nature of the contract~~ the Strategic Director of the Department if the value of the variation is greater than 25%, and
 - 14.7.3** ~~any increase in price is still within the financial threshold of the original procurement and does not exceed 50% of the initial contract value~~ the Strategic Director of Corporate Services if the value of the variation is greater than 50%.
- 14.8** In the event that a Supplier ceases to provide the work, goods or services whether as a result of insolvency, company restructuring, company purchase, termination of the contract or any other reason then the Authorised Officer must consult with the Assistant Director of ~~Commissioning and Procurement~~ Finance and Procurement before novating or assigning the contract to a new Supplier

15 Written Contracts

- 15.1** The Authorised Officer must ensure every contract is in writing.
- 15.2** Every contract with a contract value of £100,000 or more must be executed under seal as a Deed with the common seal of the Council by the City Solicitor where:
- the Council wishes to enforce the Contract for more than 6 years after its end (e.g. for land or construction works); or
 - it is required by parties to the Contract; or

- the price paid or received under the Contract is a nominal price and does not reflect the value of the goods/services; or
- the City Solicitor deems it necessary taking into account the nature of the contract

~~16.3 Contact the City Solicitor where a contract is required to be sealed as a Deed, for example property and construction contracts or where the documents need to be retained for more than six years after the end of the contract.~~

15.3 Otherwise the following rules for signature apply:

- any contract with a total value over £2 million must be signed by an Chief Officer~~Appropriate Officer~~
- any contract with a total value less than £2million must be signed by a Senior Officer ~~(3rd tier Manager or above,)~~ except
- where the total contract value is less than £100,000 and more than £25,000 in which case an Authorised Officer can sign within the limits specified by an Chief Officer~~Appropriate Officer~~ as per contract standing order 2.4.

15.4 All contracts with the exception of one-off purchases below £5,000 shall be recorded on the Contract and Grant Register.

15.5 A briefing note ~~is required~~should be submitted to the Assistant Director Finance and Procurement using the prescribed document for all new contracts or extensions to contracts where the total contract value is over £100,000

16 Professional Services, ~~and Consultants~~ and Intermediary Employment

16.1 An Authorised Officer may only appoint external consultants providing professional or consulting services if such services are not available within the Council or if Council officers providing them do not have the resources to meet the needs of the Authorised Officer.

16.2 Inline with HMRC IR35 and CIS rules the Authorised Officer must identify the employment status of workers providing works or services in instances including the following:

- Consultancy work
- Self employed contractors
- The engagement of a worker through a limited company or other body
- The use of a Personal Services Company
- The engagement of a CIS registered contractor

16.3 The Authorised Officer must consult the Assistant Director Finance and Procurement for all Construction Industry Scheme (CIS) contractor appointments and payments.

~~17.2 An Authorised Officer must consult with the Strategic Director providing such services before making an external appointment.~~

17 Contract Conditions

17.1 The Council's Standard terms and ~~conditions, available on bradnet, should~~conditions should be entered into ~~wherever possible~~ for all contracts. ~~If this is not possible a supplier will be asked to submit their terms which must be formally approved by the City Solicitor prior to entering into the contract. Any exception must be reported to the City Solicitor and the Assistant Director Finance and Procurement.~~

17.2 The above rule shall not apply to:

- UK government standard documentation or government sponsored schemes such as Academies and amendments may be made for best value for money or project specific reasons.
- Construction and/or engineering contracts where bespoke conditions based on accepted industry practice are used e.g. JCT, NEC3 or ICE

~~18.3 All written contracts shall contain:~~

- ~~• details of the work, goods or services to be provided~~
- ~~• full details of the prices to be paid, frequency and any discounts~~
- ~~• the period or times over which the contract is to be performed~~
- ~~• suitable provisions that state that valid undisputed invoices will be paid by the Council within 30 days and a condition requiring contractors to include similar provisions in their contracts, and so on down the supply chain~~
- ~~• a termination clause relating to circumstances where there has been a breach of EU law on public procurement particularly where this results from a change in the awarded contract~~

18 Leases and Other Credit Agreements

18.1 The Authorised Officer must ensure that prior to entering into any lease or credit arrangement which has a capital cost, the cost must first be approved for inclusion in the Capital Investment Plan in accordance with Financial Regulations relating to capital expenditure.

19 Grants

19.1 The Authorised Officer must follow the Council's principles, processes and template documents as appropriate for awarding grants prior to entering into any grant arrangements

19.2 Before awarding any grant with an estimated value in excess of £100,000, the Authorised Officer must consult the Assistant Director of ~~Commissioning and Procurement~~Finance and Procurement.

- | **19.3** All grant agreements shall be recorded in the Contract and Grant Register.
- | **20 Payment for Work on Account**
- | **20.1** The Strategic Director Corporate Services will make payments on account only on certificates (or other forms approved by the Strategic Director Corporate Services) which have been issued by the Authorised Officer, or the Architect/Engineer/Supervising Officer appointed to deal with a particular contract.
- | **20.2** ~~As a general principal p~~Payment for goods, works and services are not to be made in advance of delivery other than in a low contract value and low risk situation.
- | **21 Claims**
- | **21.1** The Authorised Officer must inform the City Solicitor of all claims by or against suppliers which are the subject of formal dispute resolution or litigation between the Council and the supplier.
- | **22 Contracts Where Members Have an Interest**
- | **22.1** Where no competitive tendering process has been undertaken, no supplier or organisation in which a member has an interest, may be chosen or appointed unless the member's interest has been disclosed in accordance with the Members' Code of Conduct.

TABLE 1

Value Band	Total Contract Value	Procurement Options	Additional procedures
1	£0 - £24,999	<ul style="list-style-type: none"> • Minimal competition requirement but must Must demonstrate value for money • Must use in-house or corporate contract • Must use local supplier if available • Consider using purchasing card for low value, low risk purchases • Invite one or more quotes if appropriate 	<ul style="list-style-type: none"> • All quotes in writing • Use Yortender for quotes over £5,000 • All contracts over £5,000 to be entered in the Contract & Grant Register
2	£25,000 - £99,999	<ul style="list-style-type: none"> • Must use in-house or corporate contract • Consider availability of an existing suitable framework or DPS arrangement (call-off) • Consider if exception to competition applies • Minimum of four quotes inviting at least two local suppliers if available • Formal tender process 	<ul style="list-style-type: none"> • All quotes in writing • Use Yortender for quotes or formal tender • All contracts to be entered in the Contract & Grant Register
3	£100,000 – EU threshold	<ul style="list-style-type: none"> • Must use in-house or corporate contract • Consider availability of an existing suitable framework or DPS arrangement (call-off) • Consider if exception to competition applies • Formal tender process 	<ul style="list-style-type: none"> • All proposed contracts must be referred to Commissioning & Procurement • Complete Procurement Risk Assessment Form • Use Yortender for formal tender • Complete briefing note for contract award and extensions • All contracts to be entered in the Contract & Grant Register
4	Above EU threshold	<ul style="list-style-type: none"> • Must use in-house or corporate contract • Consider availability of an existing suitable framework or DPS arrangement (call-off) • Full EU tender process with advert published in OJEU 	<ul style="list-style-type: none"> • All proposed contracts must be referred to Commissioning & Procurement Finance and Procurement for consultation and advice • Complete Procurement Risk Assessment Form • Use Yortender for formal tender • Complete briefing note for contract award and extensions • Report to Overview & Scrutiny for contracts over £2million • All contracts to be entered in the Contract & Grant Register

Report of the City Solicitor to the meeting of Governance and Audit Committee on 25 April 2017

AO

Subject:

Review of the Constitution

Summary statement:

This report provides Members with details of proposed amendments to the Constitution for recommendation to Council.

Parveen Akhtar
City Solicitor

Portfolio:

Corporate

Report Contact: Michael Bowness
Phone: (01274) 432496
E-mail: michael.bowness@bradford.gov.uk

Improvement Area: Corporate



1. Summary

- 1.1 This report provides Members with details of proposed amendments to the Constitution for recommendation to Council.

2. Background

- 2.1 Article 14 of the Constitution requires the Monitoring Officer to maintain an up-to-date version of the Constitution and is authorised to make such amendments to the Constitution and related documents as may be necessary, but not including any changes of substance, to reflect and take account of changes in legislation, guidance, Council policy, decision of the Council and the Executive, and drafting changes and/or improvements.
- 2.2 Article 17 of the Constitution requires the Monitoring Officer to take steps to make himself/herself aware of the strengths and weaknesses of the Constitution and make recommendations for improvement. Changes to the Constitution can only be made following approval by the full Council or by the Monitoring Officer, as at paragraph 2.1 above.
- 2.3 This report concerns proposals for amendments to the Constitution.

3. Proposed Amendments to the Constitution

- 3.1 Appendix 1 to this report sets out proposed amendments to Article 11A – Health and Wellbeing Board. The Board at its meeting on 29th November approved the changes which are indicated in bold.
- 3.2 Appendix 2 to this report sets out proposed amendments to Article 11 (Standards Committee). The Committee at its meeting on 2nd March 2017 approved the changes which are indicated in bold. An addition to article 14 is also recommended by the City Solicitor regarding her approval for the engagement of external legal suppliers.
- 3.3 Appendix 3 to this report sets out proposed amendments to Article 8 (Regulatory and Appeals Committee) to reflect the change to the designation of the one of the officers responsible in relation to miscellaneous licensing.
- 3.4 Appendix 4 to this report sets out proposed amendments to Article 8 (Regulatory and Appeals Committee) to reflect a change in legislation and the correction of errors in relation to planning delegations.
- 3.5 Appendix 5 to this report sets out proposed amendments to Article 8 (Regulatory and Appeals Committee) to reflect a change in legislation and the addition of functions in relation to Social Services Appeals and Housing and Non-Domestic Rates Appeals.
- 3.6 Appendix 6 to this report sets out a recommendation to amend Article 14 to refer to the full Article referred to in recording decisions.
- 3.7 Appendix 7 to this report sets out a recommendation to amend Para 1.2 of the Member and Officer Planning Code to make clear that members who have pre-

determined a planning application may not speak as an objector or supporter of the application whether they are a member of the Committee or an alternate member.

- 3.8 Appendix 8 to this report contains the Protocol for Webcasting of Council Meetings which should be added to the Constitution.

4. Financial and Resource Appraisal

- 4.1 The resources required to amend the Constitution can be met from existing provision.

5. Legal Appraisal

- 5.1 Any legal implications are reflected in the Appendices.

6. Other Implications

- 6.1 There are no equal rights, sustainability, community safety, Human Rights Act or trade union implications of this report.

7. Not for Publication Documents

- 7.1 None

8. Recommendations

- 8.1 That the proposed amendments to the Constitution set out in Appendices 1 to 8 of this report be recommended to Council for adoption.

9. Appendices

Appendix 1	Proposed amendments to Article 11A (Health and Wellbeing Board)
Appendix 2	Proposed amendments to Article 11 (Standards Committee)
Appendix 3	Proposed amendments to Article 8 (Miscellaneous Licensing)
Appendix 4	Proposed amendments to Article 8 (Planning delegations)
Appendix 5	Proposed amendments to Article 8 (Social Services and Housing and Non-Domestic Rates Appeals)
Appendix 6	Proposed amendments to Article 14 (Records of decisions made)
Appendix 7	Proposed amendment to Member and Officer Planning Code of Conduct
Appendix 8	Protocol for Webcasting of Council Meetings

10. Background Papers

None

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Health and Wellbeing Board

Current Roles and Functions

- 11A.4 The Committee shall have the following roles and functions:
- 11A4.1 To provide democratic accountability for the use of public resources to improve health and wellbeing and reduce health and social inequalities.
 - 11A4.2 To promote integration in the commissioning and provision of health and social care services across the district.
 - 11A4.3 To engage with Commissioners in the development and overseeing of local commissioning plans and priorities.
 - 11A4.4 To oversee the production and approval of the Joint Strategic Needs Assessment and the Pharmaceutical Needs Assessment.
 - 11A4.5 To oversee the production and approval of the joint health and wellbeing strategy.
 - 11A4.6 To provide collective system leadership and a local interface for both planning and governance through engagement with the NHS Commissioning Board, Public Health England, Local Partnerships and providers, including the voluntary community and faith sector and to undertake all statutory duties.
 - 11A4.7 To receive reports from the Integration and Change Board.

Revised Roles and Functions

- 11A4.1 To provide local democratic accountability for the use of public resources to improve health and wellbeing and reduce health and social inequalities
- 11A4.2 To promote integration in the commissioning and provision of health and social care services across the District.
- 11A4.3 **To oversee and be assured that joint commissioning arrangements are in place for health and social care through the Bradford Health and Care Commissioners, and that joint commissioning responsibilities are being effectively discharged to address needs and reduce inequalities.**
- 11A.4 To oversee the production of the Joint Strategic Needs Assessment and the Pharmaceutical Needs Assessment
- 11A.5 To oversee the production of the Joint Health and Wellbeing Strategy
- 11A4.6 To provide system leadership and a local interface for both planning and governance through engagement with the NHS Commissioning Board, Public Health England, Local Partnerships and providers, including the Voluntary, Community and Faith Sector, and to undertake all statutory duties.
- 11A4.7 **To hold health and social care system leaders to account through the Integration and Change Board to ensure the Sustainability and Transformation Plans for Bradford and Craven (formerly the Five Year Forward View for Bradford and Craven) and West Yorkshire (as it relates to Bradford District) are delivered.**

Current Composition

- 11A.2 The Health and Wellbeing Board shall comprise of the following:
- a) The Leader of the Council
 - b) The Elected Member portfolio holder for Children and Young People's Service.
 - c) The Elected Member portfolio holder for Adult Services and Health.
 - d) One opposition Elected Member.
 - e) The Accountable Officer from each of the local Clinical Commissioning Group across the District and a clinician from the CCG if the Accountable Officer is not a clinician.
 - f) The Chief Executive of the Council
 - g) The NHS Area Commissioning Team Director.
 - h) One member from the major NHS providers (Airedale NHS Foundation Trust, Bradford Teaching Hospitals Foundation Trust or Bradford District Care Trust).
 - i) The Director of Public Health.
 - j) The Strategic Director of Adult and Community Services.
 - k) The Strategic Director of Children's Services.
 - l) One Member from Healthwatch Bradford and District.
 - m) One Member from the voluntary, community and faith sector elected through the Bradford Assembly.

Revised Composition

- 11A.2 The Health and Wellbeing Board shall comprise of the following:
- a) The Leader of the Council
 - b) The Chief Executive of the Council
 - c) The Elected Member portfolio holder for Health and Wellbeing
 - d) One opposition Elected Member
 - e) The Accountable Officer for the District's Clinical Commissioning Groups and a clinician from each CCG if the Accountable Officer is not a clinician
 - f) The NHS Area Team Director
 - g) The Director of Public Health
 - h) The Strategic Director of Health and Wellbeing.
 - i) The Strategic Director of Children's Services.
 - j) One member from Bradford HealthWatch
 - k) One member from the Voluntary, Community and Faith Sector, elected through Bradford Assembly.
 - l) One full and **two co-opted** representatives of the three main NHS providers.
 - m) **One co-opted** representative of the Community Interest Companies (representing primary care).
- 11A2.1 The Board may co-opt further members, as required, from provider organisations.**
- 11A2.3 Named alternates can be provided for the members of the Health and Wellbeing Board except the representatives of the Clinical**

Commissioning Groups who are able to ask any clinician on the CCGs to alternate for them.

The co-opted representatives indicated are non-voting unless the Council decides otherwise.

11A2.4 The Board shall report to the Bradford District Partnership as required.

11A2.5 Sub-groups that report directly to the Board shall include the Bradford Health and Care Commissioners and the Integration and Change Board.

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Standards Committee Role in respect of Dispensations to Permit Voting

1. Background

- 1.1 Under the Localism Act 2011, where a Member has a “Disclosable Pecuniary Interest” in a matter to be considered or being considered at the meeting that Member must withdraw from the meeting, and not speak or vote on the matter unless a dispensation has been granted. Failure to observe this prohibition is potentially a criminal offence.
- 1.2 Under the Localism Act 2011, the Council, on written request, is permitted to grant dispensations where:-
 - So many members of the decision-making body have disclosable pecuniary interests in a matter that it would "impede the transaction of the business";
 - Without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
 - The authority considers that granting the dispensation is in the interests of persons living in the authority's area;
 - Without a dispensation, each member of the Executive would be unable to participate on a particular matter; or
 - The authority considers that it is otherwise appropriate to grant a dispensation
- 1.3 A dispensation can be granted in respect of a particular meeting or for a period not exceeding four years.

2. Considerations

- 2.1 The roles and functions of the Committee are set out in Article 11 of the Constitution, however, consideration of a request for a dispensation is not included. Reference to a dispensation appears only in paragraph 18 of the Members’ Code of Conduct which is set out in Part 4A of the Constitution (“unless the Member has requested and been granted a dispensation by the Standards Committee”).
- 2.2 Members are asked to consider the addition of a new paragraph 11.4.8 to Article 11, to read:-

11.4.8 Considering and deciding upon requests for dispensations from elected Members and Voting Co-opted Members.

And that the current paragraph 11.4.8 be renumbered to be 11.4.9 (making recommendations on any matter arising from any report).

- 2.3 It is also suggested that Part Two of the Members Code of Conduct have a **new paragraph 24 headed “Grant of Dispensations” which sets out the provisions in paragraph 1.2 of this report and advises Members that they must direct requests for a dispensation to the City Solicitor in the first instance.**
- 2.4 Requests for dispensations will be considered by the Standards Committee. If necessary, a meeting will be called with less notice than the five days required by the Constitution, as permitted under paragraphs 9.3 and 9.4 of the Access to Information Procedure Rules in Part 3B of the Constitution.
- 2.5 If, however, a request is received which, in the time available, it would not be possible to convene a meeting of the Standards Committee, the Monitoring Officer should be authorised to consider it and take a decision in accordance with the provisions of Article 14 of the Constitution (delegation of functions) after consultation with the Chair of Standards Committee – **New Article 14.8 – *The Monitoring Officer is authorised (after consultation with the Chair of Standards Committee) to consider and take a decision on an application for a dispensation from a member (to permit speaking and voting on a matter where otherwise a disclosable pecuniary interest would prevent it), in circumstances where a decision of the Standards Committee cannot be obtained in the time available.***
- 2.6 The prohibition against speaking and voting does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation.
- 2.7 A dispensation may not apply where a member is prohibited from participating on grounds other than the DPI provisions of the Localism Act or in some circumstances where the member is biased or has predetermined the matter.
- 2.8 The existing Article 14.8 should be **deleted** in view of the abolition of the Standards Board for England - ***14.8 The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.***

Approval by the City Solicitor of External Legal Spend

- 2.9 Contract Standing Order 4.3 provides “Where the Council has an in-house provision and the estimated contract value is less than £100,000, external suppliers can only be used when the Strategic Director providing such in-house provision confirms that they are unable to meet the requirements on that occasion due to insufficient resources, skills or capacity”.
- 3.0 In order to make clear that the same restriction applies to external legal support, the following is suggested **“As the Council possesses an in-house legal service, external suppliers can only be used when the City Solicitor confirms that they are unable to meet the requirements on that occasion due to insufficient resources, skills or capacity” as an addition to Article 14 (Article 14.14) .**

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Current wording in the Constitution:

8.7.2 Miscellaneous Licences Panel

Composition

- 8.7.2.1 The Miscellaneous Licenses Panel shall comprise seven members of Council.

Quorum

- 8.7.2.2 The quorum of the Miscellaneous Licenses Panel shall be four members.

Functions

- 8.7.2.3 The Miscellaneous Licenses Panel shall discharge the functions of the Regulatory and Appeals Committee in paragraph 8.4.1 in relation to the registration and licensing matters undertaken by the City Solicitor and Assistant Director, Environmental and Regulatory Services. (As to which see below)

The functions of the Committee are to:

- 8.4.1 Determine applications for licenses, permissions, permits registrations and issue any other regulatory documents in relation to:
- 8.4.1.1 The registration and licensing matters undertaken by the City Solicitor and Assistant Director Economic Development and Property (excluding those that are the responsibility of the Licensing Committee under Article 10).

Proposed wording:

8.7.2 Miscellaneous Licences Panel

Composition

- 8.7.2.1 The Miscellaneous Licen**ces** Panel shall comprise seven members of Council.

Quorum

- 8.7.2.2 The quorum of the Miscellaneous Licen**ces** Panel shall be four members.

Functions

- 8.7.2.3 The Miscellaneous Licen**ces** Panel shall discharge the functions of the Regulatory and Appeals Committee in paragraph 8.4.1.**1** in relation to the registration and licensing matters undertaken by the City Solicitor and **Assistant Director, Waste, Fleet and Transport Services.**

The functions of the Committee are to:

- 8.4.1 Determine applications for licences, permissions, permits, registrations and issue any other regulatory documents in relation to:
- 8.4.1.1 The registration and licensing matters undertaken by the City Solicitor and Assistant Director **Waste, Fleet and Transport Services** (excluding those that are the responsibility of the Licensing Committee under Article 10).

Planning Delegations: Proposed revisions indicated in bold.

Para 8.4.2

Determine all major planning applications (as defined by the Town and Country Planning (General Development Procedure) Order 1995.

This should now read Town & Country Planning (General Management Procedure)(England) Order 2015

Para 8.4.3

Determine all planning applications in connection with premises or land within the area identified in the plan annexed to the Members Agreement concerning the former Bradford Urban Regeneration Company dated 6 February 2003 as amended by Council on 16 October 2007.

Any planning matters relating to land in which the Council has an interest must be dealt with by Members so the above could be amended to read “Determine all planning applications in connection with premises or land in which the Council has an interest.”

Para 8.7.1.3

Bradford Area Planning Panel – last line ‘excludes those areas identified in Article 8.4.2’; ***this should be amended to 8.4.3.***

Para 8.7.1.4.4

Refers to the Area Planning Panels discharging functions referred under the Licensing Act 2003 (para 8.4.1.5). ***It is suggested that para 8.4.1.5 be deleted and the reference to it in 8.7.1.4.4. Licensing matters would fall either to the Licensing Committee or the Bradford District Licensing Panel.***

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Social Services and HNDR Appeals

Current wording in the Constitution:

- 8.6.2 Social Services appeals in relation to access to personal files, the National Health Service and Community Care Act 1990, matters under the disabled persons legislation, and Section 17 of the Health and Social Services and Social Security Adjudications Act 1983/contributions policy

Proposed Wording

Social Services appeals in relation to access to personal files, the National Health Service and Community Care Act 1990, matters under disabled persons legislation, **appeals against refusal of a subject access request, and appeals in relation to the application of the contributions policy/ refusal of a needs assessment under the Care Act 2014.**

Current wording in the Constitution:

- 8.6.3 Housing and non-domestic rates appeals in relation to grants for renovation improvement and repair, discretionary housing payments, the application of wheeled bin refuse collection arrangements, non-domestic rates relief, access to personal files.

Proposed Wording

Housing and non-domestic rates appeals in relation to grants for renovation, improvement and repair **(including appeals against refusals of disabled facilities grant in respect of Council and private housing)**, discretionary housing payments, the application of wheeled bin refuse collection arrangements, non-domestic rates relief, access to personal files.

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Records of Decisions Made –Additions in Bold

- 14.25D All written records produced in accordance with article **14.25B** above, together with any background papers, must as soon as reasonably practicable after the record is made, be made available for inspection by members of the public—
- 14.25D1 at all reasonable hours, at the offices of the Council; and
- 14.25D2 on the Council’s website.
- 14.25E All written records produced in accordance with article **14.25B** above must be retained and made available for inspection by the public for a period of six years beginning with the date on which the decision, to which the record relates, was made.

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PART 4B MEMBER AND OFFICER PLANNING CODE OF CONDUCT

An issue that has been raised on a fairly regular basis over a number of years in respect of the Member and Officer Planning Code of Conduct relates to Predetermination and Bias (Para 4.3 precludes Members of the Regulatory and Appeals Committee or the Area Planning Panels from speaking at a meeting in objection or support to any particular item, whether sitting on the body concerned or being an alternate member).

4.3 Having disclosed that they could be considered or perceived to have predetermined the outcome of a planning decision then having stood down from the Regulatory and Appeals Committee or relevant panel during discussion of an item it is not appropriate for that member to seek to speak as an objector or supporter of the application or planning proposal in question. Equally, where a Committee or panel member does not sit on the Committee or panel at the meeting in question, but would have had to disclose that they had predetermined the outcome of a planning decision and not participate in that item on the Agenda had such a member been officially in attendance, then it is inappropriate for that member still to attend the meeting to support or oppose the application in question.

This provision is contradicted by Para 1.2 of the Code:

1.2 Any references in this Code to members of the area planning panels or the Regulatory and Appeals Committee are also intended to include alternate members only where they sit or propose to sit as a member of an area planning panel or the Regulatory and Appeals Committee.

This matter has been considered before (Standards Committee, November 2013 and Governance and Audit, January 2014) and Members were happy with the restrictive nature of this provision. It is still, however, causing a problem with interpretation owing to this conflict.

Members are requested to clarify that Para 4.3 applies to alternates (by adding the words “but this provision shall not apply to Para 4.3 below” to Para 1.2).

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**City of Bradford Metropolitan
District Council**

**PROTOCOL FOR WEBCASTING OF
COUNCIL MEETINGS**

Introduction

The City of Bradford Metropolitan District Council has agreed that certain meetings should be the subject to live web transmission ('web casting'), or recorded for subsequent transmission. Fixed cameras are located within the Council Chamber and Committee Room 1 for this purpose. Exempt or confidential items (included in Part B of any Agenda) will not be web cast. This protocol does not affect existing restrictions in the Council's Standing Orders on the recording, photographing or filming of proceedings by any person other than the Council.

Main Provisions

This protocol has been produced to assist the conduct of web cast meetings and to ensure that in doing so the Council is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998. Accordingly the following will apply to all meetings to be web cast by the Council:

1. The Lord Mayor or Chair of the meeting has the discretion to terminate or suspend the webcast if in their opinion continuing to web cast would prejudice the proceedings of the meeting. Circumstances that could lead to suspension or termination of web casting include public disturbance or other suspension of the meeting or the potential infringement of the rights of any individual.
2. No exempt or confidential agenda items shall be web cast, and no part of any meeting will be web cast after the Council has voted to exclude the press and public because there is likely to be disclosure of exempt or confidential information.
3. Subsequent to the meeting editing of the webcast may take place if there is a legal reason, confidential personal information was inadvertently disclosed, defamatory comments made or an exceptional circumstance occurs during filming. Requests for the editing of the content of a webcast can be made to the City Solicitor who will authorise any removal of content (if appropriate, in consultation with the Leaders of the two largest political groups on the Council).
4. Subject to paragraph 4 below all archived webcasts will normally be available to view on the Council's website for a period of one month.
5. Archived webcasts or parts of webcasts may be removed from the Council's website if the City Solicitor considers that it is necessary because all or part of the content of the webcast is or is likely to be in breach of the law, for example Data Protection or Human Rights legislation or provisions relating to confidential or exempt information.
 - a) The Council owns the copyright in the webcasts.
 - b) Any elected Member who is concerned about any webcast should raise their concerns with the City Solicitor.
 - c) Webcasts containing personal or confidential information will not be retained or archived.

- d) The Council will endeavour to ensure that children and young people under the age of 16 or any person considered to be vulnerable will not be filmed.
6. If the web cast is halted by a technical reason Public-i will inform the City Solicitor or her representative as soon as is practically possible so the meeting can be informed of what has occurred. The City Solicitor will be informed by Public-i of the explanation why the webcasting failed as soon as possible, what can be done to resume it and/ or recover the lost recording and what action will be taken to prevent a reoccurrence. The political group leaders will be informed of the corrective action being undertaken.
7. A member of the public attending the meeting must indicate if they have concerns about being filmed to the City Solicitor or her representative on arrival. Advice will then be given on the best place to sit in the meeting room to avoid being filmed. If the attendee is making a spoken contribution to the meeting action will be taken to ensure that the webcast operator focuses the camera on the Lord Mayor or Chair. If despite these precautions individuals are filmed, the Council can accept no liability as attendance at the meeting is on the basis that consent is given to filming.

Agenda Front Sheets and Signage at Meetings

Included in each agenda and on signs to be displayed inside and outside the meeting room there will be the following notice:-

WEBCASTING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site – at the start of the meeting the Lord Mayor or Chair will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Generally the public seating areas will not be filmed. However, by entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting or training purposes.

If you have any queries regarding this, please contact Committee Services on 01274 432241 or CommitteeSecretariat2@bradford.gov.uk or speak to a Council Officer present at the meeting before its commencement..

Conduct of Meetings

At the start of each meeting to be filmed, an announcement will be made to the effect that the meeting is being or may be web cast, and that the Lord Mayor or Chair may also terminate or suspend the web casting of the meeting, in accordance with this protocol. This will be confirmed by the Lord Mayor or Chair making the following statement:-

“I would like to remind everyone present that this meeting will be broadcast live to the internet and will be capable of repeated viewing. I have the discretion to terminate or suspend filming, if in my opinion allowing filming to continue would prejudice the proceedings of the meeting. Members are reminded that the cameras are activated by the sound system and that they must switch on microphones when speaking.

Public seating areas will not be filmed, but if any member of the public has concerns they should move to these seats (Mayor/ Chair to indicate the seats not in camera range). If a member of the public is making a contribution to the meeting and does not want to be filmed they must indicate now to my officers. Every effort will be made not to film the contribution but by attending you are consenting to the webcast and the use of your speech”

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ANNUAL MEETING OF COUNCIL – 16 MAY 2017

APPOINTMENT OF COMMITTEES AND APPOINTMENT OF CHAIRS AND DEPUTIES OTHER THAN FOR AREA COMMITTEES APPOINTMENTS TO WEST YORKSHIRE JOINT AUTHORITIES

STANDARDS COMMITTEE (10)

Independent Person (1) : Mohammed Shakeel (appointed until the Annual Meeting of the Council 2018) .

Parish & Town Council Members (2): Clayton Parish Councillor Jean Pitts and Keighley Town Councillor Michael Westerman.

Councillors (7) :

Conservative	Labour	Liberal Democrat
D Smith	Jamil (Ch)	Reid
Townend	Ferriby	
	Lal	
	M Slater	

GOVERNANCE AND AUDIT COMMITTEE (5)

Conservative	Labour	Liberal Democrat
M Pollard	Johnson (Ch)	Reid
	Thornton (DCh)	
	Swallow	
<i>Alternates</i>	<i>Alternates</i>	<i>Alternates</i>
<i>Ellis</i>	<i>Farley</i>	<i>J Sunderland</i>
	<i>Watson</i>	

STAFFING COMMITTEE (5)

Conservative	Labour	Liberal Democrat
Cooke	Hinchcliffe (Ch)	J Sunderland
	Imran Khan (DCh)	
	Lal	
<i>Alternates</i>	<i>Alternates</i>	<i>Alternate</i>
<i>Pennington</i>	<i>Lee</i>	<i>Fear</i>
	<i>Salam</i>	

CHIEF OFFICER DISCIPLINARY COMMITTEE (5)

Conservative	Labour	Liberal Democrat
Cooke	Farley	J Sunderland
	Hinchcliffe	
	Imran Khan	

Independent Persons (2) : Mohammed Shakeel and vacancy

LICENSING COMMITTEE (11)

Conservative	Labour	Independent	The Independents
Ellis	M Slater (Ch)	Morris	Hawkesworth
B M Smith	Swallow (DCh)		
	Engel		
	Arshad Hussain		
	Jamil		
	Peart		

REGULATORY AND APPEALS COMMITTEE (7)

Conservative	Labour	Liberal Democrat
Brown	Warburton (Ch)	Griffiths
Rickard	Wainwright (DCh)	
	Amran	
	Watson	
Alternates	Alternates	Alternate
<i>Ellis</i>	<i>Azam</i>	<i>Stelling</i>
<i>Miller</i>	<i>Shabir Hussain</i>	
	<i>Lal</i>	
	<i>Lee</i>	

CORPORATE OVERVIEW AND SCRUTINY COMMITTEE (10)

Conservative	Labour	Liberal Democrat	Independent
Cooke	Arshad Hussain (Ch)	J Sunderland	Naylor
Riaz	Duffy (DCh)		
B M Smith	Bacon		
	Warburton		
	Watson		
Alternates	Alternates	Alternate	Alternate
<i>Mallinson</i>	<i>Greenwood</i>	<i>Ward</i>	<i>Hawkesworth</i>
<i>M Pollard</i>	<i>T Hussain</i>		
<i>Townend</i>	<i>Jamil</i>		
	<i>Shaheen</i>		
	<i>Thirkill</i>		

CHILDREN'S SERVICES OVERVIEW AND SCRUTINY COMMITTEE (9 plus voting co-opted)

Conservative	Labour	Liberal Democrat	Independent
D Smith (Ch)	Engel	Ward	Sajawal
M Pollard (DCh)	Mullaney		
	Peart		
	Shaheen		
	Tait		
Alternates	Alternates	Alternate	Alternate
<i>Riaz</i>	<i>Akhtar</i>	<i>J Sunderland</i>	

<i>Rickard</i>	<i>Bacon</i>		
	<i>Abid Hussain</i>		
	<i>Thirkill</i>		

VOTING CO-OPTED MEMBERS (4):

Church representatives (2): Claire Parr (CE) and Joyce Simpson (RC)

Parent Governor Representatives (2): Sidiq Ali and Gull Hussain

ENVIRONMENT AND WASTE MANAGEMENT OVERVIEW AND SCRUTINY COMMITTEE (9)

Conservative	Labour	Liberal Democrat	Green
Gibbons	A Ahmed	Stubbs	Warnes (Ch)
Senior	Berry		Love (DCh)
	Mohammed		
	Watson		
Alternates	Alternate	Alternate	Alternate
<i>Ellis</i>	<i>Duffy</i>	<i>R Sunderland</i>	<i>Hawarun Hussain</i>
<i>Rickard</i>	<i>Iqbal</i>		
	<i>H Khan</i>		
	<i>Nazir</i>		

HEALTH AND SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE (9)

Conservative	Labour	Liberal Democrat
Gibbons	Greenwood (Ch)	N Pollard
Rickard	A Ahmed (DCh)	
	Akthar	
	Johnson	
	Shabbir	
Alternates	Alternates	Alternate
<i>Barker</i>	<i>Berry</i>	<i>Griffiths</i>
<i>Poulsen</i>	<i>Shabir Hussain</i>	
	<i>T Hussain</i>	
	<i>H Khan</i>	

REGENERATION AND ECONOMY OVERVIEW AND SCRUTINY COMMITTEE (9)

Conservative	Labour	Liberal Democrats	Green	Independent
Heseltine	Farley (Ch)	Fear	Hawarun Hussain	Khadim Hussain
Mallinson	Jamil (DCh)			
	Nazir			
	Salam			
Alternates	Alternate	Alternate	Alternate	Alternate
<i>Pennington</i>	<i>Green</i>	<i>R Ahmed</i>	<i>Warnes</i>	
<i>Whiteley</i>	<i>Johnson</i>			
	<i>H Khan</i>			
	<i>Sharp</i>			

AREA COMMITTEES (Chair and Deputy Chair appointed by each Committee)

BRADFORD EAST AREA COMMITTEE (9)

(Bolton and Undercliffe; Bowling and Barkerend; Bradford Moor; Eccleshill; Idle and Thackley; Little Horton)

Labour	Liberal Democrat
H Khan	R Ahmed
Jamil	N Pollard
Salam	Stubbs
Shafiq	J Sunderland
	R Sunderland
<i>Alternates</i>	<i>Alternates</i>
<i>Ikram</i>	<i>Fear</i>
<i>Iqbal</i>	<i>Griffiths</i>
<i>I Khan</i>	<i>Reid</i>
	<i>Stelling</i>
	<i>Ward</i>

BRADFORD SOUTH AREA COMMITTEE (9)

(Great Horton; Queensbury; Royds; Tong; Wibsey; Wyke)

Labour	Queensbury Independents
Wainwright	L Cromie
T Hussain	
Dodds	
Peart	
Sharp	
Tait	
Thornton	
Warburton	
<i>Alternate</i>	<i>Alternates</i>
<i>Berry</i>	<i>P Cromie</i>
<i>Ferriby</i>	
<i>Green</i>	
<i>Jabar</i>	
<i>Johnson</i>	
<i>V Slater</i>	
<i>Watson</i>	

BRADFORD WEST AREA COMMITTEE (9)

(City; Clayton and Fairweather Green; Heaton; Manningham; Thornton and Allerton; Toller)

Labour
Amran
Mohammed
A Ahmed
Akhtar

Azam
Dunbar
Engel
Nazir
Shaheen
Alternates
<i>Duffy</i>
<i>Arshad Hussain</i>
<i>Imran Hussain</i>
<i>Shabir Hussain</i>
<i>Lal</i>
<i>Mullaney</i>
<i>Shabbir</i>
<i>Swallow</i>
<i>Thirkill</i>

KEIGHLEY AREA COMMITTEE (9)

(Craven; Ilkley; Keighley Central; Keighley East; Keighley West; Worth Valley)

Conservative	Labour	Independents	Independent
Ali	Bacon	Hawkesworth	Morris
Brown	Farley		
Mallinson	M Slater		
B M Smith			
Alternates	Alternates	Alternate	Alternate
<i>Gibbons</i>	<i>Abid Hussain</i>	<i>Naylor</i>	
<i>Miller</i>	<i>Lee</i>		
<i>Poulsen</i>	<i>Pullen</i>		
<i>Rickard</i>			

SHIPLEY AREA COMMITTEE (9)

(Baildon; Bingley; Bingley Rural; Shipley; Wharfedale; Windhill and Wrose)

Conservative	Labour	Green
Heseltine	Greenwood	Love
Shaw	Ross-Shaw	
Barker		
Davies		
Riaz		
Townend		
Alternates	Alternates	Alternates
<i>Cooke</i>	<i>Hinchcliffe</i>	<i>Hawarun Hussain</i>
<i>Ellis</i>		<i>Warnes</i>
<i>Pennington</i>		
<i>M Pollard</i>		
<i>D Smith</i>		
<i>Whiteley</i>		

APPOINTMENTS/NOMINATIONS TO WEST YORKSHIRE JOINT AUTHORITIES FOR THE MUNICIPAL YEAR 2017/18

YPO (YORKSHIRE PURCHASING ORGANISATION)

Recommended -

- (1) That Councillor Warburton (alternate: Councillor Lal) and Councillor Whiteley (alternate: Councillor Ellis) be appointed to the YPO for the 2017/18 municipal year.**
- (2) That in accordance with the Standing Orders of the YPO this Council's voting rights be vested in Councillor Warburton (or the alternate) as the representative of the largest group on the Council.**
- (3) That the political balance rules which apply to the YPO Joint Committee be waived in accordance with Section 17 of the Local Government and Housing Act 1989.**

WEST YORKSHIRE JOINT SERVICES

Recommended –

That Councillors Hinchcliffe, V Slater, Duffy (alternates: Councillors Salam and Imran Khan) and Riaz (alternate: Councillor Ellis) be appointed to the West Yorkshire Joint Services Committee.

WEST YORKSHIRE PENSION FUND

Recommended –

- (1) That Councillor M Slater be appointed as Chair of the Pensions Board .**
- (2) That Councillors Thornton and Miller be appointed to the Investment Advisory Panel.**
- (3) That Councillors Thornton, Lal and Miller be appointed to the Joint Advisory Group.**

WEST YORKSHIRE POLICE AND CRIME PANEL

Recommended –

That Councillors Tariq Hussain, Pullen and Mallinson be appointed to the West Yorkshire Police and Crime Panel.

WEST YORKSHIRE FIRE AND RESCUE SERVICE

Recommended –

That Councillors Dodds, Peart, Tait, M Pollard and R Ahmed be appointed to the West Yorkshire Fire and Rescue Service.

INDEPENDENT REMUNERATION PANEL AND PARISH PANEL

Sir Rodney Brooke	Lorraine Clarke	Christopher Ing
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APPOINTMENTS TO THE WEST YORKSHIRE COMBINED AUTHORITY

Recommended -

- (1) That the Leader of the Council be appointed as a member of the West Yorkshire Combined Authority and Councillor Imran Khan be appointed as the substitute.**
- (2) That authority be delegated to the Chief Executive, in consultation with Group Leaders, WYCA's Managing Director and other West Yorkshire Chief Executives, the appointment of the 3 additional Members to WYCA and their substitutes, so that the 8 constituent council members taken as a whole reflect the balance of political parties for the time being among members of WYCA's constituent councils so far as reasonably practicable.**
- (3) That Councillors Mohammed, H Khan, Salam and Poulsen be nominated to the WYCA's Transport Committee.**
- (4) That Councillors Shaheen, Watson and Ellis be nominated to the WYCA's Overview and Scrutiny Committee.**
- (5) It is noted that it is understood that:.**
 - this Council's relevant Executive Portfolio holder will be co-opted by the WYCA to the West Yorkshire and York Investment Committee (no nomination required); and**
 - the WYCA Member appointed by this Council will be appointed (in their capacity as WYCA Member), to the WYCA's LCR Partnership Committee.**

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