

Council (Annual)

Summons and Agenda

Date: Thursday 18 May 2023

Time: 6.30 pm

Venue: Harrow Arts Centre, 171 Uxbridge Road, Pinner,
HA5 4EA

All Councillors are hereby summoned to attend the Council Meeting for the transaction of the business set out.



Jessica Farmer
Interim Director of Legal and Governance Services

Despatch Date: Wednesday 10 May 2023

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Useful Information

Joining the Meeting virtually

The meeting is open to the public and can be viewed online at [London Borough of Harrow webcasts](#)

Attending the Meeting in person

The Harrow Arts Centre can be found using [Google Map directions to Harrow Arts Centre](#).

The venue is accessible to people with special needs. If you have specific requirements, please contact the officer listed on the front page of this agenda.

You will be admitted on a first-come-first basis and directed to seats.

Please:

- (1) Stay seated.
- (2) Access the meeting agenda online at [Browse meetings - Council – Harrow Council](#)
- (3) Put mobile devices on silent.
- (4) Follow instructions of the Security Officers.
- (5) Advise Security on your arrival if you are a registered speaker.

Filming / recording

This meeting may be recorded or filmed, and if you choose to attend, you will be deemed to have consented to this. Any recording may be published on the Council website.

Agenda publication date: Wednesday 10 May 2023

Prayers

Monsignor Vincent G Brady of St Luke's Church, Pinner, will open the meeting with Prayers.

1. Election of Mayor

To elect a Mayor of the Borough for the municipal year 2023/24.

2. Mayor's Notification of Deputy Mayor

To receive notification from the incoming Mayor regarding the appointment of Deputy Mayor of the Borough for the municipal year 2023/24.

3. Appointment of Chaplain

To receive the Mayor's announcement regarding a Chaplain.

4. Civic Functions (To Follow)

To receive any communications from the newly elected Mayor as to the Civic Functions for 2023/24.

5. Declarations of Interest

To receive declarations of disclosable pecuniary or non pecuniary interests, arising from business to be transacted at this meeting, from all Members of the Council.

6. Procedural Motions

To receive and consider any procedural motions by Members of the Council in relation to the conduct of this Meeting. Notice of such procedural motions, received after the issuing of this Summons, will be tabled.

7. Council Minutes (Pages 5 - 16)

That the minutes of the meeting held on 23 February 2023 be taken as read and signed as a correct record.

8. Appointment of the Head of Paid Service (Managing Director) (To Follow)

Recommendation I: Chief Officers' Employment Panel
(4 May 2023)

9. Statutory Officer Roles (To Follow)

Report of the Interim Director of Legal and Governance Services

10. Cabinet and Committee Memberships (To Follow)

To receive a report of the Director of Legal and Governance Services to note the appointments to Cabinet and seek Council approval to the appointments to Committees.

11. **Appointment of Chairs to Committees** (To Follow)

To receive a report of the Director of Legal and Governance Services seeking Council approval to the appointment of Chairs of Committees for the Municipal Year 2023/24.

12. **Appointment of Representatives to Outside Bodies** (To Follow)

To receive proposals from Political Groups as to the appointment of representatives of the authority to serve on the Outside Bodies listed for the Municipal Year 2023/24.

13. **Calendar of Meetings 2023/24** (To Follow)

Report of the Monitoring Officer

14. **Cabinet and Member Engagement in the Commissioning and Procurement Programme** (Pages 17 - 54)

Recommendation I: Cabinet
(16 March 2023)

15. **Scrutiny Annual Report 2022-23** (Pages 55 - 68)

Recommendation I: Overview and Scrutiny Committee
(18 April 2023)

16. **Constitution Update** (To Follow)

Report of the Interim Director of Legal and Governance

17. **Information Report - Remuneration Packages of £100,000 or greater** (To Follow)

18. **Dates of Council Meetings 2023/24**

To note and confirm the dates of ordinary meetings of Council for the 2023/24 Municipal Year as set out in the Calendar of Meetings.

Data Protection Act Notice

The Council will record the meeting and will place the recording on the Council's website.

ANNUAL COUNCIL 18 MAY 2023

MINUTES

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Council (Council Tax)

Minutes

23 February 2023

Present: Councillor Janet Mote (The Worshipful the Mayor)

Councillor Ramji Chauhan (The Deputy Mayor)

Councillors:

Dan Anderson	Hitesh Karia
David Ashton	Eden Kulig
Marilyn Ashton	Kuha Kumaran
Peymana Assad	Jean Lammiman
Christopher Baxter	Jerry Miles
June Baxter	Amir Moshenson
Philip Benjamin	Phillip O'Dell
Govind Bharadia	Paul Osborn
Nicola Blackman	Nitin Parekh
Simon Brown	Mina Parmar
Shahania Choudhury	Varsha Parmar
Salim Chowdhury	Anjana Patel
Dean Gilligan	Pritesh Patel
Matthew Goodwin-Freeman	David Perry
Stephen Greek	Natasha Proctor
Chetna Halai	Kanti Rabadia
Susan Hall	Aneka Shah-Levy
Graham Henson	Rekha Shah
Maxine Henson	Norman Stevenson
Stephen Hickman	Samir Sumaria
Nitesh Hirani	Krishna Suresh
Asif Hussain	Sasi Suresh
Thaya Idaikkadar	Yogesh Teli
Ameet Jogia	Zak Wagman
Rashmi Kalu	Antonio Weiss

Apologies received: Councillor Ghazanfar Ali Councillor Vipin Mithani

Joined Virtually: Councillor Kandy Dolor

PRAYERS

The meeting opened with Prayers offered by
Monsignor Vincent G Brady of St Luke's Church, Pinner.

55. Minute Silence

Members of Council stood and observed one minute silence for those affected by the earthquakes in Syria and Turkey.

56. Council Minutes

RESOLVED: That the minutes of the meeting held on 24 November 2022 be taken as read and signed as a correct record.

57. Declarations of Interest

The following interests were declared:

Item 4 – Petitions

Councillor Hitesh Karia declared a pecuniary interest and would leave the room for the discussion and vote on this item.

Councillor Varsha Parmar declared a pecuniary interest and would leave the room for the discussion and vote on this item.

Item 9 – Revenue Budget 2023/24 and Medium Term Financial Strategy 2023/24 to 2025/26

Councillor Jean Lammiman declared a non-pecuniary interest in that she was in receipt of social care provision.

Councillor Paul Osborn declared a non-pecuniary interest in that he was Chair of the Lee Valley Regional Park Authority, a precepting Authority.

Item – 19 – Motion supporting Harrow Council's opposition to the ULEZ expansion

Councillor Stephen Greek declared a pecuniary interest and he worked for the London Assembly and would leave the room for the discussion and vote on this item.

Councillor Susan Hall, during the course of the meeting, declared a pecuniary interest and would leave the room for the discussion and vote on this item.

Councillor Asif Hussain declared a pecuniary interest and would leave the room for the discussion and vote on this item.

Councillor Norman Stevenson declared a non-pecuniary interest in that he was a member of Friends of the Earth.

58. Procedural Motions

The Mayor drew Council's attention to the Procedural Motions under Rule 26.1 included in the Supplemental Summons and also the Urgent Motion, Supporting Harrow Council's opposition to the ULEZ expansion, and Procedural Motion in set out in the Tabled Documents. The procedural motion under Rule 26.1 was agreed so that, in line with previous years and for the purposes of the debate on the Revenue Budget 2023/24 and Medium Term Financial Strategy 2023/24 - 2025/26, the rules of debate be varied, as set out in the Tabled Documents, and that the procedure therein also be applied to the reports on the Corporate Plan 2023-2026, the Housing Revenue Account (HRA) Budget 2023/24 and Medium Term Financial Strategy (MTFS) 2024/25 to 2025/26, Housing Revenue Account Capital Programme 2023/24 to 2027/28 and HRA Business Plan, the Treasury Management Strategy Statement including Annual Investment Strategy for 2023/24 and Capital Strategy for 2023/24, the Capital Programme 2023/24 to 2025/26, in so far as the recommendations be debated jointly.

RESOLVED: That

- (1) **the partial suspension under Rule 26.1, regarding the moving of recommendations from Cabinet and the rules of debate (including extended time for opening speeches by the political groups), as set out in the Supplemental Summons be approved for the purposes of the debate upon**

Item 8 - Corporate Plan 2023 - 2026

Item 9 - Revenue Budget 2023/24 and Medium Term Financial Strategy 2023/24 - 2025/26

Item 10 Housing Revenue Account (HRA) Budget 2023/24 and Medium Term Financial Strategy (MTFS) 2024/25 to 2025/26, Housing Revenue Account Capital Programme 2023/24 to 2027/28 and HRA Business Plan

Item 11 Treasury Management Strategy Statement including Annual Investment Strategy for 2023/24 and Capital Strategy for 2023/24

Item 12 - Capital Programme 2023/24 to 2025/26

- (2) **the Procedural Motion be agreed.**
- (3) **the urgent Motion, Supporting Harrow Council's opposition to the ULEZ expansion, be accepted for the reasons set out in the Tabled Documents.**
- (4) **having, accepted the urgent Motion, Council agreed that item 6, Leader and Portfolio Holder Announcements, be deleted from the agenda and the urgent Motion be debated after item 7, Constitution Update.**

- (5) **having been moved and seconded, Council agreed that the Urgent Motion not stand referred to the Executive.**

59. Petitions

In accordance with Rule 10, the following petition was received:

- (i) Petition submitted by Scott Flashman containing over 2,000 signatures in relation to Tesco Towers.

In accordance with the Council's Petition Scheme, debate was held on the content of the above-mentioned petition which had the following terms:-

"Residents Say No to Tesco Towers and Notting Hill Genesis Development in Harrow

This petition is to object to the proposal by Notting Hill Genesis and Tesco to turn the store on Station Road Harrow into a high-rise development called Greenmead Place - Notting Hill Genesis 'Tesco Towers' including a 15 storey building.

We ask Harrow Council to consider why the community objects:

- The proposed development is overbearing and will dominate the surrounding homes of mainly two-storey houses and low-rise flats.
- The development design totally ignores the surrounding community.
- There are no infrastructure improvements, no additional GP surgeries, capacity at Northwick Park Hospital, improvement to public transport links, roads, water supply or sewage disposal.
- The increased congestion and pollution from high density housing in one of the busiest roads in Harrow, adds 155 cars to a road where two schools are within a few metres.
- 20% reduction in the Tesco store size and 33% less parking spaces for Tesco customers yet further increasing congestion on the roads and less jobs for residents in a smaller store.
- NHG says '35%' of the new accommodation will be 'affordable' but this includes shared ownership which is anything but affordable with prices in Harrow.

This development does not benefit the community and would be detrimental to the health and wellbeing of the area.

We ask Harrow Council to not approve the application of this development."

RESOLVED: That the petition be referred to the Corporate Director of Place for consideration.

[Note: Councillors Hitesh Karia and Varsha Parmar left the room for the discussion and vote on this item].

60. Public Questions

To note that four questions from members of the public had been received and the recording was on the Council's website.

[Note: Councillor Hitesh Karia left the room for question 4].

61. Leader and Portfolio Holder Announcements

This item was deleted from the Summons.

62. Constitution Update

RESOLVED: That

- (1) the Council, Committee, Health and Wellbeing and Executive Procedure Rules, as set out in paragraph 2.4 of the officer report, be approved and**
- (2) the amendments take effect immediately and be applied to all remaining agenda items at the meeting.**

63. Corporate Plan 2023 - 2026

RESOLVED: That the new Corporate Plan for 2023-26 be approved.

64. Revenue Budget 2023/24 and Medium Term Financial Strategy 2023/24 to 2025/26

Upon the meeting moving to the vote on the substantive Recommendation it was carried. The voting was as follows:

In Favour of the Recommendation: Her Worshipful the Mayor Councillor Janet Mote, David Ashton, Marilyn Ashton, Christopher Baxter, June Baxter, Philip Benjamin, Bharadia, Blackman, Chauhan, Chowdhury, Goodwin-Freeman, Greek, Halai, Hall, Hirani, Idaikkadar, Jogia, Karia, Kumaran, Lammiman, Moshenson, Osborn, Mina Parmar, Anjana Patel, Pritesh Patel, Rabadia, Stevenson, Sumaria, Teli and Wagman.

Against the Recommendation: Councillors Dan Anderson, Peymana Assad, Simon Brown, Choudhury, Gilligan, Graham Henson, Maxine Henson, Hickman, Hussain, Kalu, Kulig, Miles, O'Dell, Parekh, Perry, Varsha Parmar, Proctor, Shah-Levy, Shah, Krishna Suresh, Sasi Suresh and Weiss.

Abstain: Councillor Sasi Suresh

Absent: Councillor Ghazanfar Ali, Kandy Dolor, Vipin Mithani.

RESOLVED: That

- (1) the 2023/24 budget, being mindful of consultation results, be approved to enable the Council Tax for 2023/24 to be set;
- (2) the Model Council Tax Resolution 2023/24, as set out in Appendix 11 to the officer report, be approved;
- (3) in accordance with Section 38 (2) of the Local Government Finance Act 1992, the Chief Executive be instructed to place a notice in the local press of the amounts set under Resolution 2 above within a period of 21 days following the Council's decision.
- (4) the Medium-Term Financial Strategy, set out in Appendix 2 to the officer report, be approved;
- (5) the 2023/24 Members' Allowances Scheme, set out in Appendix 12 to the officer report, be approved;
- (6) the 2023/24 Annual Pay Policy Statement, set out in Appendix 13 to the officer report, be approved;
- (7) the Capital Receipts Flexibility Strategy, set out in Appendix 14 to the officer report, be approved.

65. Housing Revenue Account Budget 2023/24 and Medium Term Financial Strategy 2024/25 to 2025/26, Housing Revenue Account Capital Programme 2023/24 to 2027/28 and HRA Business Plan

RESOLVED: That

- (1) the Housing Revenue Account Budget for 2023/24 and the Housing Revenue Capital Programme, as set out in Appendix 1 and 6 to the officer report, be approved.
- (2) the proposed average weekly rent for general needs and sheltered accommodation of £132.00 and £113.52 for 2023-24 respectively as set out in paragraph 32 and Appendix 2 to the officer report, be approved;
- (3) the proposed average weekly rents for affordable and shared ownership properties of £197.49 and £210.64, which reflected increases of 7% in line with the national rent policy for social housing, be approved;
- (4) a five-year Housing Revenue Account (HRA) Capital programme of £181,228,214 made up of £52,965,240 planned investment, £54,617,799 Building Council Homes for Londoners (BCHfL), £212,249 Grange Farm phase 3, £2,615,000 Grange Farm Infrastructure, £70,817,926 Homes for Harrow Phase 2, as set out in paragraphs 59 to 65 Appendix 6 to the officer report, be approved;

- (5) the HRA 30-year Business plan and assumptions, as set out in Appendices 7 and 7a to the officer report, be approved;
- (6) the flexibility under the Government's Rent Policy, to allow void properties to be re-let at formulae rent plus 5% and 10% for general needs and sheltered properties respectively, be approved;
- (7) the proposed average weekly general need service charge of £8.22 and sheltered services charges of £16.95 per week, be agreed, noting that the charges proposed reflected the outcome of the service charge review as set out in paragraph 38 and Appendix 2 to the officer report;
- (8) the proposed average weekly services charges for affordable and shared ownership properties of £15.86 and £8.91 respectively as set out in Appendix 2 to the officer report, be approved;
- (9) an average weekly facility charge of £30.77 for sheltered properties be agreed, noting that the charges proposed reflected the impact of significant increases in utility costs;
- (10) an average weekly heating charge for general needs properties of £18.77, be approved;
- (11) an increase of up to 7.5% to water charges, as set out in paragraph 40 and Appendix 4 to the officer report, be approved;
- (12) weekly parking spaces and garage charges of £10.16 and £15.55 respectively as set out in paragraph 39 and Appendix 3 to the officer report, be approved;
- (13) a 10% increase to the 2022/23 hourly hire charges applied to Community Halls, as set out in Appendix 5 to the officer report, be approved;
- (14) the use of Section 106 Affordable Housing contributions held by the Council for the purpose of providing affordable housing as part of the Council funding for the development of this 100% affordable housing scheme, be approved.

66. Treasury Management Strategy Statement Including Annual Investment Strategy for 2023/24 and Capital Strategy for 2023/24

RESOLVED: That the Treasury Management Strategy Statement for 2023/24 be approved, including:

- Prudential Indicators for the period 2023/24 to 2025/26;
- Minimum Revenue Provision Policy Statement for 2023/24, as set out in paragraph 2.17 and Appendix C to the officer report;
- Annual Investment Strategy for 2023/24, as set out in Appendix F to the officer report;
- Annual Capital Strategy, as set out in Appendix G to the officer report.

67. Capital Programme 2023/24 to 2025/26

RESOLVED: That the Capital Programme, as detailed within Appendix 1 to the officer report, be approved.

68. Statutory Officer Roles

Having noted the amendment set out in the Tabled Documents it was

RESOLVED: That

- (1) the role of Returning Officer be assigned to the Chief Executive;
- (2) the designation of the roles of Monitoring Officer, RIPA Monitoring Officer, Proper Officer for Births, Deaths & Marriages, and Proper Officer under the Local Government Act 1972 to the acting Director of Legal & Governance Services, Jessica Farmer, be confirmed;
- (3) the roles of Electoral Registration Officer, Land Charges Registrar and the Honorary Secretary of the Mayor of Harrow's Charity and the Edward **Harvist** Charity be assigned to the Democratic, Electoral & Registration Services Manager; and
- (4) the Monitoring Officer be authorised to make any necessary changes to the Constitution to reflect the above.

69. Non-Executive fees and charges for 2023-24

RESOLVED: That

- (1) **the fees and charges listed for the financial year 2023-24 set out in Appendix 1 to the officer report be set and approved;**
- (2) **the Director of Finance be authorised to amend fees and charges in year and agree new fees and charges, following consultation with the Corporate Director of Place and the relevant Portfolio Holder.**

70. Revised Statement of Licensing Policy (Licensing Act 2003)

RESOLVED: That the revised Statement of Licensing Policy be approved.

71. Information Report - Decisions taken under the Urgency Procedure - Executive

RESOLVED: That the report be noted.

72. Information Report - Remuneration Packages of £100,000 or greater

RESOLVED: That the report be noted.

73. Questions with Notice

To note that three questions from Councillors to Portfolio Holders had been received. Written responses would be provided.

74. Motions

(i) **“Motion supporting Harrow Council’s opposition to the ULEZ expansion**

Motion in the names of Councillor Paul Osborn and Councillor Marilyn Ashton

This Council notes:

- In the summer of 2022, Harrow Council agreed a motion to oppose Sadiq Khan’s ULEZ expansion and protect our poorest and most vulnerable residents as well as businesses.
- There have been serious concerns raised by many Harrow residents about the impact of this expansion on their family finances and businesses.
- Once expanded, the ULEZ could cost a family with a non-compliant car up to £87.50 per week (£350 per month).
- The Mayor’s own research shows that the ULEZ expansion will make only minimal difference to outer London’s air quality. When weighed with the economic and financial devastation the ULEZ will cause to Harrow, this nominal benefit is not justifiable.
- The £200 million minimum cost of expanding the ULEZ could be spent on far better and more positive schemes that work with local people to improve London’s air quality.
- Harrow Council, alongside Hillingdon, Bexley, Bromley and Surrey County Council, has applied for permission for a Judicial Review of the Mayor’s decision to expand the ULEZ to outer London.

This Council believes:

- It is highly likely that Sadiq Khan will move the goalposts and widen the criteria for the ULEZ scheme sometime after it is expanded and does not believe the Mayor is expanding the scheme using £200 million only to generate ‘nominal income’.

This Council resolves:

- To fully support local residents in opposing Sadiq Khan’s money making ULEZ tax.
- To fully support the Administration in refusing to cooperate with TfL in installing any ULEZ infrastructure.
- To fully support the administration’s application for a Judicial Review of the Mayor’s decision.”

RESOLVED: That the Motion, as set out above, be adopted.

[Note: Councillors Susan Hall, Asif Hussain and Stephen Greek left the room for the discussion and vote on this item].

75. Termination of Meeting

At 9.19 pm, during the debate on items 8-12, it was proposed that the guillotine be extended until the conclusion of the budget debate. Members assented to continue until the budget debate was completed following which the guillotine be applied.

RESOLVED (unanimously): That the provisions of Rules 9.2 and 9.3 be applied.

(Close of Meeting: All business having been completed, the Mayor declared the meeting closed at 10.10 pm).

COUNCIL
18 MAY 2023

CABINET
RECOMMENDATION
(16 MARCH 2023)

RECOMMENDATION I

**Cabinet and Member
Engagement in the
Commissioning and
Procurement Programme**

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Cabinet

Minutes

16 March 2023

Record of decisions taken at the meeting held on Thursday 16 March 2023.

Present:

Chair: Councillor Paul Osborn

Councillors: David Ashton Mina Parmar
Marilyn Ashton Anjana Patel
Stephen Greek Pritesh Patel
Hitesh Karia Norman Stevenson

**Non-Executive
Cabinet Member:** Thaya Idaikkadar
Kanti Rabadia

**Non-Executive
Voluntary Sector
Representatives:** John Higgins
Harrow Youth Parliament Representative

**In attendance
(Councillors):** Stephen Hickman For Minute 121
Eden Kulig For Minute 121
David Perry For Minute 117-127

**Joined virtually
(Councillors):** Jean Lammiman

Recommended Items

123. Cabinet and Member Engagement in the Commissioning and Procurement Programme

Resolved to RECOMMEND: (to Council)

That the amendments to the Contract Procedure Rules as set out in Appendix 1 to the officer report be agreed.

Contract Procedure Rules

February 2023

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Table 1: Authorisation and Acceptance Thresholds

Total Spend/Aggregate Contract Value (including VAT)	Procurement Process	Documentation Required	Authorisation under Scheme of Delegation for Award of Contract
<p>Low Value non-recurring spend up to £1,500</p> <p>Upper Limit for Petty Cash and cheques is £250</p>	<p>Procurement Cards should be used in accordance with the Procurement Card policy.</p> <p>In accordance with the Petty Cash and Cheque policy.</p>	<p>Receipts must be kept as evidence of purchase.</p>	<p>Not Applicable</p>
<p>REQUEST FOR QUOTATION</p> <p>£0-£49,999</p>	<p>Minimum 1 Quotation required for purchases up to £4,999 which must be from a Local Business</p> <p>Minimum 3 Quotations required for purchases between £5,000 up to £49,999 of which at least 1 must be from a Local Business</p> <p>Please note that you must include VAT in the value before determining your procurement route</p>	<p>Quotation must be attached to the requisition in D365</p> <p>Mosaic – manual copies of Quotations / Contracts must be kept on file.</p> <p>As a minimum the council's Very Low Value Terms and Conditions of Contract must be issued with the purchase order.</p>	<p>Grade 9 – Grade 11 For purchases up to £24,999</p> <p>Management Grade For purchases from £25,000 to £49,999</p>
<p>TENDER PROCESS</p> <p>£50,000 – £99,999</p>	<p>Procurement can be consulted.</p> <p>Please note that you must include VAT in the value before determining your procurement route</p> <p>Minimum 3 proportionate tenders required from suitable Suppliers. At least 1 must be from a Local Business.</p>	<p>A written Contract must be signed by the Council and the Supplier.</p> <p>No Selection Questionnaire (SQ) Required: Suitability Assessment Questions only</p>	<p>Director Grade</p>

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<p>TENDER PROCESS</p> <p>PROCUREMENT INVOLVEMENT IS MANDATORY</p> <p>£100,000 - £249,000</p>	<p>Please note that you must include VAT in the value before determining your procurement route</p> <p>Authority to procure must be obtained <u>prior to any tender activity commencing by completing a Procurement Gateway 1 report. The Directorate Procurement Board must be consulted on the report before obtaining approval from the relevant Director exercising their delegated powers.</u> by the relevant Director exercising their delegated powers and completing a Procurement Gateway 1 report and consulting the Directorate Procurement Board on seeking clearance - this report from the Directorate Procurement Board prior to any tender activity commencing.</p> <p><u>The procurement Mm</u> must be advertised and tendered via the London Tenders Portal and Contracts Finder.</p> <p>Procurement of supplies, services and works over the current Financial Thresholds* requires a UK Notice and advertising.</p> <p><u>Authority to award must be obtained prior to any supplier being given a contract, by completing a Procurement Gateway 2 report. The Directorate Procurement Board must be consulted on the report before obtaining approval from the relevant Director exercising their delegated powers. When required Standstill Period must be observed prior to award of Contract.</u></p> <p>Approval to award must be obtained by the relevant Director exercising their delegated powers and completing a Procurement Gateway 2 award report and consulting seeking clearance from the Directorate Procurement Board on this report. and subsequently signed approval from the relevant Scheme of Delegation signatories. When required Standstill Period must be observed prior to award of Contract.</p>	<p><u>Procurement Gateway 1 report – Authority to Procure</u></p> <p>UK Notice to be Published (if applicable) and Contracts Finder advert</p> <p>SQ only required for procurement above Financial Thresholds</p> <p>Invitation to Tender documents which will include Terms and Conditions of Contract; Service Specification; Method Statement Questions; Pricing Document; Information to Tenderers including clear evaluation criteria and sub criteria.</p> <p><u>Procurement Gateway 2 – Award Report</u></p> <p>UK Notice to be Published on FTS (if applicable) and Contracts Finder Contract Notice and Contract Award Notice</p> <p>The Council’s Terms and Conditions of Contract must be approved and sealed by the Director of Legal and Governance Services.</p> <p>The master signed and sealed copies must be sent to the Corporate Procurement Team. A master copy will then be sent to the Supplier and one master retained by the Corporate Procurement Team,</p>	<p>Corporate Director Grade</p>
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Total Spend/Aggregate Contract Value	Procurement Process	Documentation Required	Authorisation under Scheme of Delegation for Award of Contract
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<p>TENDER PROCESS</p> <p>PROCUREMENT INVOLVEMENT IS MANDATORY</p> <p>£250,000 - £499,999</p>	<p>Please note that you must include VAT in the value before determining your procurement route</p> <p>The Directorate Portfolio Holder and the Portfolio Holder with responsibility for Finance and <u>Human</u> Resources must be consulted at the pre procurement planning stage. <u>[See Section 14]</u></p> <p><u>Authority to procure must be obtained prior to any tender activity commencing by completing a Procurement Gateway 1 report. The Directorate Procurement Board must be consulted on the report before obtaining approval from the relevant Director exercising their delegated powers.</u></p> <p>Approval to procure should be obtained by completing the relevant director exercising their delegated powers and completing a Procurement Gateway 1 report and consulting seeking clearance from the Directorate Procurement Board prior to any tender activity commencing.</p> <p>Must be advertised and tendered via the London Tenders Portal and Contracts Finder.</p> <p>Procurement of supplies, services, and works over the current Financial Thresholds and requires a UK Notice and advertising.</p> <p><u>Authority to award must be obtained prior to any supplier being given a contract, by completing a Procurement Gateway 2 report. The Directorate Procurement Board must be consulted on the report before obtaining approval from the relevant Director exercising their delegated powers. When required Standstill Period must be observed prior to award of Contract.</u></p> <p>Approval to award must be obtained by the relevant director exercising their delegated powers and completing a Procurement</p>	<p><u>Procurement Gateway 1 – Authority to Procure</u></p> <p>UK Notice to be Published on FTS (if applicable) and Contract Finder advert (if applicable)</p> <p>SQ required.</p> <p>Invitation to Tender documents which will include: Terms and Conditions of Contract; Service Specification; Method Statement questions; Pricing document; Information to Tenderers including clear evaluation criteria and sub criteria.</p> <p><u>Procurement Gateway 2 – Award Report</u></p> <p>UK Notice to be Published on FTS (if applicable) and Contracts Finder Contract Notice and Contract Award Notice</p> <p>The Council's High Value Terms and Conditions of Contract must be approved and sealed by the Director of Legal and Governance Services.</p> <p>The master signed and sealed copies of Contract must be sent to the Corporate Procurement Team. One master copy will then be sent to the Supplier, and one retained by the Corporate Procurement Team.</p> <p>Page 6 of 34</p>	<p>Portfolio Holder with responsibility for Finance and Resources.</p> <p>ONE OF THE FOLLOWING:</p> <p>Chief Executive</p> <p>Director of Finance</p> <p><u>Counter Signature</u></p> <p><u>Portfolio Holder with responsibility for Finance and Human Resources.</u></p>
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Total Spend/Aggregate Contract Value	Procurement Process	Documentation Required	Authorisation under Scheme of Delegation for Award of
<p>TENDER PROCESS</p> <p>PROCUREMENT INVOLVEMENT IS MANDATORY</p> <p>£500,000+ and all Key Decisions</p>	<p>Please note that you must include VAT in the value before determining your procurement route</p> <p>The Portfolio Holder with responsibility for Finance and <u>Human</u> Resources must be consulted at the pre procurement planning stage. [See Section 14]</p> <p>Directorate Portfolio Holder must be consulted throughout the commissioning planning and procurement phase of the project. [See Section 14]</p> <p>Approval to procure should be obtained by completing a cabinet report and having a Cabinet decision prior to any tender activity commencing.</p> <p>Must be advertised and tendered via the London Tenders Portal and Contracts Finder.</p> <p>Procurement of supplies, services and works over the current Financial Thresholds requires a UK Notice and advertising.</p> <p>Approval to award must be obtained by a Cabinet decision to make an award of Contract.</p> <p>When required Standstill Period must be observed prior to award of Contract.</p>	<p>The Procurement must be recorded on the Key Decisions Forward Plan. Cabinet authority Report – Seeking mandate to commence procurement must be obtained. This report must be cleared by the Portfolio Holder for the service and the Portfolio Holder for Finance and Human Resources before it is submitted to Cabinet for approval.</p> <p>UK Notice to be Published on FTS (if applicable) and Contracts Finder Advert. An SQ is required.</p> <p>Invitation to Tender Documents which will include: Terms and Conditions of Contract; Service Specification; Method Statement Questions; Pricing Document; Information to Tenderers including clear evaluation criteria and sub criteria.</p> <p>The Cabinet report seeking approval to award a Contract. This report must be cleared by the Portfolio Holder for the service and the Portfolio Holder for Finance and <u>Human</u> Resources before it is submitted to Cabinet for approval.</p> <p>Where delegated authority to award is being requested then the delegations requested must be as set out in the next column. has been obtained, this should be documented via a Gateway 2 award report must be writtend where delegated authority to award exists.- must be cleared by the delegated authorities as approved by Cabinet.</p> <p>UK Notice to be Published (if applicable) and Contracts Finder Contract Notice and Contract Award Notice</p> <p>The Council's High Value Terms and Conditions of Contract must be approved and sealed by the Director of Legal and Governance Services. The master signed and sealed copies of Contract must be sent to the Corporate Procurement Team. One master copy will then be sent to the Supplier, and one retained by the Corporate Procurement Team.</p>	<p>Cabinet</p> <p>When delegated authority to award has been approved by Cabinet then the Corporate Director responsible for the contract that has been given the delegation to award must do so in consultation with the PH for the service area and the PH for Finance and Human Resources</p>

Table 2: Waiver Approval Process

Waiver Value	Documents required for waiver approval	Waiver approval
£25,000 - 99,999	<p>Please complete the online waiver form well in advance of when you wish to engage the Supplier. The waiver form can be accessed via the Hub. Please see link below:</p> <p>Waivers</p> <p>Waiver requests for the same Supplier and service after the first that results in the aggregate value of the waiver going over £100,000 will need to follow the waiver approval process in the band below.</p>	<p>1) Divisional Director; and</p> <p>2) Head of Procurement or Procurement Business Partner from the Corporate Procurement Team</p>
Over £100,000	<p><u>Authority to award must be obtained prior to any supplier being given a contract, by completing a Procurement Gateway 2 report. The Directorate Procurement Board must be consulted on the report before obtaining approval from the relevant Director exercising their delegated powers.</u></p> <p>Waiver requests for the same provider and service that results in the aggregate value of the waivers going over £500,000 will need to follow the waiver approval process in the band below.</p>	<p>£100,000>£249,000 Corporate Director</p> <p>£250,000>£499,999 CEO or Director of Finance and the Portfolio Holder with responsibility for Finance and <u>Human</u> Resources</p>
Over £500,000	Cabinet report– Seeking mandate to award through waiver – must consult the Directorate Procurement Board prior to Cabinet submission for approval as a Key Decision.	Cabinet
<p>Please note: Where a waiver is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to Council services, a corporate director may authorise the recommendations of the waiver immediately. Where a Procurement Gateway 2 award report documenting the exercise of delegated powers or a Cabinet report is required this should subsequently be submitted to the relevant Procurement Board and/or Cabinet for noting. Decisions over the Key Decision threshold will need to be decided via the Leader acting as urgent Cabinet.</p> <p>Waivers from compliance with Public Contracts Regulations 2015 cannot be granted.</p>		

Key Requirements:

*To find Local Businesses in Harrow, please follow this link to access the Harrow Business Directory.

[Local Business Directory](#)

- No commitment must be given to a Supplier for Supplies or Services prior to a Purchase Order being raised. Please see 5.13 of these CPRs.
- Financial disaggregation of Estimated Procurement Value to avoid compliance with these and the Public Contracts Regulations 2015 is prohibited.
- Contracts, whether income or expenditure, should be captured on the Council's Contracts Register as required by the Transparency Code.
- Equality Impact Assessments must be carried out where there could be equalities implications.
- For the procurement of Care Spot Placements: People Services Directorate please see 6.8 of these CPRs.
- Contract awards under the rules of a Framework Agreement only require a Cabinet report or Gateway 2 report for approval of award recommendations.

The Financial Threshold above which the Public Contracts Regulations must be applied are.

£213,447 (Inc VAT) Supplies and Services

£663,540 (Inc VAT) Light Touch Services

£5,336,937 (Inc VAT) Works and Concessions

Contract Variation or Extension Acceptance**Extensions and Variations****Below Financial Threshold**

- If no significant change in scope and costs are within 10% of Contract value - extend with relevant Budget Holder approval
- If costs are above 10% of Contract Value - a waiver approval will be required.

Above Financial Threshold

- If no significant change in scope and costs are within 10% of the Estimated Procurement Value - extend with approval of relevant Budget Holder & Head of Procurement and/or Procurement Business Partner.
- If costs are above 10% seek advice from Head of Procurement and/or Procurement Business Partner and Legal because there may be a legal requirement to advertise again to the market.
- Note that it is only possible to vary a Contract awarded following a procurement fully regulated by the Public Contracts Regulations in limited circumstances (including where the variation or extension option was clearly set out in the original UK Notice and in the Contract). Seek advice from the Procurement Business Partner and HB Public Law in these cases.

1 PREAMBLE

- 1.1 The Council's Contract Procedures Rules are designed to ensure that stewardship and probity are maintained within the Council and that Approved Officers obtain Best Value services and economic, social and environmental value from purchasing arrangements. [The Council should follow the Best Value Statutory Guidance: Best value statutory guidance \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/guidance/best-value-statutory-guidance)
- 1.2 These Contract Procedure Rules should be read in conjunction with the Council's Financial Regulations which set out mandatory financial procedures to be followed. These can be found [here](#)
- 1.3 These Contract Procedure Rules are designed to ensure compliance with the Council's Constitution, Council policies, Public Contracts Regulations 2015 and English law.
- 1.4 Tables 1 and 2 at the beginning of this document set out in summary the key requirements that must be adhered to. However, you are strongly advised to refer to the rest of this document for further guidance and to seek the advice and support of the Corporate Procurement team and HB Public Law as appropriate.

2 INTRODUCTION

- 2.1 The Council is responsible for spending substantial public funds and managing other assets and has a duty to demonstrate high standards of probity and stewardship in the day-to-day management of its affairs. [To that end it is expected that our day-to-day duties are conducted consistent with the Seven Principles of Public Life¹](#)
- 2.2 The Council purchases Supplies, Services and Works from the private, independent and third sector as well as from other public bodies. The process of identifying what and why we buy, how much we buy, from whom and at what price is extremely important and we have a duty to ensure this process is underpinned by the requirements of the Public Contracts Regulations which include equality of treatment, transparency and non-discrimination. Commissioning and Procurement decisions are amongst the most important the Council makes because we are spending public money and therefore are publicly accountable.
- 2.3 The Council has a responsibility to ensure that, as a minimum, Supplies, Works and Services are of good quality and are competitively but sustainably priced.
- 2.4 Effective, efficient and economic use of resources in order to achieve Best Value is a statutory duty. In working to achieve Best Value, the Council must consider overall value, including economic, environmental and social value. This requirement is embodied in the Public Services (Social Value) Act 2012 for Services Contracts above the Financial Threshold and in the Council's Social Value Policy for other Contracts.
- 2.5 The Council and its officers must always act responsibly and with utmost integrity and comply with statutory requirements. Council officers must always act transparently and avoid acting in an unfair and discriminatory way.

¹ [The Seven Principles of Public Life - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/seven-principles-of-public-life)

- 2.6 If officers fail to comply with these Contract Procedure Rules, which lay down minimum mandatory requirements when engaging in procurement activity, disciplinary action may be considered.
- 2.7 Members and Council employees have a duty to report breaches of Contract Procedure Rules to an appropriate senior manager and the Head of Procurement. Noncompliance with the Contract Procedure Rules will be monitored by Directorate Procurement Boards.
- 2.8 Unless the context otherwise requires, terms used in these Contract Procedure Rules have the meanings set out in the Definitions and Interpretation section.

3 APPLICATION

- 3.1 The Contract Procedure Rules provide the governance structure within which the Council may procure Works, Supplies and Services. The aims of these Contract Procedure Rules are to ensure:
 - 3.1.1 Commitment to the principles of transparency, fairness, proportionality, and equal treatment within the procurement process.
 - 3.1.2 Value for Money and propriety in the spending of public money.
 - 3.1.3 That works, supplies and services are delivered effectively and efficiently without compromising the Council's ability to take strategic decisions.
 - 3.1.4 That the Council is not exposed to unnecessary legal, financial, or reputational risk and challenge arising from non-compliant procurement.
 - 3.1.5 Compliance with legislation, and relevant guidance including Procurement Policy Notes issued by the Cabinet Office.
 - 3.1.6 The delivery of the Council's vision and priorities:
 - The delivery of a well-run Council providing good value for money for all.
 - A Council that Puts Residents First
 - A Borough that is Clean and Safe
 - A Place where those in Need are Supported.
- 3.2 The Governance, Audit Risk Management and Standards Committee (GARMS) and the Constitution Review Working Group (CRWG) may, from time to time, recommend to Cabinet and Council changes to the financial thresholds set out in these Contract Procedure Rules.
- 3.3 The Director of Legal and Governance Services in consultation with the Head of Procurement is permitted to undertake an annual refresh to this document without having to seek CRWG and Cabinet approval. These include any changes required because of a change in law and all non-material changes. This must be done in consultation with the Portfolio Holder with responsibility for Finance and Human Resources to inform them of these changes including what impact they have on the Council.

- 3.4 The Head of Procurement in consultation with the Director of Finance shall maintain and issue the Contract Procedure Rules and the Procurement Strategy. The Contract Procedure Rules take precedence over the Procurement Strategy.

SCHEME OF DELEGATION, CONFIDENTIALITY AND DECLARATION OF INTEREST

- 3.5 -All award of Contracts can only be approved by the Scheme of Delegation as stipulated in the Financial Regulations and set out in table 1 at the front of these CPRs. Awarding a contract without prior approval of the requisite approver as set out in these CPRs and the Financial Regulations is a disciplinary offence.
- 3.6 Where there is inconsistency between these Contract Procedure Rules and the Financial Regulations, the latter take precedence. Please report any inconsistencies in writing to the Director of Finance and the Head of Procurement.
- 3.7 All officers **and members** must take appropriate measures to protect confidentiality and effectively prevent, identify and remedy conflicts of interest arising in the conduct of Procurement procedures to avoid any distortion of competition and to ensure equal treatment of all suppliers. If you are involved in a procurement project, you must ensure you sign a confidentiality agreement and a declaration of interest. A declaration does not automatically exclude anyone from the procurement process, it alerts the procurement leads and allows them to manage the procurement accordingly.

PRE-PROCUREMENT MARKET ENGAGEMENT

- 3.8 Where a Supplier or an undertaking related to a Supplier, has advised the Council, or has otherwise been involved in the preparation of the Procurement procedure, the Council must take appropriate measures to ensure that competition is not distorted by the participation of that Supplier in the Procurement.

➤ The Council must not:

give any one potential Supplier an advantage in bidding over another Supplier or engage in a way that disadvantages one particular Supplier or group of potential Suppliers.

as a result of the early market engagement, shape the procurement and the Council's requirements in favour of any one particular potential Supplier or solution.

- 3.9 Unrestricted and full direct online access free of charge to the procurement documents must be available from the date of the publication in Find a Tender Services of a UK Contract Notice or the date on which an invitation to confirm interest is sent.

4 SCOPE

- 4.1 The Contract Procedure Rules apply to all Procurement activities, including the spending of income or funding received by the Council from external sources.
- 4.2 Where the Council is entering into a Contract as an agent and/or in collaboration with another public body or organisation, these Contract Procedure Rules apply only in so far as they are consistent with the requirements of the organisation with whom we are collaborating. Where the Council is acting as principal the Contract Procedure Rules will take precedence.
- 4.3 The Scheme for Financing Schools 2013 requires schools under Council control to comply with these Contract Procedure Rules.
- 4.4 Framework Agreements that have been established by other Public Sector Bodies that are lawfully accessible to the Council should be used in accordance with the terms and conditions of the relevant Framework Agreement. Contracts awarded under the rules of a Framework Agreement only require a Cabinet report or Gateway 2 report for approval of award recommendations.
- 4.5 The following are out of scope of the Contract Procedure Rules:
 - 4.5.1 Social Care Residential and Nursing Care Spot Placement (see section 6.8)
 - 4.5.2 Any purchase or sale of a property, interest in land, transaction in land and or lease transaction but this must be authorised in accordance with the requirements set out in the Constitution and, specifically, the Management of Asset, Property and Land Rules.
 - 4.5.3 Procurement of Services from other public bodies where it can be evidenced that the body is the only supplier of the Services.
 - 4.5.4 The awarding of grants. However, council officers should always ensure the principles of openness, fairness, non-discrimination, [compliance with the public sector equality duty](#) and Value for Money apply.

5 ROLES AND RESPONSIBILITIES

The Corporate Director with the support of the Head of Procurement is accountable for all Procurement activity in their directorate. Their duties are to ensure:

- 5.1 Compliance with the Public Contracts Regulations 2015, Financial Regulations, Contract Procedure Rules and the Procurement Strategy.
- 5.2 Compliance with the Local Government Transparency Code October 2015 issued by the Department for Communities and Local Government.
- 5.3 Compliance with the Contract Procedure Rules for their Directorate's Procurement activity.
- 5.4 That no Procurement over the specified threshold commences without the approval of a Procurement Gateway 1 report at the appropriate Procurement Board. A Cabinet report and authority is required for all Procurements over £500,000 or where the Procurement

is defined as a Key Decision. (See Table 1)

- 5.5 That no commitment to award a Contract with a Supplier over the specified threshold is made without a Procurement Gateway 2 award report [documenting the exercise of delegated powers](#) having been [considered](#) at the appropriate Procurement Board and having been signed off under the [Financial](#) Scheme of Delegation. A Cabinet report [and authority](#) is required for all procurement over £500,000 or where the Procurement is defined as a Key Decision. (See Table 1)
- 5.6 A Gateway 2 award report does not need to be written where approval of an award is required from Cabinet. However, all Cabinet reports must be [considered](#) ~~approved~~ by the Directorate Procurement Boards as part of their journey to Cabinet for approval. However, where Cabinet has delegated authority [to an officer](#) to make an award decision then a Gateway 2 report will need to be written [to document the exercise of this delegation](#) and taken to the relevant Directorate Procurement Board ~~and the award approved by the delegated signatories~~.
- 5.7 That Works, Supplies and Services delivered or provided by Suppliers for the Council are approved and covered by suitable Council terms and conditions of Contract so that the responsibilities of each party are clear.
- If it is deemed necessary to sign up to third party terms and conditions of contract legal advice must be sought from HB Public Law on all legally binding Contracts entered by the Council.
- 5.8 That the ten calendar days Standstill Period between the Contract award decision and Contract signature is observed where required to do so. The 10-day period ends at midnight following the tenth day. If the 10th day is a weekend, then the period is extended to the next working day. Seek procurement and legal advice on this matter.
- 5.9 Ensure that Contract terms and conditions to be used in Procurement have been approved by the Director of Legal and Governance Services.
- 5.10 That they use their best endeavours to ensure that no Contract commences prior to the Terms and Conditions of Contract being signed and, where necessary, sealed.
- 5.11 That all master copies of Contracts are delivered to the Procurement Team.
- 5.12 That all Key Decisions as defined in Article 13 of the Constitution are recorded on the Council's Forward Plan.

PURCHASE ORDERS

- 5.13 It is mandatory under section D42 of the Financial Regulations to raise Purchase Orders on the Corporate Financial System prior to procuring Works, Supplies and Services, unless an exemption is approved by the Director of Finance. [It is a serious breach of the Financial Regulations and CPRs to engage with suppliers and to order the provision of Goods, Works or Services without the appropriate approvals to do so. No order must be made without raising a purchase order to the value of the purchase. The Purchase Order Number must also be referenced on the invoices.](#)

If you raise a PO via 'describe what you need' and this is approved by a budget manager and procurement; and you then need to make an amendment, the amendment **MUST NOT** take the Net Value over £25k. If the value is taken over £25,000 it is a **serious breach** of the CPRs and Financial Regulations.

The Services exempt [when required to be] from this rule are:

- Sexual Health (GUM) Services
- Emergency and immediate spot placement of residential and nursing services;
- Barrister Fees; Court Order Disbursements; and Law Library Encyclopaedia

- 5.14 that all Contracts are awarded based on the *Most Economically Advantageous Tender (MEAT)*. The MEAT shall be assessed from the Council's point of view, on the basis of the price or cost, using a cost-effectiveness approach, such as Life-Cycle Costing, and may include the best price-quality ratio, which shall be assessed on the basis of criteria, such as qualitative, environmental and/or social aspects, linked to the subject-matter of the Contract.
- 5.15 Identify, evaluate, record and appropriately mitigate risk (e.g., provision of performance bond, parent company guarantee and appropriate payment provisions and termination clauses within Contracts).
- 5.16 that all Invitation to Tender documents clearly describe the Evaluation Criteria, sub criteria and weighting and that the tender evaluation is based strictly on the published criteria and weighting.
- 5.17 That Evaluation Criteria require the bidder to state how they will meet social value and environmental considerations (for example - employment, training, apprenticeships, use of SME's and local Suppliers). Please see the Social Value Policy for guidance.
- 5.18 The Council has declared a climate emergency and has committed to working towards becoming a carbon neutral organisation by 2030. All tendering must evaluate Suppliers on their ability to deliver greenhouse gas emission reductions, with a minimum 5% weighting of the total evaluation criteria. Consideration should be given to increasing this percentage in relation to Works, Goods and Services with a high carbon impact. Opportunities for carbon reduction should also be considered in lower value procurement that is not subject to formal tendering. If required, please seek the advice of the Head of Procurement and Head of Natural Resources and Climate.
- 5.19 Immediate corrective action is taken in the event of a breach of the Contract Procedure Rules with the support of the Corporate Procurement Team and HB Public Law.
- 5.20 That their Directorate works closely with the Corporate Procurement Team to develop category strategies and plan and deliver a programme of Procurement delivery which includes all commissioning intentions and planned Procurement activity and that this is monitored and refreshed on an annual basis.
- 5.21 That the use of the FB60 method of payment is consistent with the guidance set out by the unsupported payments procedure note within the Financial Regulations.
- 5.22 That Contracts are not artificially underestimated or disaggregated into two or more

separate Contracts where the intent is to avoid the application of the Contract Procedure Rules or The Public Contracts Regulations

- 5.23 That Suppliers explain the price or costs proposed in the tender where tenders appear to be abnormally low in relation to the Works, Supplies or Services. This is a legal requirement under The Public Contracts Regulations 2015.

6 AUTHORISATION

- 6.1 All Procurement over £100,000 requires the engagement of the Corporate Procurement Team and HB Public Law.
- 6.2 Finance, Procurement, Legal and, where appropriate Audit, ICT **and Planning** clearance must be obtained within reports before they are submitted to Procurement Boards or Cabinet.
- 6.3 A Procurement Gateway 1 report documenting the exercise of delegated powers or Cabinet report (see Table 1) for commencement of a Procurement activity must be considered presented and approved by the respective Procurement Board and Cabinet.
- 6.4 A Procurement Gateway 2 report or Cabinet report (see Table 1) for contract award must be presented to and approved considered by the respective Procurement Board and Cabinet.
- 6.5 Any Procurement must be authorised in accordance with the Scheme of Delegation as published within the Financial Regulations.
- 6.6 All Service Leads must consider whether it is appropriate to complete an Equalities Impact Assessment.
- 6.7 A partnership arrangement must not be used as a means of avoiding the Contract Procedure Rules or The Public Contracts Regulations. All new partnership arrangements are required to be reported as required by section E7 of the Financial Regulations. This clause is not applicable to the award of grant payments.
- 6.8 Procurement of Social Care Spot Placements: People Services Directorate
- 6.8.2 A general waiver is granted so that there is no need to tender such requirements acknowledging at all times that the Council has a duty to achieve Best Value in making such placements.
- 6.8.3 The Corporate Director of People Services must have in place a process that requires the approval of a Head of Service or a more senior Council officer for all new placements where the annual value of a placement is likely to exceed £62,500.
- 6.8.4 All new placements where the annual value is likely to exceed £125,000 require the approval of the relevant Statutory Director.
- 6.8.5 All new placements where the annual value exceeds £250,000 require the above approvals of the relevant Statutory Director and the Portfolio Holder with responsibility for the respective department must be consulted.

6.8.6 The Corporate Director of the Peoples Directorate must, as a minimum, annually review all care placements (existing and new) in order to continue to demonstrate Value for Money and Best Value. A report will be required to be presented to the Directorate Procurement Board annually on the completion of the review.

7 PROCUREMENT METHOD

- 7.1 Approved Officers must treat Suppliers equally and without discrimination and must act in a transparent and proportionate manner.
- 7.2 Before commencing a Procurement procedure Approved Officers may conduct market consultations with a view to preparing the Procurement and informing Suppliers of their Procurement plans and requirements provided that it does not have the effect of distorting competition and does not result in a violation of the principles of non-discrimination and transparency. Officers may, for example, seek or accept advice from independent experts or authorities or from market participants. [See 3.8 above]
- 7.3 The default position in acquiring Works, Supplies and Services should always be through competition, that is through competitive tendering. Please refer to Table 1 of these Contract Procedure Rules to determine the Procurement process that should be used. The Procurement Team must be involved and engaged on the Procurement strategy/approach to be adopted for all purchases over £100,000. Similarly, the Economic Development Team must be consulted on promoting opportunities to local companies through Business Newsletters and Supplier Events.
- 7.4 The E-Procurement portal can be used for any Procurement where the lifetime value of the Contract exceeds £ 50,000.
- 7.5 The use of Selection Questionnaires is only required for contract values above the Financial Threshold. Suitability Assessment Questions may be asked as appropriate for contract values below the Financial Threshold.
- 7.6 The Head of Procurement must approve accessing externally established Framework Agreements. Approval for subsequent call-offs from the approved Framework Agreements will be subject to the requirements of these Contract Procedure Rules and compliance with the rules for call-off set out in the Framework Agreement.
- 7.7 Officers may decide to award a Contract in the form of separate lots and may determine the size and subject matter of such lots. They must document the main reasons for their decision not to subdivide into lots in the gateway reports.

7.8 Concession Contracts

The Concession Contracts Regulations 2016 (CCR) apply to the award of Works Concession Contracts or Services Concession Contracts above £5,336,937 (Inc VAT)

Concession Contracts must meet the following requirements:

- The award of the contract involves the transfer to the concessionaire of an operating risk in exploiting the Works or Services encompassing demand or supply risk or both.
- The part of the risk transferred to the concessionaire involves real exposure to the vagaries of the market, such that any potential estimated loss incurred by the concessionaire is not merely nominal or negligible. The concessionaire shall be deemed to assume operating risk where, under normal operating conditions, it is not guaranteed to recoup the investments made or the costs incurred in operating the Works or the Services which are the subject-matter of the Concession Contract

The same general principles that apply to other procurement rules apply to the award of Concession Contracts. In particular, the Council must treat providers equally and without discrimination and must act in a transparent and proportionate manner.

Seek advice from Corporate Procurement Team and HB Public Law if you consider that you might want to award a Concession Contract

8 INFORMATION GOVERNANCE

- 8.1 When procuring, the responsible Council officer must ensure Due Diligence checks are carried out to provide sufficient guarantees that the Supplier's technical and organisational security measures for handling and protecting information and data are appropriate, suitable, and lawful. This is a requirement under Principle 7 of the Data Protection Act.
- 8.2 Evidence of these checks, copies of policies and guarantees provided by the Supplier must be retained by the Council officer responsible for management of the Contract and be regularly reviewed throughout the life of the Contract.
- 8.3 Contract managers must ensure appropriate security measures are applied to prevent the unauthorised or unlawful processing of personal data or accidental loss or destruction of, or damage to, personal data.

9 ACCEPTANCE

- 9.1 Awarding and entering into contractual arrangements for values above £50,000 is subject to:
 - 9.1.1 Re confirmation of budgetary provision as initially identified and allocated prior to any Procurement activity.
 - 9.1.2 Confirmation of acceptable financial status of the Supplier; and

- 9.1.3 The Council's Terms and Conditions of Contract must be signed for values over £50,000 and sealed for all Contracts over £100,000 prior to the commencement of Contract. Legal input from HB Public Law should be sought on Contracts.
- 9.2 Awarding and entering contractual arrangements for values above £100,000 is subject to:
- 9.2.1 A Procurement Gateway 1, Procurement Gateway 2 or a Cabinet report approved by the relevant Procurement Board/Cabinet and the Scheme of Delegation (as per sections F3/F4 of the Financial Regulations). As required per Table 1.
- 9.2.2 The Contract being sealed by the Director of Legal & Governance Services.
- 9.3 Acceptance thresholds for Contract extensions and variations of all values are subject to further conditions as set out in Section 12 (Extensions and Variations) of these Contract Procedure Rules.

10 CONTRACTS SIGNING and SEALING

- 10.1 Every Contract or Contract novation must be in a form approved by the Director of Legal and Governance Services or delegated officer if its value exceeds £50,000 or where it is appropriate to seek such approval due to the nature of the Contract.
- 10.2 Contracts with an Estimated Procurement Value greater than £100,000 must be sealed on behalf of the Council, unless the Director of Legal and Governance Services or delegated officer directs otherwise. Legal input from HB Public Law should be sought on such Contracts.

Where the Contract term is not fixed the Estimated Procurement Value is calculated by multiplying the monthly spend value by 48 in accordance with Regulation 6 of the Public Contracts Regulations 2015 .

In the case of Framework Agreements or Dynamic Purchasing Systems the Estimated Procurement Value is calculated to include the total estimated value, net of VAT, of all the individual contracts envisaged for the total term of the Framework Agreement or the Dynamic Purchasing System.

For Concession Contracts the estimated value will be the total turnover of the concessionaire generated over the duration of the contract (net of value added tax) in consideration for the works and services which are the object of the Concession Contract and the supplies incidental to such works and services.

- 10.3 Framework Agreements entered into with respect to the provision of social care to individual service users do not require sealing and need only to be signed by the respective Director or their nominated representative.

- 10.4 In the circumstances where a Court or Tribunal directs a particular placement, it must be sealed.
- 10.5 Where the Director of Legal and Governance Services or delegated officer considers it desirable that a Contract should be sealed other than as specified above, then such a Contract must be sealed.
- 10.6 All Contracts should have a clear start and end date, detail any extension options and full aggregate value of the Contract including extension period.

11 CONTRACT MANAGEMENT

- 11.1 Contract and Supplier Relationship Management is pivotal to the successful delivery of the Contracts that we award. A contract manager must be nominated for each eContract over £50,000 and is responsible for monitoring the performance of the Supplier and the Contract.
- 11.2 During the life of the Contract, Corporate Directors, Divisional Directors and Lead Commissioners must ensure that the Council's approved processes for contract management, as set out in the Contract Management Procedures are followed.
- 11.3 For the avoidance of doubt, officers shall not issue instructions commissioning new Services and/or variations directly to any sub-contractor of a primary contractor of the Council. All communication for variations and change of scope must be directed to the primary contractor not their sub-contractors. Day to day communication relating to delivery of their responsibilities as sub-contractors is permitted.

12 EXTENSIONS and VARIATIONS

- 12.1 Contracts may only be extended without having to seek further Directorate Procurement Board approval if the provisions of 12.1.1 to 12.1.4 are met:
- 12.1.1 The original Contract was awarded following a Contract Procedure Rules compliant competitive tender or Quotation process and includes an option to extend without seeking further approval.
 - 12.1.2 The extension or variation is in accordance with the terms and conditions of the existing Contract. Input from HB Public Law and the Corporate Procurement Teams should be sought to confirm this is the case and to support the drafting of the extension and/or variation documents.
 - 12.1.3 If the initial Contract was subject to the Find a Tender Services (FTS) tender procedure, that the extension option was declared within the UK Contract Notice and is contained in the Contract.
 - 12.1.4 The Contract has not been extended beyond the approved extension period.
- 12.2 In the event that the provisions of 12.1.1 to 12.1.4 are not met then a Waiver must be sought in accordance with section 13 (Waivers) or alternatively a new Procurement must commence.

12.3 Regulation 72 of the Public Contracts Regulations 2015 permits an amendment, extension or renewal of an existing Contract without triggering a new Procurement exercise in the following cases:

- a) The original Contract includes a “clear, precise and unequivocal review clause”. The overall nature of the Contract must not be altered as a result of the change.
- b) New Works, Services or Supplies need to be purchased from the Supplier and a change of Supplier cannot be realistically made for economic or technical reasons and would cause significant inconvenience or substantial duplication of the Council’s costs. This is subject to the provision that each change does not increase the Contract’s value by more than 50 per cent as a result.
- c) Circumstances have arisen that the Council could not reasonably have foreseen and that require an amendment to the existing Contract. The Contract’s overall nature must not be altered and the Contract’s value must not increase by more than 50 per cent because of any change.
- d) A new Supplier is required to replace the Supplier originally party to the Contract, either because this is the result of corporate restructuring, including takeover, merger, acquisition or insolvency leading to a universal or partial succession of the original Supplier, or because this change was envisaged in a review clause in the original Contract. This provision cannot be relied on if the Supplier is being replaced for a different reason.
- e) The value of the modification is both below the Financial Threshold and is less than 10 per cent of the initial Contract value (where the Contract is for Supplies or Services) or less than 15 per cent of the initial Contract value, in the case of a Works Contract. More than one change can be made under this provision provided the cumulative value of the modifications do not exceed the Financial Threshold.
- f) The proposed modifications are insubstantial. This does not include any modifications that result in any of the following:
 - the Contract would become materially different.
 - the scope of the Contract would extend considerably.
 - the outcome of the initial Procurement procedure would have been different had the modification been implemented at that time. For example, other tenders would have been accepted or other candidates would have been admitted.
 - the economic balance would shift in favour of the Supplier; or
 - a new Supplier would replace the original Supplier in a circumstance not provided for in d) above.

12.4 Officers must consult the Procurement team and HB Public Law to confirm if any of the circumstances set out in section 12.3 above apply, permitting a Contract amendment, extension or renewal and must also comply with the Authorisation and Acceptance Thresholds in Table 1

A Contract Variation Notice needs to be sent to Find a Tender Service in the case of Contract variations permitted and made in accordance with paragraphs b) and c) of section 12.3 above.

12.5 In the event that the provisions of 12.3 are not met then a Waiver must be sought in accordance with section 13 (Waivers) or alternatively a new Procurement must commence.

13 WAIVERS

- 13.1 Circumstances may arise where permission is required to waive one or more of the Contract Procedure Rules. Waivers are reserved for exceptional circumstances and will only be approved where good and sufficient reason has been demonstrated. A Waiver will not be granted simply on the grounds of convenience or because of inadequate forward planning. The Council can only waive the rules established by the Council – the Council cannot waive UK law or the Public Contracts Regulations 2015.
- 13.2 All Waivers must be approved as per Table 2: Waiver Approval Process.
- 13.3 Waivers to any of the Council's rules must be sought in advance of any contractual agreement, order placement, use of Works, Services or purchase of Supplies. Any waiver requests that are submitted in a timeframe that does not allow for an alternative route to be taken will be deemed to be non-compliant and a breach of the CPRs
- 13.4 Procurement of Social Care Spot Placements – (i.e. individual placements that fall outside of any block contracting arrangements) A general Waiver is granted so that there is no need to tender such requirements acknowledging at all times that the Council has a duty to achieve Best Value in making such placements. (Please refer to 6.8 of these CPRs)
- 13.5 Any Waiver, wherever possible, should not be more than one year in duration, unless it can be demonstrated that any longer period is in the best interest of the Council.
- 13.6 Waiver requests for the same Supplier and service after the first that results in the aggregate value of the waivers going over the £100,000 will need to follow the waiver approval process for the next band below as per table 2
- 13.7 Waiver requests for the same Supplier and service that results in the aggregate value of the waivers going over the £500,000 will need to follow the waiver approval process for the next band below as per table 2.
- 13.8 Normally the circumstances under which a Waiver can be agreed are:
- a. **Sole Supplier:** It can be proven that there is only one Supplier who can deliver the Supplies or Services. (It is considered better practice to issue a tender to evidence that there is only one Supplier.)
 - b. **Demonstrable Best Interest:** It can be demonstrated that it is in the Council's best interest and this is clearly demonstrated in the Waiver report.
 - c. **Emergency:** There is a clear need to provide a service or a product immediately in the instance of a sudden unforeseen crisis; the immediate risk is to health, life, property or environment.
 - d. **Service Imperative:** Demonstrable circumstance that is exceptional.
 - e. **Extension as a Waiver:** Where an extension to a Contract is being sought but it

is not possible under the current terms and conditions of the Contract.

14. Procurement Governance: Cabinet and Member Engagement

14.1 All Cabinet reports seeking approval to commence a procurement for the acquisition of Works, Goods or Services must be accompanied by the tender documents and a recommendation seeking approval of the tender documents.

14.2 The development of the tender documents prior to seeking approval by Cabinet must be done in close engagement and consultation with the portfolio holder for the service and any other portfolio holder that is considered to have an interest in the outcome of the tendering exercise.

14.3 Where approval is being sought from Cabinet for a programme of procurement, delegated authority may be given by Cabinet to the Corporate Director in consultation with the Director of Finance (S151 Officer) and the Portfolio Holder responsible for the programme to commence each procurement and award all contracts under the programme. All commencement and award approvals must follow the procurement gateway process.

14.4 Following Cabinet approval to commence procurement as set out above, the procurement process must commence no later than eight weeks after the approval has been granted unless otherwise approved by Cabinet.

DEFINITIONS and INTERPRETATION

Term	Definition/Interpretation
Acceptance	The authorisation to enter a Contract with a particular Supplier(s) on the terms, conditions and at the price(s) as set out in the Contract documents.
Approved Officer	The Corporate Director, Divisional Director, Service Lead or Lead Commissioner Officer who has responsibility for all Contracts tendered and let by their Directorate including Contract monitoring and management once the Contract is in place.
Authorisation	The approval required to enable any Procurement to commence or any Contract to be awarded.
Best Value	The duty on local authorities to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the Council.
Budget	All the financial resources allocated to different services and projects.
Cabinet	The Councillors who, together with the leader, form the executive
Cabinet Report	A report that is required to be submitted to Cabinet.
Chief Executive	The most senior officer, with overall responsibility for the management and operation of the Council.
Head of Procurement and Procurement Business Partner	The officer in the Corporate Procurement Team that has responsibility to provide expert support and guidance to the Council.
Commercial and Procurement Strategy	The Council's Commercial and Procurement Strategy available Here
Corporate Procurement Team	The team that provides expert Procurement support to the Council.

Term	Definition/Interpretation
Commercial Strategy	The document that sets out the commercial and procurement priorities of the Council.
Competitive Tendering	Awarding of Contracts by the process of inviting competing tenders.
Concession Contract	a services concession contract or a works concession contract as defined in The Concession Contracts Regulations 2016. They are contracts for pecuniary interest which consist either solely in the right to exploit the services or works that are the subject of the contract or in that right together with payment.
Constitution	The document setting out how the Council operates, how decisions are made and all the procedures that have to be followed.
Contract	A formal written agreement, which is enforceable by law between the Council and the provider of any Supplies, Services or Works.
Contract Management Procedures	The Council's Contract management procedures which can be found Here
Contract Procedure Rules (CPRs)	The rules required in accordance with section 135 of the Local Government Act 1972.
Contracts Finder	means a web-based portal provided by or on behalf of the Cabinet Office for the publication of information about contracts awarded. Contract Finder
Contracts Register	Record of Council Contracts maintained by the Head of Procurement.
Corporate Director	The officer in charge of a Council Directorate.
Director of Finance	Also known as the "Section 151 Officer". The Officer responsible for the administration of the financial affairs of the Council.

Term	Definition/Interpretation
Directorate Procurement Board	The group of officers who meet regularly in each Directorate to consider procurement business within their directorates and consider all procurement gateway reports (£100,000 to £499,999) and Cabinet Reports for procurements over £500,000 and all Key Decisions.
Due Diligence	<p>A process of acquiring objective and reliable information, generally on a person or a company, prior to making any decisions.</p> <p>A systematic research effort, which is used to gather the critical facts and descriptive information which are most relevant to the making of an informed decision on a matter of importance.</p>
Dynamic Purchasing System	is appropriate for commonly used purchases the characteristics of which, as generally available on the market, meet the Council's requirements. The rules for using it are set out in regulation 34 of the Public Contracts Regulations 2015.
Electronic Procurement Portal	The Council's electronic system for conducting procurement activity.
Estimated Procurement Value	The value of a procurement based on the total amount payable, net of VAT, as estimated by the Council, including any form of option and any renewals of the Contracts as explicitly set out in the procurement documents

Term	Definition/Interpretation
Evaluation Criteria	<p>The publishing of detailed objectively quantifiable award criteria and sub criteria linked to the subject matter of the contract together with their weighting (or ranking where weighting is not possible for demonstrable reasons) and the method by which you will evaluate them in the contract documents. They may include but are not limited to:</p> <p>(a) quality, including technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental and innovative characteristics and trading and its conditions.</p> <p>(b) organizations, qualification and experience of staff assigned to performing the contract, where the quality of the staff assigned can have a significant impact on the level of performance of the contract; or</p> <p>(c) after-sales service and technical assistance, delivery conditions such as delivery date, delivery process and delivery period or period of completion.</p>
Executive	The Leader and the Cabinet; responsible for carrying out almost all the council's functions.
Financial Threshold	<p>The Financial Threshold above which the Public Contracts Regulations must be applied.</p> <p>The UK reviews this financial threshold bi-annually. From 1st January 2022 the value is:</p> <p>£213,447 (Inc VAT) Supplies and Services £663,540(Inc VAT) Light Touch Services £5,336,937 (Inc VAT) Works and Concessions</p>
Forward Plan	A schedule of the Key Decisions the Executive expects to take over the next 4 months.
Framework Agreement	An agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.

Financial Regulations	The Financial Regulations as approved by the full Council and set out in the constitution.
Frequently Asked Questions	Answers and further guidance developed by the procurement team to the most asked questions related to the procurement process. The FAQ document is here
HB Public Law	The legal team within the council.
Invitation to Tender Documents	The documents inviting Suppliers to tender, including the Terms and Conditions of Contract; Service Specification; Method Statement Questions; Pricing Document; Information to Tenderers including clear Evaluation Criteria and sub criteria.
Life-Cycle Costing	Covers part or all the following costs over the life cycle of a product, service or works: (a) costs, borne by the Council or other users, such as: (i) costs relating to acquisition, (ii) costs of use, such as consumption of energy and other resources, (iii) maintenance costs, and (iv) end of life costs, such as collection and recycling costs. (b) costs imputed to environmental externalities linked to the product, service or works during its life cycle, provided their monetary value can be determined and verified. These costs may include the cost of emissions of greenhouse gases and of other pollutant emissions and other climate change mitigation costs
Light Touch Regime Services	The rules and procedures for procuring Social and other Specific Services. Those procedures must ensure compliance with the principles of transparency and equal treatment of Suppliers, publication of a Contract Notice and a Contract Award Notice.
Local Business	Organisations (private, voluntary and or community led) within Harrow borough boundary who can provide works, goods and services to the Council.

Term	Definition/Interpretation
Key Decision	<p>A decision by the Executive which is likely to:</p> <p>(i) result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or</p> <p>(ii) be significant in terms of its effects on communities living or working in an area of two or more wards of the Borough.</p> <p>(iii) A decision is significant for the purposes of (i) above if it involves expenditure or the making of savings of an amount in excess of £1m for capital expenditure or £500,000 for revenue expenditure or, where expenditure or savings are less than the amounts specified above, they constitute more than 50% of the budget attributable to the service in question.</p>
Members	The elected representatives of the Council.
Most Economically Advantageous Tender (MEAT)	<p>Assessment of the tenders received using a variety of objective and non-discriminatory criteria linked to the subject matter of the contract to identify the tender which is best value for money.</p> <p>You cannot use the criteria for any purpose other than identifying the most economically advantageous tender from the point of view of the procurer. It allows you to assess a number of factors including the technical aspects, social value, sustainability and price of a tender and to rank the tenders in the competition.</p>
Portfolio Holder	The Member of Cabinet responsible for ensuring the effective management and delivery of Executive functions. Each Portfolio Holder has specific areas of responsibility.

Term	Definition
Selection Questionnaire	The questionnaire usually sent to Supplier who express an interest in tendering for a Contract which seeks details and information about their technical, financial and organisational ability to perform the Contract
Procurement	<p>The acquisition by means of a public contract of works, supplies or services by one or more public bodies from Suppliers chosen by those public bodies, whether or not the Works, Supplies or Services are intended for a public purpose.</p> <p>This includes any activity which includes the identification of need, options appraisal and the execution of a competitive selection process, Quotation or tendering process, commercial activities and entering into Contracts.</p>
Procurement Card	A Corporate Purchasing Card for the purchase of low value supplies, works or services. To be used in compliance with the Procurement Card Policy
Procurement Gateway 1	The report required to be written and presented to the respective procurement board and approved prior to commencing any procurement or tendering activity.
Procurement Gateway 2	The report required to be written and presented to the respective procurement board and then signed off by the scheme of delegation to seek authority to award a contract, extend a contract or seek a waiver to these CPRs.
Procurement Plan	compiled by the Procurement Team setting out planned annual procurement pipelines across each directorate.
Public Contracts Regulations 2015	The main body of law that regulates the purchasing by Public Sector Bodies and certain utility sector bodies of contracts for goods, works or services. In England these are the Public Contracts Regulations 2015
Public Sector Bodies	Including, but not limited to the West London Alliance, London Councils, ESPO, YPO, Crown Commercial Services, the EFA, Greater London Authority and Transport for London

Term	Definition/Interpretation
Purchase Order	The mandatory order created within the D365 System for Goods, Works or Services.
Quotation	A priced bid for the provision of supplies, a service, or supply of works
Scheme of Delegation	A formal document recording the agreed handing down of statutory (where allowed) and other responsibilities by the Council to the Cabinet, Cabinet Members, Committees, Panels and Officers.
Services	Means the services to be provided as detailed in the Specification and shall, where the context so admits, include any materials, articles or supplies to be supplied there under.
Service Specification	The document usually attached as a schedule to the terms and conditions of Contract specifying in detail the Council's precise requirements relating to the purchase of Supplies, Services or Works.
Social and other Specific Services	Those social and other specific services set out at Schedule 3 of the Public Contracts Regulations 2015 to be awarded in accordance with Section 7 of the Public Contracts Regulations 2015
Social Care Spot Placement	Individual placements that fall outside of any block contracting arrangements
Standstill Period	<p>The standstill period is a 10 day pause between contract award decision and the formal award of the Contract. The standstill is a legal requirement which the Council must comply with. It applies to all procurements covered by the full scope of the Financial Thresholds.</p> <p>The period allows unsuccessful bidders to obtain more information on the award of the contract. Unsuccessful bidders can take appropriate action if they believe they have been treated unfairly. The period is also known as the 'Alcatel Period'. Alcatel was the name of the European case which brought about the change in the law.</p>

Term	Definition/Interpretation
Suitability Assessment Question	means a question which relates to information or evidence which the Council requires for the purpose of assessing whether candidates meet requirements or minimum standards of suitability, capability, legal status or financial standing
Supplies	Means the supplies to be provided as detailed in the specification.
Supplier	A Supplier or potential Supplier of Works, Supplies or Services to the Council.
Terms and Conditions of Contract	A document approved by HB Public Law that sets out the relationship between the Council and a third party.
Transparency Code	The Local Government Transparency Code setting out the minimum data that local authorities should be publishing, the frequency it should be published and how.
TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006 No.246)) as amended from time to time.	Subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the authority is transferred from one organisation (e.g. private contractor, local authority in-house team) to another (e.g. following a contracting out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer.
UK Notice	Notice posted on the Find a Tender Service (FTS). This includes a Prior Information Notice (PIN), a Contract Notice or a Contract Award Notice.
Value for Money	the optimum combination of Life Cycle Costing and quality (or fitness for purpose) to meet the Council's requirements
Waiver	An exception from the strict compliance with Contract Procedure Rules granted in accordance with the relevant section within these CPRs (section 13)
Works	Means the work or works to be provided as detailed in the service specification, including building, engineering and capital works

There are number of valuable links in the above Contract Procedure Rules document, if any of them fail to open please try to generic link to the procurement Intranet Page:

Procurement (sharepoint.com)

COUNCIL
18 MAY 2023

OVERVIEW AND SCRUTINY COMMITTEE
RECOMMENDATION
(18 APRIL 2023)

RECOMMENDATION I

SCRUTINY ANNUAL REPORT
2022/23

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Overview and Scrutiny Committee

Minutes

18 April 2023

Present:

Chair: Councillor Amir Moshenson

Councillors: Dan Anderson
June Baxter
Govind Bharadia

Eden Kulig
Samir Sumaria
Sasi Suresh

Apologies received: Councillor Dean Gilligan
Councillor Phillip O'Dell

Absent: Harrow Youth Parliament
Representative
Councillor Vipin Mithani

Reverend P Reece
Ms M Trivedi

Recommended Item

35. Scrutiny Annual Report

Members received the Scrutiny Annual Report 2022-23 which had been developed by the Scrutiny Leadership Group and outlined the activities of the Committee and scrutiny sub-committees and scrutiny lead Members during the 2022-23 municipal year.

A Member stated that it had been an interesting year given the changes in Administration, senior leadership, offices and membership of the Committee. He expressed concern at the late receipt of a number of reports and suggested that this should perhaps have been reflected in the Annual Report. Another Member added that the Committee had received both the budget report and Corporate Plan late which had limited the amount of time Members

had to scrutinise them. The Chair responded that the minutes of the 9 February meeting reflected this concern which had also been expressed by the Vice-Chair at the time.

The Committee noted that the attendance record set out in the appendix to the Annual Report required correction in that Councillor Dan Anderson and Councillor Eden Kulig had submitted their apologies for the meeting held on 9 February 2023 and Councillor Sasi Suresh had attended as Councillor Anderson's reserve.

Resolved to RECOMMEND: (to Council)

That the Scrutiny Annual Report 2022-2023 be endorsed.

RESOLVED: That the Scrutiny Annual Report 2022-2023 be agreed.

Harrow Annual Scrutiny Report 2022/23

Overview and Scrutiny Committee – Councillors Amir Moshenson (Chair) and Dean Gilligan (Vice-Chair)

Our Role

As always, our vision for scrutiny in Harrow has been cross-party investigation of issues and decisions that are important to residents. This guides the development of our work programme and ensures a balance between holding the council administration and health partners to account, as well as investigating and influencing the Council and partners' approaches to issues of concern to residents.

The Council's scrutiny function is driven forward by the Scrutiny Leadership Group, made up of the chairs and vice-chairs of the committees and the scrutiny leads, whose work and achievements are highlighted in this report. The Scrutiny Leadership Group provides strategic direction to the scrutiny function and helps to ensure that we maintain an effective focus for our work, acting as a critical friend to the Council and influencing key decisions. Meetings are held bimonthly, and they bring together the feedback from scrutiny leads on progress in their different service areas.

Highlights

The Overview and Scrutiny Committee are happy to have inducted a new team of councillors in their respective scrutiny roles. For many new councillors, this is their first introduction to scrutiny and the O&S Committee has focused on ensuring that scrutiny members develop into their roles and equip them with the understanding to successfully deliver their respective work plans.

The new scrutiny team has been looking very closely at customer experience and what that means for Harrow residents. The team prioritises and continues to focus on key challenges impacting Harrow's residents. It also ensures that thorough research is conducted in exploring these important areas so that residents have access to the best possible service from the council and partners. The O&S committee is very focused on resident experience and raises many questions that are focused on the everyday experience of residents in the borough.

"The new team in scrutiny has been looking at critical areas with the most impact on residents with fresh eyes." – Councillor Amir Moshenson.

The Focus of Work over the Past Year

Our focus this year has been on the new corporate priorities and what this means for the council and its residents. These priorities will form a substantial part of the work the Overview & Scrutiny Committee will be doing the current work period. We will also be looking at the priorities in conjunction to the Harrow Strategic Development Partnership Work Plan.

Another key area for the O&S Committee is the council's dedication to improving customer experience. This will be constantly reviewed, and all members of the committee will have this principle at the forefront of every decision made. When discussing service delivery and financial prudence, it is paramount that customer experience is addressed and prioritised.

Over the past year, the O&S Committee has met a total of eight times where we have discussed:

- Budget – The approved budget for this year has implications for a range of service changes and savings. We have continued to monitor how this will impact service provision within the work force and how this impacts residents. We have looked at mitigating circumstances to ensure that the council can continue to produce services of a good and reasonable standard
- Scrutiny work programme – We have finalised the Scrutiny work programme of 2022-26 and we will continue to monitor its effectiveness.
- Regeneration – Given the formal closing of the Civic Centre this year, a large amount of our work is understanding what this means for the workforce and the future of front facing services for the residents of Harrow.
- The Corporate Plan – With the new administration coming into the council, we have been working with senior management to ensure that the plan aligns with the key priorities of the council representatives. We look forward to working with the Corporate Leadership Team throughout the work programme.
- Customer Experience – A key priority for the council is the way it delivers on improving customer experience. We have been constantly looking at how the council engages with its residents and how to do this in a more efficient way. As stated, we will have this key priority at the forefront of our decision making.
- Community Safety Strategy – We are proud to say that Harrow is one of the safest boroughs in London and we aim to maintain this. We have looked at key areas that of community safety which will help us to maintain this and improve community safety in general. We look forward to seeing the effects of its implementation

The Overview & Scrutiny Committee appreciates and recognises the Leader of the Council's engagement with the committee. He has engaged scrutiny on the development of the corporate priorities by attending the Scrutiny Leadership Group in December and making it a focus of the January Q&A alongside budget, as we recognise delivering priorities and flagship actions goes hand in hand with the Medium-Term Financial Strategy (MTFS). We look forward to continued work with him.

Performance and Finance Scrutiny Sub-Committee

Councillors Yogesh Teli (Chair) and Graham Henson (Vice-Chair)

Our Role

As members of the Performance and Finance Scrutiny Sub-Committee, it is our role to challenge and scrutinise the council and its partners' performance against priorities in terms of finance, operational delivery, and service provision. It is imperative that the scrutiny is performed in a constructive manner that is apolitical, is focused on improving the council's performance and most importantly, ensures the provision of efficient services that are considered value-for-money for the taxpayer.

Key Highlights of Municipal Year

This year, the sub-committee has focused on scrutinising council documentation and reports detailing the finances of the borough. We are pleased with the provision of information at the set time parameters which allows us to scrutinise more effectively, and we welcome this to continue at the same pace. We were pleased with the quarterly finance reports as they were

well prepared and highlighted the financial pressure the council is under and the mitigation that has been put into place.

We have also focussed on pre-consultation meetings to ensure that the chair and co-chair is informed about contents and issues.

Another highlight is the adoption of the budget and Medium-Term Financial Strategy.

The Focus of Work Over the Past Year

This past year we have focussed on the monitoring of the 2022/23 budget. We are pleased that it came within the expected parameters and was presented well. We look forward to receiving more budgets like this in the future.

In addition to the financial performance of the council we look to develop key performance indicators to measure against to ensure the progress in the management of council finances.

Impact & Value of Scrutiny

This period of scrutiny has allowed us to develop a proper budget for this year and the following year. A budget that we will continue to maintain and monitor to ensure value for money for Harrow residents. The budget and the corporate plan have provided the council the direction of travel and a better understanding of the council's position. The monitoring of the budget allowed us to see the pressure points within the borough. This allowed us to see how the council was mitigating these pressure points and key steps being taken by the council ensure financial stability.

The scrutiny function as a result has been beneficial to the way the council has used its financial resources. We aim to continue to work in this manner to ensure more economic prosperity for the council and its residents.

Work Priorities for Next Year

We will continue to monitor this year's work plan to make sure it aligns with council functions and necessities. We aim to follow through with the various aspects of the Scrutiny program and develop others which benefits all parts of the council's workforce. Another possible key area next year is the changes to the regeneration programme.

Scrutiny will be invaluable in delving deeper into the impacts of the service changes. We are looking forward to scrutiny procedures which will allow us to gain a better understanding of council priorities. A key part of this is the reintroduction of performance boards which will provide a robust performance reporting regime following the pandemic pause, it will be critical to scrutiny's role that involves Performance & Finance. The chair and vice-chair will continuously analyse these so that they can analyse performance areas and escalate to committee as necessary.

This method and dedication to tracking performance will allow Scrutiny to make positive and necessary inflections so that residents can continue to be served efficiently.

Health and Social Care Scrutiny Sub-Committee – Councillors Chetna Halai (Chair), Rekha Shah (Vice-Chair) & Dr Antonio Weiss

Our Role

As members of the Health and Social Care Scrutiny sub-committee, it is our role to be the key driver of the scrutiny function's health and social care scrutiny programme and maintain relationships with health and social care colleagues and partners in relation to shared stated priorities, in consultation with the Overview & Scrutiny Committee.

We have specific responsibility for scrutiny of the following functions:

- Health and social care infrastructure and service
- NHS England, Clinical Commissioning Groups (CCGs) and the Health and Wellbeing Board
- Public Health
- Other policy proposals which may have an impact on health, public health, social care and wellbeing
- Collaborative working with health agencies
- Commissioning and contracting health services

Key Highlights of Municipal Year

Over the past year the Health and Social Care Subcommittee has maintained its dedication in improving and maintaining high standards of health for Harrow residents. One achievement is our very close scrutiny of the relocation of St Marks Orthopaedic surgery to Central Middlesex Hospital to ensure the move benefits Harrow residents.

In addition to this our work so far has involved reviews of:

- Childhood immunisations in Harrow,
- System winter plans & pressures,
- Health and social care system pressures,
- Key issues affecting Northwest London (NWL) via the Northwest London Joint Health Overview and Scrutiny Committee

The Focus of Work over the Past Year

Throughout 2022/23, the impact of COVID-19 has been under constant supervision by the Health and Social Care committee. As the borough transitions into the post-pandemic period, we will continue to monitor the effects of COVID-19 on residents and how to mitigate any public health concerns.

We are focussing on raising the standards of healthcare affecting Harrow residents and neighbouring boroughs. This is a continuous key priority of our agenda, and we continue to meet with relevant stakeholders to ensure that this is reflected in our services.

In addition to this our other areas of focus have been maternity services in the borough and how to improve them, key issues around nursing, and we will continue to review childhood immunisations to ensure Harrow's children have the best outcome.

Due to the high number of children receiving vaccinations throughout the UK over the last 50 years, many serious childhood infectious diseases have disappeared altogether, like diphtheria, polio or tetanus, or have been dramatically reduced, such as measles and whooping cough. Unless a high level of vaccine uptake remains, many of these serious infectious diseases will return. The Covid pandemic and ensuing vaccine programme highlighted the inequalities in vaccine uptake within the marginalised or more deprived communities.

The committee is exploring how childhood immunisations are commissioned and provided through the NHS and will investigate issues which compromise vaccine uptake locally. As Harrow is showing a decline in some childhood immunisations. We are keen to dig into the factors affecting this locally and regionally. While Public Health focuses on promoting childhood vaccinations, the delivery is via Health partners, so we will examine the issue via all fronts, including:

- Responsibilities for oversight, commissioning, and provision
- Local uptake figures
- Local demographic and other factors determining uptake
- Roles and current activity to promote uptake
- Key issues and challenges

Impact and Value of Scrutiny

Scrutiny allows us to provide and ensure better health services for Harrow Residents. The apolitical nature of scrutiny gives us the function of being able to address challenges using multiple voices and rationale. The various key areas within healthcare that have been covered this year and brought back to committee is key for continuous improvements in healthcare provision around the borough and North West London.

For the Health and Social Care committee, the value of scrutiny is carefully questioning what is already within current health care provisions and key personnel answerable to Harrow Residents. This allows us to cover key areas within healthcare and review them appropriately for continuous improvements.

Work Priorities for Next Year

Looking ahead, the current work programme will continue to be observed and any future recommendations made will be based on the outcomes and emerging issues within this current work period. A potential area to look at in next year's programme is striking a balance between strategic and operational mechanisms of the services that we scrutinise. We want to ensure that services are being provided according to needs of Harrow Residents and as important as the scrutiny function is we want to be able to provide a working comparison between this and our services.

The focuses of next year's work programme will be:

- Ongoing reviews of elective orthopaedic operations at Middlesex Hospital
- Improvements at Maternity at Northwick Park Hospital as inspected by the Care Quality Commission
- Raising standards for nursing recruitment and focus on retainment of staff
- Improve childhood immunisations
- Clearing Covid backlogs

- Improving GP appointments accessibility for patients

“I have enjoyed exploring a wide range of healthcare matters affecting the residents of Harrow and wider. I have enjoyed leading this Committee and working with members to make a tangible impact on health outcomes in the borough.” – Councillor Chetna Halai.

People Scrutiny Leads– Cllr Jerry Miles & Cllr Govind Bharadia

Our Role

As scrutiny lead members for the People Directorate, our role is to be a critical friend to the organisation and to help residents of Harrow of all ages – from birth to old age.

Key Highlights of Municipal Year

The People’s committee would like to pay tribute to Paul Hewitt, the previous Corporate Director of Peoples Services, who retired in September. It was a pleasure to have worked with him over the years and his dedication to Harrow Residents and the council will be missed. We look forward to continuing to work closely with the new Corporate Director, Senel Arkut and the Director of Children Services, Peter Tolley.

The key highlight of our work over the past year has involved examining the Council’s change in administration and navigating this to ensure that we continue to serve the residents of Harrow with our continuous diligence. Another key highlight has been looking at the closure of the civic centre and the relocation to Gayton Road as a new structural base where Housing and Social care services can work together.

The Focus of Work over the Past Year

A large part of our work in the previous cycle was determining the effects of COVID-19 on all residents in the borough, this remains a part of our work and we are focussing on looking at the effects of COVID-19 post-pandemic.

Another work area is examining the budget for social care in the medium term. In our examination it was found that teams were being consolidated and resources better managed, ensuring continuous value for money in service provision and at the same time making sure that the services are delivered to a high standard.

In addition, we looked at the impact of the ongoing Regeneration Programme in Wealdstone on community cohesion in the area as well as the council’s efforts to augment this. We also monitored the recovery of the Northwick Park Maternity Unit, and the Adult Social Care Reforms and what impact they have on Harrow’s residents and local services.

Impact and Value of Scrutiny

Scrutiny continues to be a positive force in service provision in Harrow. The collaboration between all council members makes scrutiny a rewarding process and the impact and value continues in this cycle. It is a function that has facility to hold the Chief Executive, the Leader of the Council, and Portfolio Holders to account in special meetings or by invitation and this ensures viewpoints are reflected in the Cabinet. In our area, we will be ensuring that services are maintained and improved amidst a challenging time for resources in the budget agreed by the Council.

Work Priorities for Next Year

Looking ahead, the effects of COVID-19 still need to be researched and analysed as it is an issue which, despite the advances in medication and healthcare has had widespread impact on not only health but a pressures range of social provisions across London, including Harrow.

As a result, we will pay particular attention to children's services that were affected greatly during the pandemic. Schools and education were greatly impacted, and it is necessary to keep this as a priority.

We also want to prioritise children's mental health wellbeing and have recommended working with the children's charity Barnardo's. We are proud to say that children's mental health and wellbeing is at the forefront of our priorities, and we worked with partners to conduct the 'How Are You?' survey to understand more about children's needs. We appreciate that children are often placed in difficult situations especially due to the pressures of social media. We will ensure that there a range of activities and services available to the children of Harrow and scrutinise their standards of delivery.

We will also continue to monitor adult's social care as part of the current work programme. The impact of budgets cuts and constraints on delivering services like social care, which makes up significant proportion of council expenditure, will be monitored to ensure services are still being delivered to a good standard. Therefore, the council is redesigning its services to integrate the concept of family hubs and scrutiny will follow developments with interest.

"Scrutiny should be a critical friend of the Council, and it should work closely with the Council and its stakeholders to ensure that the services provided to residents are efficient, effective and meet the needs of the local community" – Councillors Jerry Miles and Govind Bharadia.

Community Scrutiny Leads – Councillors June Baxter and Dan Anderson

Our Role

In Community, we look at a wide range of issues; from the environment, libraries, and homelessness, to cleanliness, personal safety, and roadworks - things that affect residents directly. The focus over the past year has been on Harrow residents and ensuring that the needs of the community are considered when decisions are taken that impact their lives.

Key Highlights of Municipal Year

A key part of our work for this year was looking at the Harrow Strategic Development Partnership. Scrutiny reviewed and analysed the HSDP and recommended actions.

In this review we discussed:

- Public Parking on the site of the new town hall
- The use of property in phase three of the Grange Farm business plan
- Time scales of service delivery
- Property prioritisation of Harrow Residents

The Focus of Work Over the Past Year

The Community Safety Strategy is a legal requirement, it is important that this remains current and reflects changes in the borough. This updated strategy has allowed the new Administration to set out its priorities for community safety in Harrow.

The Safer Harrow Partnership is responsible for this strategy through a multi-agency approach and are accountable for its effective implementation. To ensure that the priorities in this strategy are implemented, several workstreams will be established which will report back to the main group. All progress under each workstream will be monitored through quarterly reporting at Safer Harrow to achieve the best possible outcomes.

The strategy outlines six community safety priorities for Harrow, and how each of these priorities will be measured, and progress monitored. These priorities were identified through the analysis of Harrow-specific data and trends and were proposed by statutory and non-statutory partners at consultation workshops.

Scrutiny will be invaluable in making sure that the Community Safety Plan aligns with the flagship action of a borough that is clean and safe. We have worked with our statutory and VCS partners as well as residents, communities, local businesses. All our stakeholders will be instrumental in keeping the people of Harrow safe from crime and repeat victimisation and help us achieve our outcomes. Scrutiny will continue to monitor the strategy and its delivery alongside the work with various VCS partners and stakeholders to ensure the Community Safety Plan is suited to the needs of the borough and its residents. We are dedicated to ensuring that Harrow remains one of the safest boroughs in London.

Impact and Value of Scrutiny

The Scrutiny function allows us to hold members of the Cabinet to account. In our work this was beneficial as it allowed us to look directly and initiatives that affect residents and provided us with the functions to improve on said initiatives.

Work Priorities for Next Year

We will continue to monitor the current work programme and make changes if and when necessary. At this point we are focussing on the Community Safety Programme and the Harrow Strategic Development Partnership. We are paying particular attention to how these schemes will work in practice and look forward to analysing results in the future.

Resources Scrutiny leads – Councillors Phillip O’Dell and Samir Sumaria

Our Role

We are involved in shaping the Scrutiny Work Programme as part of the Scrutiny Leadership Group. Our focus is to ensure that services and programmes within the Resources directorate are reflected in scrutiny’s work. We work with the Corporate Director of Resources to review and understand the improvements made by the directorate as part of the Modernisation Programme.

Key Highlights of Municipal Year

Over the past year, a great amount of the directorate’s capacity has involved the post-pandemic implications for the workforce following the return to in-person working for large

numbers. We continue to look at what this means for service provision within the council. We have been happy to meet with the interim corporate director to discuss this in more detail in a series of meetings and look forward to a continuous positive working relationship with the Corporate Leadership Team.

We have also looked at how council performance boards will look like in its new form going forward due to their reinstatement post Covid. We anticipate that this would be a positive and functional way of making sure the council hits its targets and works more efficiently.

Another highlight for us was the creation of the work programme for the year. We look forward to working with members to ensure there is proper scrutiny of the council's services to provide our residents with the best possible services locally.

The Focus of Work Over the Past Year:

Over the past year our focus has been on customer experience and what this means for Harrow residents. We are continuously working on exploring how to best deliver for residents and want our work to encompass this. We continue to deliberate with stakeholders regarding the best course of action to ensure that residents' customer experience is optimised, and they can access and use council resources effectively.

Impact and Value of Scrutiny:

We believe that scrutiny is an important function for the council. Scrutiny ensures that the Cabinet and officers are held accountable for decisions that will impact our residents and it is an effective mechanism in ensuring the right decisions are made. The value of scrutiny this year for our committee is introducing the aims, objectives and methodology of the work programme and our customer experience priorities.

As we continue, the work on the current work programme we believe there will be more impact for scrutiny as the year goes on.

Work Priorities for Next Year:

We believe that as the work programme was formally agreed this year, there needs to be a suitable period to measure the success of the programme.

However, we believe that the main challenges for the year ahead evolve around the council providing value for money to residents, given the increase in council tax and ensuring that customer service benefits the residents in an optimal way. There needs to be more resident engagement that benefits the local community to ensure we are putting residents first. We aim to study this in our Customer Experience Review.

The review sets out to investigate how we might use the Council's policies and strategies to help improve the customer experience through monitoring the progress of the customer experience action plan agreed at Cabinet and considering future customer needs, modern customer service delivery models and technology and the best outcomes for the Borough.

The main objectives of the review are:

- To monitor the progress on more intuitive digital access for residents e.g., refined search options on webpage
- To better understand digital exclusion and those affected by it
- Review how services are delivered (such as the front door to Adult Social care and Council Tax) and key customer journeys (such as subscribing to Garden Waste, reporting bin issues and ordering a parking permit)

- To ensure an improvement in the council's complaints process and interaction with elected members
- To ensure an improvement in the customer journey using the webpage and phone lines

We look forward to developing this work to ensure that services are built around the customer and identifying key problems. This will be a large part of our work this period.