

To the Mayor and all Members
of the
COUNCIL

When calling or telephoning
please ask for
Mr A Campbell
Direct line or ext
742220
My ref
AC/ED – R82/40
Yours ref

11 January 2008

Dear Sir/Madam

A Extraordinary meeting of the Council will be held in the **COUNCIL CHAMBER, CIVIC OFFICES, MERRIAL STREET, NEWCASTLE** on **WEDNESDAY, 23 JANUARY 2008** at **7.00pm**.

AGENDA

1. To consider the reports of your Officers copies attached on white paper.
2. To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

Yours faithfully
M P BARROW
Chief Executive

Please note that prior to the Council meeting there will be a presentation by the Chief Constable of Staffordshire Police (or his nominated member of the Force) on performance, finance and local neighbourhood issues. This will take place at 6.30 pm in the Council Chamber.

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
REPORT OF THE EXECUTIVE MANAGEMENT TEAM TO
EXTRAORDINARY COUNCIL

23 January 2008

1. PROCUREMENT STRATEGY AND ACTION PLAN 2007-2010

Submitted by: Procurement Officer

Portfolio: Corporate and Service Improvement

Ward(s) affected: All

Purpose of the Report

To consider and recommend for approval by Council the revised Procurement Strategy and Action Plan.

Recommendations

(a) That the revised Procurement Strategy 2007 – 2010 be approved.

(b) That the Action Plan (Section 7) of the revised Procurement Strategy 2007-2010 be approved.

Reasons

There is a need to review and update the Procurement Strategy 2004 – 2007 in line with the Councils Objectives and Priorities and the continued aims and objectives of The National Procurement Strategy for Local Government.

1. Background

1.1 In May, 2003 the Council began a review of its procurement practice and strategy for supplies and services and identified a number of areas where some arrangements needed to be made to assist the Council to derive best value from its resources. These were included as part of the Procurement Strategy 2004 – 2007. Actions set out in the original strategy were delivered in part but as part of the Improvement Agenda the Council recognised the need to prioritise and support the function further.

1.2 The key role that the efficiency agenda now plays in the delivery of local services means that procurement has increased in importance. As such, procurement is now everyone's concern. In recognising the increasing prominence of procurement, it is important to understand the role that procurement plays in various aspects of the Council's work and this has been reflected in the approach taken to the rewrite of this strategy. To support the implementation of the proposed strategy the Council has invested in a Procurement Officer who has reviewed the original document and incorporated best practice into the revision.

1.3 In reviewing its Strategy the Council is responding to work being completed by the Improvement and Development Agency, (IDeA's) National Procurement Strategy for Local Government launched by the ODPM and LGA on 22 October 2003 and subsequent fitness

programme undertaken in conjunction with the IDeA on 22 February 2007 and the Councils Objectives and Priorities.

2. **Issues**

- 2.1 In reviewing and revising the Strategy your officers have recognised the need to raise the profile of the procurement processes, procedures, principles, and protocols within the Council. They have recognised a need to heighten the requirements for Sustainable Procurement taking into consideration its potential impact on the local environment, and social wellbeing of the community, they have reviewed the different types of procurement, their values and responsible officers, developed procurement principles adopted in the strategy and devised an action plan supported by all directorates. Procurement principles previously established continue to remain relevant and actions for the future were devised taking into account the Council's revised priorities as set out in the Corporate and Best Value Performance Plan. The action plan appears as section 7 in the Strategy (Appendix 'A' – cream paper).

3. **Options Considered**

- 3.1 To do nothing and to continue to run with an outdated Procurement Strategy would reflect on an inability to continually review, challenge and strive to improve the services throughout the Council. The action plan introduced to deliver the revised Strategy gives the Council an opportunity to embed improved processes, procedures, policies and protocols within the day to day activities of procuring products and services by officers/buyers throughout the Council.

4. **Proposal**

- 4.1 That Members review the action plan and timetable found in section 7 of the revised Procurement Strategy that aims to deliver the strategy over the next 3 years.
- 4.2 That Members approve the Procurement Strategy and action plan in its entirety.

5. **Reasons for Preferred Solution**

- 5.1 The proposed, revised Strategy reflects best practice by incorporating the recommendations made from the IDeA peer review of the function and learning from research on current methodologies.
- 5.2 It also demonstrates a willingness to improve procurement practices across the Council, leading to an improved level of service and increased efficiencies.

6. **Outcomes Linked to Corporate Priorities**

- 6.1 The revised Procurement Strategy supports in the main, the Council priority to transform our Council to achieve excellence. It also contributes to the priority 'Creating a Borough of Opportunity,' in terms of providing information to potential suppliers on how to do business with the Council and engaging with the voluntary sector for services. By considering environmental and sustainability issues it also contributes to the priority of, 'Creating a cleaner, greener and safer Borough.'

7. **Legal and Statutory Implications**

- 7.1 There are no new legal or statutory implications.

8. **Equality Impact Assessment**

- 8.1 All major procurement shall recognise the impact on the social, economic and environmental wellbeing within the Borough. We will strive to offer equality and diversity in all our procurement transactions. We will strive where practicable and possible to utilise local labour, materials and services. We will aim to support the growth in modern apprenticeships and where there is a requirement for sub-contract work, as part of major projects, investigate with the approved service provider/contractor the use of local labour.

9. **Financial and Resource Implications**

- 9.1 At this stage there are none, however, where resource issues are identified as part of the implementation of the action plan, these will be brought to future Cabinet meetings.

10. **Major Risks**

- 10.1 Please find full risk assessment at Appendix 'B' (yellow paper)

Areas of high risk can be summarised as follows:

- Failure to identify the financial support to the new service, whether from current sections or as a new establishment.
- Failure to meet legislative requirements.
- Failure to identify key areas for improvement.
- That the Council's corporate commitment and priorities are not delivered.
- Failure to provide efficient staff with skills, knowledge and capacity to support the delivery of appropriate procurement options.
- Business needs are not communicated.
- Council fails to innovate and develop new methods.
- Council is unable to adapt processes, procedures, policies, and protocols to support immature and emerging markets and opportunities or benefits are missed.
- Failure to provide efficient staff capacity to support the assessment and delivery of new methods of service and to evaluate immature and emerging markets.

11. **Key Decision Information**

- 11.1 The revised Strategy is mentioned in the Forward Plan.

12. **Earlier Cabinet/Committee Resolutions**

- 12.1 No earlier Cabinet/Committee Resolutions apply.

13. **List of Appendices**

- 13.1 Appendix 'A' – Corporate Procurement Strategy 2007 - 2010.
13.2 Appendix 'B' – Risk Assessment.

14. **Background Papers**

- 14.1 National Procurement Strategy for Local Government.
14.2 IDeA Procurement Fitness Programme Report.
14.3 'Transforming government procurement' (January 2007).
14.4 Borough of Newcastle-under-Lyme Corporate Plan 2007-8 to 2011-12.

2. IMPROVING THE POLITICAL FRAMEWORK

Submitted by: Legal Services Manager and Scrutiny Officer

Portfolio: Corporate and Service Improvement

Ward(s) affected: All Wards

Purpose of the Report

To approve proposed amendments to the Council's political framework in relation to the operation of Overview and Scrutiny and revising the role of the Audit and General Purposes Committee to become the Audit and Risk Committee.

Recommendation

That Council amend the Constitution as follows:

- (a) That the existing terms of reference relating to Overview and Scrutiny at Article 6 (Overview and Scrutiny Committees) and Appendix 2 (Terms of Reference of the Council, the Cabinet, Scrutiny Panels, Committees and Sub-Committees) of the Constitution be deleted and replaced with the proposed terms of reference detailed in the officers' report.**
- (b) That the existing Scrutiny Procedure Rules at Appendix 6 (Scrutiny Procedure Rules) of the Constitution be deleted and replaced with the proposed Overview and Scrutiny Procedure Rules detailed within the officers' report.**
- (c) That all references to the existing operation of Overview and Scrutiny within the Constitution be amended to reflect the changes made through recommendations (a) and (b)**
- (d) That the terms of the reference for the Audit and General Purposes Committee be revised to become an Audit and Risk Committee as detailed within the officers' report.**

Reasons

The Council is aspiring for excellence in all the things that it does. It is crucial that the structures for involving members are robust and fit for purposes. The recommended changes to the political framework have been developed by and for Members and serve to respond to the recommendations of recent Audit Commission reports.

1. **Background**

- 1.1 The Council has been working since the beginning of the current Municipal Year to improve the political framework of the authority. Proposals which came forward in June 2007 relating to the Audit and General Purposes Committee being re-designated as the Audit and Risk Committee received agreement from the Cabinet, Scrutiny Committee and Audit & General Purposes Committee at that time. A more extensive exercise has been undertaken to review the Council's Overview and Scrutiny arrangements to ensure that the aspirations of Members are met and that the past concerns of external assessors are addressed.

2. **Issues**

- 2.1 The proposed amendments to the Constitution have been considered by the Scrutiny Committee at its meetings on 18 July 2007 and 9 January 2008. The Audit and General Purposes Committee considered the proposals at its meeting on 18 June 2007. Both committees indicated their support for the proposed amendments. The Cabinet will consider the proposals at its meeting on 16 January 2008 and any views expressed will be reported to Council at the meeting.
- 2.2 If the Council is minded to amend the Constitution in line with the recommendations it will be necessary to appoint to the new Overview and Scrutiny Committees at this meeting. Political Group Leaders will have been contacted prior to this meeting and asked to nominate to the Chair and Vice-Chair positions, as well as providing nominations to the remaining seats on the committees. A copy of the proposed Overview and Scrutiny Structure and Procedure Rules are attached at Appendix 'C' (salmon paper). With regard to the revised Audit and Risk Committee, it should be noted that the membership of that committee will remain as it was as the Audit and General Purposes Committee. A revised Terms of Reference for the Committee is attached at Appendix 'D' (blue paper)

3. **List of Appendices**

- 3.1 Appendix C - Overview and Scrutiny Structure and Procedure Rules.
3.2 Appendix D - Draft Terms of Reference for the proposed Audit and Risk Committee.

4. **Background Documents**

- 4.1 Improving the Political Framework – Report to Cabinet (13/06/2007).
4.2 Minutes of Scrutiny Committee (18 July 2007 & 9 January 2008).
4.3 Minutes of Audit and General Purposes Committee (18 June 2007).

3. **SCHEME OF DELEGATIONS**

Submitted by: Legal Services Manager

Portfolio: Resources

Ward(s) affected: All

Purpose of the Report

For Council to approve the Scheme of Delegations so far as it relates to non-Executive functions.

Recommendation

That the Scheme of Delegations for non-Executive functions be approved.

1. **Background**

- 1.1 The Council's current Scheme of Delegations includes delegations in relation to Council functions (that is non-Executive functions) to the appropriate Committees and officers. These functions include:

- Town and country planning and development control
- Licensing and registration
- Health and safety
- Elections
- Byelaws
- Pensions.

1.2 As Members are aware, a number of decisions have been made to improve the political framework and review the senior management arrangements. Members will note the report on this agenda in relation to the improved operation of Overview and Scrutiny, Audit and Risk. Legislative changes have also been made. These have led to a series of piecemeal changes to the Scheme of Delegation. Your officers have sought to bring together all of the necessary changes arising and incorporate them into the single document, a copy of which was sent to all Members on 7 January 2008 as Appendix 'D' (cream paper) of the Cabinet agenda for 16 January 2008, where it will be considered in relation to Executive functions.

1.3 The Scheme of Delegation is reconsidered and formally reviewed each municipal year. There will therefore be a further opportunity to review these matters in May 2008.

2. **Issues**

2.1 Revising the Scheme of Delegation is necessary to ensure that the delegated powers and actions executed by the Council through its Committees and Officers are carried out efficiently, effectively and lawfully.

3. **Options Considered**

3.1 The proposed Scheme of Delegation reflects the ongoing improvement process, changes already approved and changes to legislation. The alternative options are to delegate more which in your Officers' view would lead to insufficient involvement of Members in decision making at the appropriate level or delegate less which would lead to the Council having to make decisions of a minor nature which will lead to undue delay and having to deal with items at a level of detail which would prevent the proper consideration of truly significant or strategic matters. The Council would accordingly be delayed in or even prevented from achieving its objectives.

4. **Proposal**

4.1 That Members accept the amended Scheme of Delegation.

5. **Reasons for Preferred Solution**

5.1 To ensure that the Council continues to operate as efficiently and effectively as possible, and within a sound legal context.

6. **Outcomes Linked to Corporate Priorities**

6.1 The recommendations contained in this report support the Council in delivering against all aspects of its Corporate Plan and the corporate priorities contained within it.

7. **Legal and Statutory Implications**

7.1 The Scheme of Delegation is part of the legal framework set by the Council governing the way it conducts its business. The powers of the Council to delegate the exercise of functions are set out in Section 101 of the Local Government Act 1972.

8. **Equality Impact Assessment**

8.1 There are no specific implications contained in this report.

9. **Financial and Resource Implications**

9.1 An appropriate Scheme of Delegation supports good governance and budgetary compliance.

10. **Major Risks**

10.1 If this amended scheme is not approved it will expose the Council to legal risk, frustrate aspects of legal enforcement, and prevent the full implementation of recent Council decisions.

11. **Key Decision Information**

11.1 This is a key decision.

12. **Earlier Cabinet/Committee Resolutions**

Cabinet – 13 June 2007

Council – May 2007, 25 July 2007

Audit & General Purposes – 16 October 2007

Overview & Scrutiny – 9 January 2008

13. **List of Appendices**

Scheme of Delegation of Powers & Duties to Cabinet, Committees and Officers. Circulated previously.

Newcastle-under-Lyme Borough Council

Procurement Strategy

2007-2010

Draft 7

Procurement concerns the acquisition of all goods, works and services. It relates to all expenditure by the Council with the exception only of staff costs (i.e. salaries and wages).

Procurement encompasses every aspect of the purchasing process from determining the need for goods, works or services, to buying and delivery in order to help achieve the organisation's key priorities and outputs. Purchasing is central to the management of any operation.

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1. EXECUTIVE SUMMARY

- 1.1 The aim of this procurement strategy is to set a clear framework for procurement throughout the Authority, which reflects the Council's Corporate Plan, provides a framework for Best Value and which stands alongside the Council's Contract Standing Orders and Constitution using corporate tools such as the project management methodology. It also sets out an action plan for achieving the corporate approach to procurement as set out within the strategy.
- 1.2 In considering the corporate priorities and values and the requirements of best value, the following procurement objectives have been set:
- To ensure that the procurement process is clear and focused in the first instance on achieving value for money and contributing to the demands on the Council to achieve annual efficiency savings.
 - To ensure that the procurement options are chosen on the basis of the degree to which they fulfil the Council's corporate commitments and priorities and those of specific services.
 - Where appropriate, to seek out and develop new methods of service delivery in immature and emerging markets.
 - To ensure that in choosing the best value procurement method, the process of balancing cost against community benefit is made in a transparent way and can be supported with clear evidence.
- 1.3 To ensure that these policies are implemented, the following key actions will be pursued:
- The procurement function within the Council will continue to be strengthened.
 - Current procurement skills will be identified and a strategy will be prepared to address any shortfall in skills requirements.
 - The Council will draw up and publish its strategy for implementing its forward plan for service delivery. This will set out the Council's likely demand, in broad categories, for goods, works and services from outside suppliers in the medium term.
 - There will be a review of how the Council's social, economic and environmental policies may be promoted by its procurement procedures in response to the need for sustainable solutions. For example, by considering how local businesses can be 'encouraged' to establish new markets and the effects of procurement decisions on local and national/world environments, with particular focus on the sustainability agenda in response to climate change (e.g. reducing waste, using environmentally friendly materials, energy efficiency).

- Political responsibility for procurement will be strengthened by exploring the means by which Council members may take more of a strategic role in securing quality outcomes from procurement decisions.
- The Council will take action to ensure that, when dealing with staff transfers, TUPE and workforce requirements continue where legally possible, to be fully adopted.

2. INTRODUCTION

What is procurement?

- 2.1 Procurement is the whole process of obtaining supplies, services and construction works, spanning the life cycle of the asset or service contract. 'Life cycle' is defined as being from the initial concept and definition of the business need through to the end of the useful life of the asset or end of the service contract.
- 2.2 The term 'procurement' has a far broader meaning than that of purchasing, buying or commissioning. It is about securing services and products that best meet the needs of users and the local community in its widest sense. This strategy provides a common framework within which all procurements by the Council are to be managed.
- 2.3 The Council will apply the principles of best value to ensure value for money in its procurement of money supplies, services and construction works by:
 - Adopting the life cycle approach to the assets or contract
 - Applying effective and up-to-date procurement procedures
 - Ensuring procurement helps deliver the Council's key corporate priorities.

Background

- 2.4 In May, 2003 the Council began a review of its procurement practice and strategy for supplies and services and identified a number of areas where some arrangements need to be made to assist the Council to derive best value from its resources.
- 2.5 The key role that best value now plays in the delivery of local services means that procurement has increased in importance. As such, procurement is now everyone's concern. In recognising the increasing prominence of procurement, it is important to understand the role that procurement plays in various aspects of the Council's work and this has been reflected in the approach taken to this strategy.
- 2.6 In reviewing its Strategy the Council is responding to work being completed by the IDeA's **National Procurement Strategy for Local Government** launched by the ODPM and LGA on 22nd October 2003 and subsequent fitness programme undertaken in conjunction with IDeA on 22 February 2007
- 2.7 Identification of the need to strengthen and improve the efficiency of the procurement function within the organization, this has been achieved by restructuring and recruiting an officer to address procurement issues and enable change as identified by the Corporate Improvement Team.

- 2.8 Consequently, the Council is reviewing annually its procurement activities as the focus of excellence for procurement and the drive for mandating, modernising and monitoring procurement across the Council. This strategy sets out:
- *The priorities for procurement in 2007/10 in supporting the Council's strategic commitments and where applicable those of the National Procurement Strategy.*
 - *The principles, which underpin procurement activity across the Council.*
 - *The nature of the Council's procurement activity and building on what has been achieved in 2004 to 2007.*
 - *Key targets for procurement, in the form of an action plan, for 2007 to 2010.*
- 2.9 The purpose of this Strategy is to communicate clearly to all stakeholders, operational managers, directors, professional advisors and suppliers in the private and voluntary sectors the Council's vision for the way forward in its procurement of services, supplies and works so that they may play a meaningful role in the implementation of that vision.
- 2.10 This Procurement Strategy will be available to all key stakeholders, suppliers, and potential suppliers in electronic or paper format. Comments and views are welcomed so that we can develop the strategy in future years.
- 2.11 The Strategy itself is laid out in three chapters as follows:
- **Current arrangements** outlines how procurement is currently being managed within the Authority.
 - **Procurement Policy** sets out a Procurement Policy to guide the Procurement Strategy and the best value processes put in place to support it.
 - **Priorities for further action and action plan** - to implement the Procurement Strategy throughout the Authority.

3. CURRENT ARRANGEMENTS

3.1 This part of the document explains:

- How procurement is currently organised at the Council.
- How much the Council spends on procurement.
- How it is spent.
- Who spends the money.

How Procurement is currently organised at the Council

3.2 Procurement of services, goods and assets are regulated by standing orders in relation to contracts and by financial regulations. Within directorates, these requirements have in some cases been embodied in office instructions and other procedure notes designed to provide guidance to staff who are involved in day-to-day procurement decisions.

3.3 In some Councils there is strong central control over the way contracts are procured and managed. Here, there is a decentralised and devolved structure; directorates have freedom to act independently, although in the majority of cases there are lead directorates/services responsible for securing significant items of a specialist nature on behalf of the Council (e.g. all information and communication equipment through ICT Services).

3.4 Some examples of major spend and the relevant directorates/services are shown below.

Classification	Lead Directorate/Service
Property Management	<i>Regeneration & Development (Property)</i>
Recruitment Advertising	<i>Resources & Support Services (H.R.)</i>
Computer Supplies - Hardware and Software	<i>Resources & Support Services (ICT)</i>
Insurance Services	<i>CEO (Democratic)</i>
ICT Technical Support	<i>Resources & Support Services (ICT)</i>
Legal Services	<i>CEO (Legal)</i>
Office Supplies	<i>CEO (Democratic)</i>
Printing	<i>CEO (Media & Communications)</i>
Grounds Maintenance	<i>Operational (Street scene)</i>

Classification	Lead Directorate/Service
Housing	Regeneration & Development (Community Partnerships)
Street Cleansing, Waste Management	Operational (Street Scene & Waste)

3.5 There is no training for the Procurement Policy or Strategy. The Council's CEO, Resources, and Support Service Directorates provide training for standing orders in relation to contracts and financial regulations and also ongoing advice.

How Much the Council Spends on Procurement

3.6 In the past there has been limited corporate direction and co-ordination of procurement issues this has been mainly through compliance with standing orders, financial regulations and budgetary control. Management information is limited and as a result, it is not readily possible to precisely identify the nature and scope of the Council's purchasing activities and it is not clear exactly what major contracts are in place.

3.7 Review work has indicated that in 2006/07 the Council's total expenditure through accounts payable was £17.55m. This sum comprised of capital spending of £3.9m and revenue of £13.65m.

How it is Spent

3.8 A broad analysis of the Council's accounts payable expenditure in 2006/07 on goods, works and services revealed that during the year the £17.55m was spent with approximately 1,408 suppliers, of that £13.85m was spent with 95 suppliers (value of payments over £30,000), the remaining £3.7m with 1,313 suppliers.

3.9 The present finance system provides details of the number of transactions. The number of invoices received in the review period amount to 12,945 and cheque payments made total 12,910.

A one off exercise of transactions and supplier details gave the following information.

Value of Payment 2006/07	Suppliers		Transactions		
	Number of Trans	% of Trans	Spend £m	Number of Suppliers	% of Suppliers

Under £1,000	10,477	80.9	0.25	760	54.0
£1,000 to £2,000	971	7.5	0.23	157	11.2
£2,000 to £5,000	852	6.6	0.54	176	12.5
£5,000 to £10,000	326	2.5	0.77	107	7.6
£10,000 to £20,000	142	1.1	1.15	81	5.7
£20,000 to £30,000	67	0.5	0.76	32	2.3
Over £30,000	110	0.9	13.85	95	6.7
Total	12,945	100	17.55	1,408	100

The number of transactions has increased in 2006/07 by 48%. The value of spend has reduced from £20.2m in 2003/04 to £17.55m in 2006/07.

Who Spends the Money?

- 3.10 Of the **£13.85m spent with 95 suppliers**, (all amounts over £30,000) the following table demonstrates where the Council has freedom to procure:-

Procurement 2006/07	£m
Total spent with suppliers over £30,000	13.85

LESS

No procurement options <i>e.g. grants, I.R, e.t.c</i>	5.05
Open to procurement options	8.80

- 3.11 Of the **£8.8m paid to suppliers** it was spent by the following directorates:-

Service procurement 2006/7	£m
Resources	1.13
Assets & Operations	2.93
Community Services	0.80
Strategy, Planning and Regeneration	0.51
Capital Expenditure	2.81
Other*	0.62
	8.80

*amounts paid to suppliers which have not been directly apportioned to a specified service area.

- 3.12 In total it is estimated that no more than £8.80m is spent per annum in areas where the Council is free to procure.

4. PROCUREMENT POLICY

The Corporate Context

- 4.1 Procurement must be seen in the context of the Council's overall priorities. All too often the driving force has in the past been very focused on economy, e.g. under the previous Compulsory Competitive Tendering regime. Whilst this remains an essential ingredient of best value, it is also important that procurement decisions are taken in light of the broader priorities that the Council has identified. It is inevitable that for a public body, effective procurement must be measured as much by the social outcomes and community benefits that result as by the financial gains. Balancing these two dimensions is at the heart of effective best value procurement.
- 4.2 To understand the community benefits the Council is seeking to achieve it is necessary to consider the Council's corporate vision, core commitments and overall priorities. These are set out in the Council's Corporate Plan *2007-2010* and are as follows:

Council Vision and Outcomes

Our new role involves the Council in a much wider community leadership using our power of wellbeing. We are also increasingly focusing on outcomes (the real effects felt by people in our community) rather than the processes behind these. Coordination of this work is the Newcastle Community Strategy, developed with a range of organisations such as the Primary Care Trust, the Police and a range of voluntary organisations.

Council Commitments:

1. We aim to deliver **excellent services** to our communities.
2. We will ensure sustainability by taking a responsible approach in all our activities so we can **minimise our impact on the environment**.
3. We **respect our employees** and value the contribution they make to our success.
4. We will **act in a fair, open, and honest way with integrity and impartiality**, following ethical standards.
5. We will **engage with the public, partners, and others, valuing them** as we do our staff.

Council Priorities:

- Creating a **Cleaner, Greener and Safer Borough**. We aim to improve the environment so that everyone can enjoy a safe, sustainable and healthy Borough and enhanced quality of life.

- Creating a **Borough of Opportunity**. By working with our partners to maximize investment in employment generating activities that will create opportunities for improving the wealth and prosperity of the Borough's residents.
- Creating a **Healthy and Active Community**. We will work with partners to ensure residents and visitors are able to access a range of facilities and activities that will enable them to improve their health and quality of life.
- Transforming our Council to **Achieve Excellence**. We will create the maximum positive effect on the quality of life for the communities of Newcastle-under-Lyme. This will be achieved by delivery of excellent services that the public want and need and deliver them in the most effective and efficient way possible with the resources we have at our disposal.

CORPORATE PROCUREMENT POLICY

4.3 In support of best value and recognising the requirements of the above statements, the following policy has been developed:

Vision

To obtain best value through planned and skilful procurement, in respect of all goods, works and services sought by the Council.

Procurement Principles

Procurement principles have been established that aim to support the Council's commitments and strategic priorities. These are summarised below:

1. Management and Control of Contracts

This is a major factor in the success or failure of a contract. Arrangements shall ensure that all contracts are adequately managed and monitored with a view to achieving completion of service delivery on time, within budget, and in accordance with specification.

2. Assessing Minimising and Reviewing Risk

All projects contain some element of risk. Risk analysis and management should be developed for both the procurement process (for larger or high risk projects) and for the contract itself. The risks associated with all procurement shall be assessed and minimized accordingly. It is important that lessons are learned (what went well, what didn't go well), in order to inform future procurement decisions. Problems encountered in a project should be fed into risk analysis models for future projects.

3. Qualified and Experienced Staff Resources

The key to delivery of effective public sector procurement requires staff engaged in procurement and contract management to be suitably qualified and trained for the purpose. The level of expertise required depends on the frequency and complexity of the procurement activity in individual posts. The Council will continually review skills and experience of staff involved in this role addressing any skills shortfalls with appropriate training.

4. Equality, Diversity, Social, Economic and Environmental Wellbeing

All major procurement shall recognise the impact on the social, economic and environmental wellbeing within the Borough. We will strive to offer equality and diversity in all our procurement transactions. We will strive where practicable and possible to utilise local labour, materials and services. We will aim to support the growth in modern apprenticeships and where there is a requirement for sub-contract work, as part of major projects, investigate with the approved service provider/contractor the use of local labour.

5. Environmental Packaging of Major Projects

Sourcing goods, services, commodities and works that meet the present requirements without compromising the ability of future generations to meet their own needs is at the heart of sustainable procurement. However, sustainable procurement is more than just responsible sourcing it is the active use of public spending to support and deliver wider political, social, economic, technological and environmental objectives yielding long term benefits at a local level. It is both a framework and a protocol directed at supporting Government's long term ambitions for sustainable development.

The Simms Report defines Sustainable procurement as:

“Sustainable Procurement is a process whereby organisations meet their needs for goods, services, works and utilities in away that achieves ‘Value for Money’ on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the economy whilst minimising damage to the environment....”

All major procurement at NULBC shall have due regard to the issue of sustainability and early decisions shall be taken to ensure that projects are packaged so as to encourage delivery in the most efficient manner and achieve what end users want and can afford. We will encourage environmentally advantageous products and services by, where appropriate, working with providers and suppliers to minimise the environmental and social impacts associated with products and services, with reference to the Council's environmental and sustainability objectives.

6. High Professional Standards and Best Practice

All procurement procedures shall be operated in a professional manner and ensure the highest standards of transparency, probity and accountability.

7. Continuous Improvement

Where contracts are going to run for a number of years, the contract should be sufficiently flexible as to provide for continuous improvement throughout the period of the contract.

8. Workforce Matters

Any procurement that potentially involves the transfer of staff who are currently employed by the Council shall, as far as legally possible, fully protect the future terms and conditions of employment of such staff so that they continue to enjoy the good employment practices of the Council.

The Council strives to align its Core Commitments to each Procurement Principal in delivery of its purchasing processes. Any shortfalls identified will be evaluated and addressed accordingly.

5. PRIORITIES FOR FURTHER ACTION

5.1 This part of the document is concerned with the selection of priorities and the proposals for actioning and identifying clear objectives to build on our procurement strengths and address areas for improvement.

What are our Strengths?

5.2 An overall general assessment of procurement and contract management at the Council is that the Council is good at major procurement and has embraced the concept of collaboration and partnership working. One advantage of devolved procurement is that procurement is driven by the needs of the service and this may be one reason why we are innovative in procurement and procurement practice. Some examples of innovation/successes are:

- (1) Continued savings realized on the purchasing of utilities, mobile telephones and fuel through consortiums.
- (2) Keeping up to date with technology and new methods of working by tendering using an outcome basis i.e. telephone system, recycling.
- (3) Negotiating reasonable insurance premiums and coverage in a volatile market.
- (4) Purchasing office stationery from Internet Catalogues and a review of stationery usage has identified better processes and ongoing savings of up to £8,000 p.a.
- (5) Provision has been negotiated as part of the supply of personal computers (PC's), for the disposal of computers at the end of their useful life to comply with environmental requirements. PC's are disposed of via an accredited recycler, charities can benefit from refurbished PC's and they can be sold for reuse.
- (6) Receipt of electronic orders in relation to mobile telephones and energy to reduce paperwork and speed up processing times.

- (7) Economies of scale have been achieved for paper purchases for our printing department; these were achieved against a background of volatility within the marketplace.
- (8) Partnership working, benefiting from tendering services in Housing Market Renewal.
- (9) The Council has entered into a joint partnership with Stoke-on-Trent Council for the provision of Building Control Services.
- (10) Joint procurement initiatives of 'Green Space Audit and Strategy' with Stoke-on-Trent City Council and Renew.
- (11) Partnership arrangements with Stoke-on-Trent City Council on 'Greening for Growth' and with Staffordshire County Council on a 'New Cemetery'
- (12) Our Bereavement Services have agreed joint contracts with University Hospital and Keele Medical School for disposal services.
- (13) The use of partnering contracts to deliver improved specifications and outcome focused delivery of requirements.
- (14) The use of framework agreements in the purchase of ICT Equipment and Street Cleaning Vehicles.

5.3 The above provides examples of successes in terms of either particular contracts or contract processes in general. An analysis of how these successes were achieved has been undertaken in order to establish how we might learn from them to make improvements in other areas of procurement.

5.4 The following are some of the factors that contributed to the success stories:

- Members and staff generally have an open-minded approach to major procurement issues, they have been supportive in the procurement fitness review undertaken by the IDeA and acknowledged as such.
- Members have been proactively involved in strategic procurement projects.
- Recognition of the strategic importance of procurement, reflected by the employment of a Procurement Officer to address procurement issues and enable change.
- Staff continue to develop a wealth and breadth of experience, an awareness of market trends and are supported by advice from Legal and Internal Audit Services.
- There is recognition of the need to constructively challenge developments in the Procurement Strategy.
- The present structure for procurement within the Council remains decentralised but small and therefore manageable, with resources now being provided at a strategic level.
- Contracts continue to fall within budget and there is no track record of disputes from unsuccessful tenderers.

- Members and staff recognize the need for flexibility and the opportunities and benefits of different procurement methods, examples of which include: strategic partnerships/ consortiums/ e-mail ordering and the use of consultants.
- The procurement function can respond to short time scales and provide flexibility in getting tenders out.
- The Council has a record of complying with the Council's Standing Orders and Financial Regulations.

5.5 The Procurement Working Group established in August 2003 has delivered to date:

- Clear terms of reference for the group supported by a lead officer and member.
- Production of the initial Procurement Strategy, actions of which were rolled out and reported to Corporate Board Members.
- Exploration and adoption of the use of ICT in procurement, electronic invoices, orders and payments in a limited number of areas.
- Standing Orders were updated in June 2005 allowing for greater electronic usage in relation to orders, tenders and payments. This update also reflected the need for greater freedom and flexibility towards joint purchasing consortia, the possibilities of entering into joint procurement initiatives, framework agreements and the commissioning of shared services.
- A sustainability policy which was drafted and reported to the Sustainability Task and Finish Group on the 6 November 2006
- The Newcastle-under-Lyme Compact with the local voluntary and community sector has been produced and approved.
- Collaboration with other authorities to commission/provide goods and services e.g. Customer Relations Management System, E-payments System, Building Control.
- Continued networking with other procurement advisors both in the public and private sector, including involvement with the West Midlands Centre of Excellence.
- Inclusion of a 'Guide to doing Business with the Council' on our web site, responding to queries from Small to Medium Enterprises.

5.6 Objectives that build on our strengths and address areas for improvement include:

1. Organisation:

Ensure we maintain corporate support and establish a long term commitment from both members and officers at all levels to improve the profile of Procurement within the Borough of Newcastle-under-Lyme. We will review any shortfalls and continue to focus on the objectives that support the National Procurement Strategy for local government and the Borough Council's Strategic Priorities, to realise economic social and environmental benefits for Newcastle-under-Lyme. Members will be involved by raising their awareness of impending contracts and of possible social, community and environmental consequences at a very early stage.

2. Partnerships, Collaboration & Framework Agreements:

Deliver consistent and better quality services that meet the identified needs of individuals and groups within the Newcastle-under-Lyme and develop mixed economy, through strategic partnerships, framework agreements and collaboration with a range of public, private and voluntary suppliers.

3. Procurement Management Information:

Ensure we have a robust financial system forming a solid platform for future innovation. Maximise the cost effectiveness of Best Practice Procurement Processes by minimising administrative processes in a consistent manner and so adding value across the Council. Any significant financial impact as a result of the Procurement Strategy will be reflected in the Medium Term Financial Strategy.

4. Value for Money

To ensure and maintain a procurement process that is clear and focused in the first instance on achieving value for money.

5. E- Procurement

Expand the implementation of the e-procurement solutions to stimulate electronic trading at all levels of the business spectrum.

6 Supplier Development

Promote Newcastle-under-Lyme as a preferred customer. Focus on supplier development, supply chain management and promote the opportunity for businesses and Small to Medium Enterprises to trade with the Council.

7. Innovation & New Approaches

Seek innovation and new approaches across both internal and external environments to achieve continuous improvement.

8. Controls Standards and Management of Risk

Ensure compliance with Councils Standing Orders, Financial Regulations and European Legislation, covering procurement and tendering whilst considering risk.

9. Performance Management

Create, implement and monitor Key Performance Indicators to highlight continuous improvement and performance benefits against targets within the authority.

10. Training

Develop procurement skills across the organisation to support the implementation of procurement policy and strategy.

Given the number of objectives outlined above that need reviewing it is important to prioritise them. Section 7 establishes time frames for each of the above coupled with further areas for consideration.

6 Reporting arrangements

- 6.1 This Procurement Strategy and monitoring of its action plan shall be reported to the Corporate Board and the Cabinet annually and the policy reviewed and reported by the Procurement Group quarterly.

7. ACTION PLAN BASED ON - KEY OBJECTIVES

KEY OBJECTIVE 1 ORGANISATION

Ensure we maintain corporate support and establish a long term commitment from both members and officers at all levels to improve the profile of Procurement within the Borough of Newcastle-under-Lyme. We will review any shortfalls and continue to focus on the objectives that support the National Procurement Strategy for local government and the Borough Council's strategic priorities, to realise economic social and environmental benefits for Newcastle-under-Lyme.

Position Statement	Key Issues	Objectives	Timescales	Lead Officer
7.1.1 Procurement Strategy expires in 2007.	Review Procurement Strategy in line with observations made by the IDeA in January 2007, National Procurement Strategy and the internal audit completed in September 2006.	Revise/update strategy.	July 2007.	P.O.
7.1.2 The Procurement Strategy is adopted and endorsed by members and officers at all levels.	Procurement Strategy should be embedded in all major procurement decisions.	To communicate and ensure Corporate recognition for procurement practices and procedures.	Cabinet by October 2007 Council by December 2007 Imp. Board October 2007	P.O. P.O. P.O.
7.1.3 Members are proactively involved in strategic procurement projects.	How can Members be more effectively engaged earlier in the procurement process?	Review roles of Members in strategic procurement management. Make recommendations. This objective links with 7.3.3 the provision of a contract register which will alert all members well in advance of new or the renewal of major contracts.	March 2008.	P.O.
7.1.4 The Council has previously benefited from a Procurement Working Group which consisted of both Managers and Officers in reviewing both the Procurement Strategy and ongoing improvements within the procurement process, included in the IDeA review.	There is now an urgent need to re-establish the group.	Review the existing terms of reference and identify target areas for improvement, and re-introduce the working group.	August/September 2007. <i>(Completed)</i>	C.I.M.

7. ACTION PLAN BASED ON - KEY OBJECTIVES

KEY OBJECTIVE 2 PARTNERSHIPS, COLLABORATION & FRAMEWORK AGREEMENTS

Deliver consistent and better quality services that meet the identified needs of individuals and groups within the Newcastle-under-Lyme and develop mixed economy, through strategic partnerships, framework agreements and collaboration with a range of public, private and voluntary suppliers.

Position Statement	Key Issues	Objectives	Timescales	Lead Officer
7.2.1 The Council is engaged with the West Midlands Centre of Excellence.	Share and participate in procurement and collaboration work streams.	Demonstrate benefits of membership by recording and reporting activities the Council is engaged in.	Ongoing.	P.O.
7.2.2 The Council has and continues to be willing to participate in partnerships with neighbouring authorities and organisations, voluntary sector organisations.	<p>Identification of subject areas – spends for further developments.</p> <p>Partnerships require commitment from both parties to manage and negotiate effectively</p> <p>A range of Voluntary Sector Bodies exist within the community, explore how we promote and utilise these as part of the Procurement process.</p>	<p>(a) Identification of suitable partnership groupings.</p> <p>(b) Participation in regional procurement group activity, exploring opportunities for partnership sourcing and collaboration where beneficial to the Council. Monitor and review to ensure delivery of outcomes established at outset of each arrangement.</p> <p>(c) Understand the range of voluntary services available, the best fit within the Council and promote such services within the appropriate directorate.</p>	<p>August onwards.</p> <p>Ongoing</p> <p>Ongoing</p> <p>March 2008</p>	<p>P.W.G.</p> <p>P.O. & P.W.G.</p> <p>P.O.</p> <p>P.O. & P.W.G.</p>
7.2.3 The Council is party to various framework agreements.	To identify/investigate additional potential areas of spend that could benefit from using framework agreements.	<p>(a) To explore the feasibility of using new framework agreements.</p> <p>(b) Promote appropriate opportunities with OGC as they arise.</p> <p>(c) Consider the inclusion in contracts of a clause allowing other interested Councils to enter the relationship.</p>	<p>Ongoing</p> <p>December 2007</p> <p>Ongoing</p>	<p>P.W.G.</p> <p>P.O.</p> <p>L.M.</p>

7. ACTION PLAN BASED ON - KEY OBJECTIVES

KEY OBJECTIVE 3 PROCUREMENT MANAGEMENT INFORMATION

Ensure we have a robust financial system forming a solid platform for future innovation. Maximise the cost effectiveness of Best Practice Procurement Processes by minimising administrative processes in a consistent manner and so adding value across the Council.

Position Statement	Key Issues	Objectives	Timescales	Lead Officer
7.3.1 Council's financial system 'Agresso' is established, but further developments – refinements are required.	Use full potential of the system.	(a) To ensure identification of improvements & increased levels of electronic working where more efficient.	April 2008	A.W.G.
	Replacement of paper based systems and duplication in processes.	(b) Cultural change to embrace available efficiencies	April 2008	A.W.G.
	User knowledge and staff training.	(c) Training programme underway, consider placing training manual on the intranet.	May 2008	A.W.G.
7.3.2 Raw procurement data requires heavy resource to interpret and analyse.	Determine in house or outsource the development of spend analysis reports.	Select appropriate sourcing. Interpret and analyse procurement data.	January 2008	A.W.G/P.O.
7.3.3 Contract information currently disparate.	No central contracts register – data base, coupled with no diarised system.	(a) Set up a central data-base for contracts.	March 2008	P.W.G. /P.O.
		(b) Investigate if current Agresso package contains a contract option, and examine costs for its procurement and use.	March 2008	P.O.
7.3.4 All supplier invoices are currently paid within agreed terms (e.g. by raising a cheque).	Total estimated costs for cheques to pay suppliers versus the costs of payment by BACS.	To introduce BACS payments. <u>Target 50% of suppliers by financial year end.</u>	March 2008	A.W.G.
7.3.5 Approved supplier list/database held centrally.	To improve contract recording, analysis and prompt ease of supplier identification.	Set up a central data-base for suppliers. Investigate if current Agresso package can accommodate.	March 2008	A.W.G.

7. ACTION PLAN BASED ON - KEY OBJECTIVES

KEY OBJECTIVE 4 VALUE FOR MONEY

To ensure and maintain a procurement process that is clear and focused in the first instance on achieving value for money.

Position Statement	Key Issues	Objectives	Timescales	Lead Officer
7.4.1 Supplier base is large but shows year on year reductions. There is a high level of low value/high frequency invoices.	Review if a purchasing directory exists to identify supplier base.	(a) Develop an internal procurement directory if one doesn't exist.	March 2008	A.W.G
	Where there is repetition rationalise supply base to maximise business opportunities.	(b) Increase the use of core contracts and focus on strengths of our suppliers in liaison with the main users.	August 2008	P.W.G.
		(c) Reduce the number of suppliers by a Target 15%	August 2008	P.O.
7.4.2 Contracts set up with a number of key suppliers.	Review existing contracts, are they still relevant to the Council's vision.	(a) Standardise and implement a contract register.	March 2008	P.O.
		(b) Improve corporate understanding of common spend.	March 2008	P.W.G./A.W.G.
		(c) Identify suitable electronic system to guide supplier selection.	March 2008	A.W.G.
		(d) Focus on the scope and viability of contracts with core suppliers – can we enter a framework agreement?	Ongoing - August 2008	P.W.G.

7. ACTION PLAN BASED ON - KEY OBJECTIVES

KEY OBJECTIVE 5 E-PROCUREMENT

Expand the implementation of the e-procurement solutions to stimulate electronic trading at all levels of the business spectrum.

Position Statement	Key Issues	Objectives	Timescales	Lead Officer
7.5.1 Currently a limited amount of invoices are paid by BACS.	Government focus to increase electronic transactions.	To switch from manual cheque payments of supplier invoices to BACS payments <i>(Target 50%)</i>	July 2008	A.W.G.
7.5.2 Evaluation on the number of invoices raised per supplier – is there a case for invoice consolidation i.e. 1 invoice replacing multiple invoices.	High number of invoices to be processed?	If there is a high number of invoices investigate how efficiencies may be improved i.e. reducing the number of invoices and therefore time spent on processing. <i>Target 50% reduction in the number of payments over 3 years.</i>	August 2008	P.O.
7.5.3 Aligning procurement best practice with the National Procurement Strategy and efficiency targets.	Continued developments of electronic procurement methods.	Evaluate and adopt where appropriate (a) E-marketplace, (b) Procurement Cards, (c) Document Management, (d) E-invoicing, (e) E-tenders.	March 2009	P.O.
7.5.4 Purchasing is mainly carried out using traditional methods.	E-procurement must run in line with strategic sourcing; benefits will not be achieved without procurement best practice.	(a) To review the purchasing processes in the Council and improve in line with Best Practice. (b) To introduce increased e-government support and guidance.	December 2008 March 2009	P.O. P.O.
7.5.5 Growing awareness of e-procurement with suppliers.	Promotion of e-enabled working practices within the supply chain is vital for e-procurement to work.	Publish clear information on e-procurement initiatives with the Council for all stakeholders.	March 2009	P.O.

7. ACTION PLAN BASED ON - KEY OBJECTIVES

KEY OBJECTIVE 6 SUPPLIER DEVELOPMENT

Promote Newcastle-under-Lyme as a preferred customer. Focus on supplier development, supply chain management and promote the opportunity for businesses and SME's to trade with the Council.

Position Statement	Key Issues	Objectives	Timescales	Lead Officer
7.6.1 Multiple suppliers servicing common product groups across parties and different sections within the Council.	Spend analysis is not easily available to identify where this occurs. Buyers need to be made aware of the benefits of identifying common product groups.	(a) To identify common product groups, potential suppliers (b) To enter into Council wide contracts where appropriate. <u>Target: reduce the number of suppliers by 15%</u>	March 2008 Ongoing	P.O./A.W.G. P.W.G.
7.6.2 Newcastle-under-Lyme Borough Council profile as a customer how well is this known?	A contracts list is not published on the Councils web-site.	Collate a current list of contracts and expiry/renewal dates and publish this on the web-site.	March 2008	P.W.G./P.O.
7.6.3 Some information is contained on the web site in how to trade with the council.	Only limited information is available, this needs to be expanded as identified from the IDeA review.	(a) To identify Best Practice. (b) To collate and co-ordinate relevant information and communicate via the web-site.	March 2009 March 2009	P.O. P.O.
7.6.4 Standing Orders indicate our policy in dealing with SME's. A concordat has been drafted but approval has not yet been given.	This is to be published on the web-site. Identified from the IDeA review, consider signing the small business friendly concordat.	(a) Establish/draft a suitable page for inclusion on the Councils web-site. (b) Review the concordat and reasons for delay in approving, re-write if required and seek approval. (c) This objective links with 7.3.3 the provision of a contract register which will alert all members well in advance of new or the renewal of major contracts.	March 2008 March 2008	B.D.O./P.O. B.D.O./P.O.
7.6.5 Some SMEs. are not in a position to benefit from information contained on the web site.	Some suppliers/service providers are inexperienced in using PC based applications.	Investigate alternative media to promote doing business with the Council. Ensure costs do not outweigh benefits.	March 2008	B.D.O./P.O.

7. ACTION PLAN BASED ON - KEY OBJECTIVES

KEY OBJECTIVE 7 INNOVATION AND NEW APPROACHES

Seek innovation and new approaches across both internal and external environments to achieve continuous improvement.

Position Statement	Key Issues	Objectives	Timescales	Lead Officer

7.7.1 Limited information on how to trade with Newcastle-under-Lyme Borough Council.	Clearer web based information on trading with the Council.	Designated internet and intranet web area to include relevant guides on procurement.	March 2008	P.O.
7.7.2 Traditional procurement processes have not encouraged innovation.	Encourage a culture where competition and innovation may offer wider benefits.	(a) Develop transparency within procurement to enable new partnerships to influence progress. (b) Promote both a proactive and reactive approach to procurement. (c) Challenge the Councils Standing Order processes where these are restricting innovation. (d) Evaluate current Shared Services and the potential for expansion within the Council where beneficial.	March 2008 From March 2008 From March 2008 Ongoing	P.O. P.W.G. P.W.G. P.W.G.
7.7.3 Project Management tends to be performed on an individual project basis.	Project Management approach to be developed at the start of each major procurement project integrating 'Gateway Reviews' into the project management methodology.	(a) To control risk and ensure accountability. (b) Adoption of the Corporate Project methodology for Procurement Projects.	From August 2007 From August 2007	P.W.G. P.W.G.

7. ACTION PLAN BASED ON - KEY OBJECTIVES

KEY OBJECTIVE 8 CONTROLS, STANDARDS AND MANAGEMENT OF RISK

Ensure compliance with Councils Standing Orders, Financial Regulations and European Legislation, covering procurement and tendering.

Position Statement	Key Issues	Objectives	Timescales	Lead Officer
7.8.1 Standing Orders exist to provide uniform procedures.	Are all departments compliant?	(a) Review Standing Orders (b) Assess if these are user friendly (c) Develop and publish tool kit to support	March 2008 March 2008 September 2008	P.O. P.O. P.O.

		the use of Standing Orders and procedures. (d) Identify shortfalls in knowledge and provide training.	September 2008	P.O.
7.8.2 Ensure that risk is appropriately managed.	Procurement remains legal, ethical and transparent. Risk and value of procurement has not been mapped.	(a) Encourage a transparent and equitable procurement process – via audit, publication of policies and appropriate training. (b) To evaluate the relationship between risk and value of Councils Goods & Services, with potential use of the risk/value matrix. (c) Improve risk management in procurement – contract management by the introduction of guidance developed from work on the risk management strategy. In particular, that risk assessment is included from the start of any purchasing or contract process.	September 2008 January 2008 December 2008	P.O. P.O. R.M.G.
7.8.3 Council's Standing Orders provide the corporate framework for contracts and tendering.	Need to maintain awareness of current/changing legal requirements for all officers involved within the procurement process.	Review how changes in legislation are captured and how officers are updated.	Ongoing	P.O./L.M.
7.8.4 Documentation relating to tendering and contracting is standardised.	Is there supporting documentation in the completion of contracts and tender documentation.	To ensure that all directorates involved in procurement are using a consistent approach by providing guidance via the internet/intranet reinforced by training.	December 2009	P.O.
7.8.5 Sustainable Procurement, policy has been written but not approved.	Outline a mechanism for a phased development /implementation of the policy.	(a) Determine current position of the policy and review and submit for approval. (b) Consider the impact of the policy on the Procurement Strategy.	March 2008 September 2008	W.M. P.O.

7. ACTION PLAN BASED ON - KEY OBJECTIVES

KEY OBJECTIVE 9 PERFORMANCE MANAGEMENT

Create, implement and monitor Key Performance Indicators to highlight continuous improvement and performance benefits against targets within the authority.

Position Statement	Key Issues	Objectives	Timescales	Lead Officer
7.9.1 There are currently no E-procurement performance	No quantitative tools to measure continuous performance in	Identify and develop the relevant performance indicators and	March 2008	C.I.M./P.O.

indicators set up.	procurement systems, these need to be developed to produce relevant information.	calculation methodology.		
7.9.2 Formal procurement targets have been identified in this strategy (within section 7)	No documented plan for achieving procurement objectives.	Identify key performance against which progress may be evaluated and monitored.	March 2008	P.O.
7.9.3 No formal register for identifying efficiencies achieved through procurement initiatives.	Identification of the efficiencies achieved through procurement initiatives are not uniformly collated and monitored.	Establish a means of management reporting in identifying efficiency savings through procurement. Evaluate the use of the Benefits Management Summary Card.	December 2007	P.O.

7. ACTION PLAN BASED ON - KEY OBJECTIVES

KEY OBJECTIVE 10 TRAINING

Develop procurement skills across the organisation to support the implementation of procurement policy and strategy.

Position Statement	Key Issues	Objectives	Timescales	Lead Officer
7.10.1 The Council has a number of skilled officers in relation to purchasing and the management of contracts.	Not all officers have these skills, even though they are required to undertake purchasing duties.	(a) To identify skills shortfalls and officers requiring training.	May 2008	H.R. /P.O.
		(b) To identify and provide improved	December 2008	H.R. /P.O.

		<p>communicative training provision of tools to ensure a consistent approach in line with Best Practice and relevant legislation.</p> <p>(c) Encourage more mentoring of procurement staff to ensure succession of skills and knowledge.</p> <p>(d) Devise a training programme that includes Members, Senior Officers and Contract Managers.</p>	<p>June 2008</p> <p>June 2008</p>	<p>H.R. /P.O.</p> <p>H.R. /P.O.</p>
7.10.2 Members and Officers proactively involved in strategic procurement within the Council.	The Council would benefit from carrying out a procurement skills/training needs analysis for both members and officers. As identified from the IDeA review.	Produce and implement a development plan for both members and officers.	June 2008	H.R./P.O.

Glossary of Terms:

P.O. – Procurement Officer

L.M. – Legal Manager

C.I.M. – Corporate Improvement Manager

A.W.G. – Agresso Working Group

R.M.G. – Risk Management Group

P.W.G – Procurement Working Group

B.D.O. – Business Development officer

[Targets established and agreed.](#)

W.M. – Waste Manager

H.R. Human Resources

APPENDIX 'B' (Yellow paper)

Item No	Business Objective	Risk Category	Risk	Potential Consequences	Risk Score I * L	Risk Rating	Specify Existing Control Measures	Final Score I * L	Final Risk Rating	Further Action Required	Owner	Target Date
1	To provide services which are efficient and effective; where staff are motivated and competent	Human Resources	Failure to employ the correct number of key staff with experience, skills and competency to deliver the required service	Lack of direction for service delivery	5 x 5	E	Procurement Working Group re-established	5 x 4	E	Update Procurement Strategy and Action Plan	Corporate Improvement Manager	Oct-07
				Retention of staff			Political support in recruitment of Procurement Officer			Procurement Officer needs to understand policies, procedures, principles and protocols in Public Sector Procurement	Corporate Improvement Manager	Apr-08
				Lack of motivation			Lead Officer and Lead Member identified			Identification with Heads of Service of shortfalls in skill sets of managers and officers	Procurement Officer	May-08
				Insecurity about the future			Outdated procurement strategy and action plan to identify the need to evaluate and assess key skill shortages and the need to source training to address shortfalls identified			Train managers and officers in areas where shortfalls in skills have been identified	Procurement Officer	Dec-08
				Lack of key skills transfer of "old" work having the effect of over reliance on these staff to continue to try to deliver a service for their old responsibilities as well as the new ones								
2		Finance	Failure to identify the financial support to the new service, whether from current sections or as a new establishment	No finance available to develop service delivery	3 x 4	H	Procurement Champion through Procurement Working Group	3 x 3	H	Budget needs to be reviewed for procurement	Corporate Improvement Manager	Nov-07
							Qualified accountants for Budget settings			Provision needed for support staff		Mar-08
							Financially sound Council					
							Clear reporting procedures					
							Service and Financial Plans prepared in Performance Accountability Framework					
							Financial Regulations and Standing Orders in place					
							Budget in place for procurement					
							Regular monitoring on a monthly basis and implement exception reporting					

Item No	Business Objective	Risk Category	Risk	Potential Consequences	Risk Score I * L	Risk Rating	Specify Existing Control Measures	Final Score I * L	Final Risk Rating	Further Action Required	Owner	Target Date
3	To provide services which are efficient and effective; where staff are motivated and competent	Legal	Failing to meet legislative requirements	Breach of Law Reputational damage Government intervention Financial implications	5 x 4	E	Standing Order & Financial Regulations Experienced officers in procurement and contract law Monitoring Officer in place Audit Commission in place to challenge the Council's Use of Resources Experienced staff on hand to give advice Advice obtained from external bodies as and when required	5 x 2	H	Review and update guidance and staff Identify policies and procedures to staff through the Intranet	Corporate Improvement Manager	Mar-08
1	To ensure that the procurement process is clean and focused in the first instance on achieving Value for Money	Service Delivery	Failure to identify key areas for improvement	Money wastage Maverick spending Reliance on existing officers and members of the procurement group to deliver change as an additional responsibility Potential savings and service improvements are missed by the Council Additional strain and stress on the current resources leading to demotivated staff Failure to deliver service requirements Dissatisfied customers Reputation damage Government intervention	5 x 4	E	Standing Order & Financial Regulations Identify savings and deliver on them Procurement/buyers within the Council are strategically placed throughout the organisation Procurement Working Group exists to deliver the strategic objectives through the Procurement Strategy Procurement Office in place Profile of procurement is high throughout the Council Networking with other outside bodies/partners to identify best practice (framework agreements)	5 x 3	H	To deliver the action plan found in Section 7 of the Procurement Strategy To continually review the Procurement Strategy and update to reflect changes from Central Government To continue to benchmark to support the deliver of value for money Procurement Officer needs to understand policies, procedures, principles and protocols in Public Sector Procurement Identification with Heads of Service of shortfalls in skill sets of managers and officers Train managers and officers in areas where shortfalls in skills have been identified	Corporate Improvement Manager Procurement Officer Corporate Improvement Manager Corporate Improvement Manager Procurement Officer Procurement Officer	Sep-08 Sep-08 Sep-08 Apr-08 May-08 Dec-08

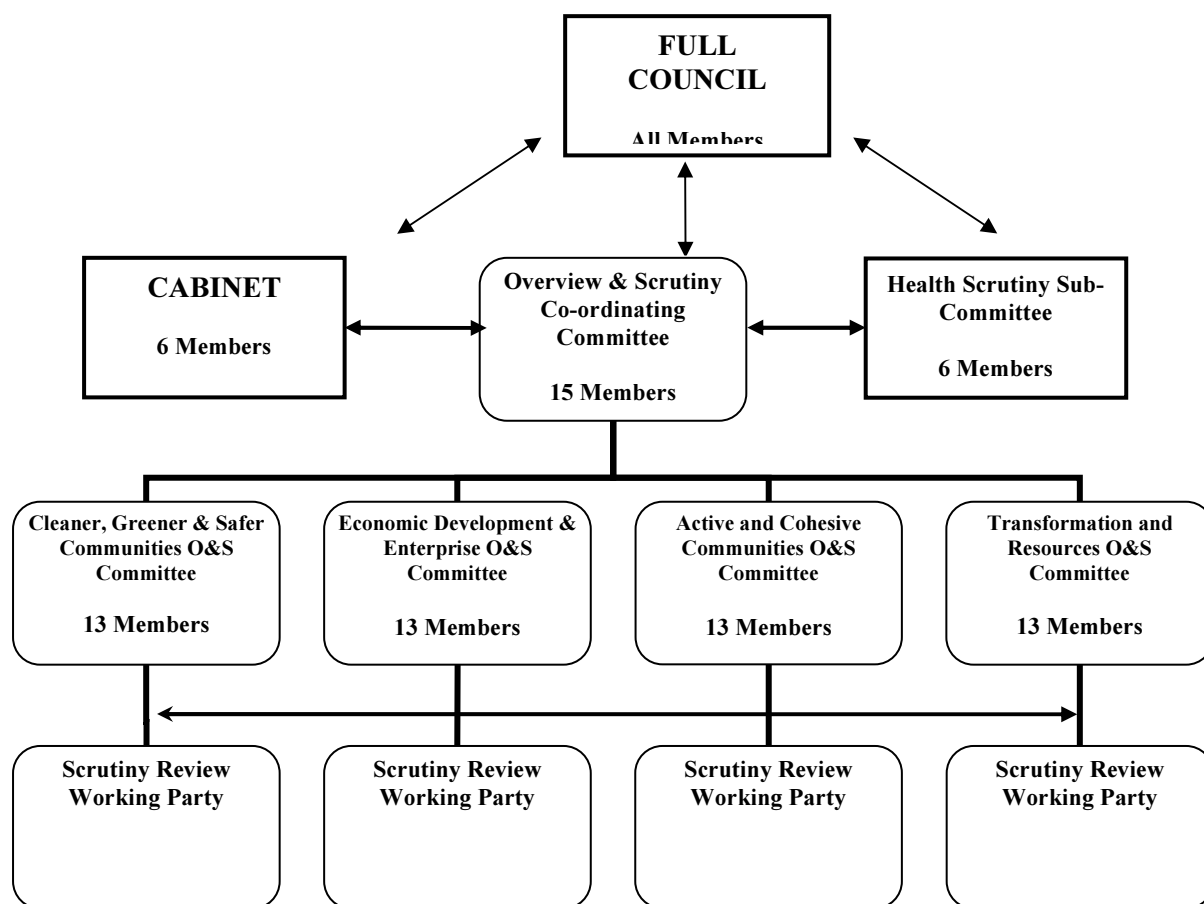
Item No	Business Objective	Risk Category	Risk	Potential Consequences	Risk Score I * L	Risk Rating	Specify Existing Control Measures	Final Score I * L	Final Risk Rating	Further Action Required	Owner	Target Date	
1	To ensure that the procurement options are chosen on the basis of the degree to which they fulfil the Council's corporate commitments and priorities and those of specific services	Service Delivery	That the Council's corporate commitment and priorities are not delivered	Reputation damage Government intervention	5 x 4	E	Corporate Project Management Process available	5 x 3	H	Embed the Project Management methodology	Corporate Improvement Manager	Sep-08	
				Failure to deliver the required service level and at the required level leading to lack of direction			Managers and officers have an understanding of the procurement process and the Council's corporate commitments and priorities to contribute to the delivery of appropriate procurement options			Procurement officer to work closely with managers and officers to advise and support on implications of the procurement strategy actions		Dec-07	
2	To ensure that the procurement options are chosen on the basis of the degree to which they fulfil the Council's corporate commitments and priorities and those of specific services	Human Resources	Failure to provide efficient staff with skills, knowledge and capacity to support the delivery of appropriate procurement options	Over reliance on current staff	5 x 4	E	Audit Commission inspections	5 x 3	H	Embed the Procurement Strategy and Action Plan	Corporate Improvement Manager	Sep-08	
				Outdated methods and knowledge applied			Standing orders and financial regulations in place			Continue to seek involvements with partnership organisations		Procurement Officer	Sep-08
				Poor service delivery			Procurement strategy and principles in place			Identify skills shortfalls and train staff to overcome these		Procurement Officer	Dec-08
				Breach of Legislation			Knowledgeable staff in procurement						
				Reputational damage			Specified Procurement Officer						
				Government intervention			Lead Officer and Lead Member identified						
							Budgets in place						
3		Information Management	Business needs are not communicated	Staff and key stakeholders are unaware of priorities and commitments	5 x 4	E	Clear priorities and commitments shown on the Internet, Intranet, Service & Financial Plans, Procurement Strategy, posters, screensaver on computers, teambriefings	5 x 2	H	Ongoing communications with staff and key stakeholders	Corporate Improvement Manager	Sep-08	

Item No	Business Objective	Risk Category	Risk	Potential Consequences	Risk Score I * L	Risk Rating	Specify Existing Control Measures	Final Score I * L	Final Risk Rating	Further Action Required	Owner	Target Date
1	Where appropriate, to seek out and develop new methods of service delivery in immature and emerging markets	Service Delivery	Council fails to innovate and develop new methods	Expensive and inefficient service delivery	5 x 4	E	Procurement Officer in post	5 x 2	H	Procurement officer to continue work with the WMCOE and local and national authorities to	Procurement Officer	Sep-08
			Council unable to adapt processes, procedures, policies and protocols to support immature and emerging markets and opportunities or benefits are missed	Intervention by Government Inspectors			Ensure a proactive approach by ensuring that managers and officers involved in procurement, challenge processes, procedures, policies and protocols to investigate/assess new methods of service/emerging markets			Continue to evaluate the use of framework agreements and the use of consortiums		
				Impacts on the Council's abilities to deliver it's objectives and priorities			Pressure from Service Managers					
				Reputation damage			Procurement Working Group in place					
				Council not seen as being proactive by the stakeholders			Partnership and networking groups in place					
2	Where appropriate, to seek out and develop new methods of service delivery in immature and emerging markets	Human Resources	Failure to provide efficient staff capacity to support the assessment and delivery of new methods of service and to evaluate immature and emerging markets	Money wastage	5 x 4	E	Standing Order & Financial Regulations	5 x 3	H	To deliver the action plan found in Section 7 of the Procurement Strategy	Corporate Improvement Manager	Sep-08
				Maverick spending			Identify savings and deliver on them			To continually review the Procurement Strategy and update to reflect changes from Central Government	Procurement Officer	Sep-08
				Reliance on existing officers and members of the procurement group to deliver change as an additional responsibility			Procurement/buyers within the Council are strategically placed throughout the organisation			To continue to benchmark to support the deliver of value for money	Corporate Improvement Manager	Sep-08
				Potential savings and service improvements are missed by the Council			Procurement Working Group exists to deliver the strategic objectives through the Procurement Strategy			Procurement Officer needs to understand policies, procedures, principles and protocols in Public Sector Procurement	Corporate Improvement Manager	Apr-08
				Additional strain and stress on the current resources leading to demotivated staff			Procurement Office in place			Identification with Heads of Service of shortfalls in skill sets of managers and officers	Procurement Officer	May-08
				Failure to deliver service requirements			Profile of procurement is high throughout the Council			Train managers and officers in areas where shortfalls in skills have been identified	Procurement Officer	Dec-08
				Dissatisfied customers			Networking with other outside bodies/partners to identify best practice (framework agreements)					
				Reputation damage								
Government intervention												

Item No	Business Objective	Risk Category	Risk	Potential Consequences	Risk Score I * L	Risk Rating	Specify Existing Control Measures	Final Score I * L	Final Risk Rating	Further Action Required	Owner	Target Date
1	To ensure that in choosing the best value procurement method, the process of balancing cost against community benefit is made in a transparent way and can be supported with clear evidence	Service Delivery	Procurement method and costs either conflict or do not deliver community benefits	Money wastage	4 x 4	E	Skilled officers employed with understanding of best value principles	4 x 2	M	Embed procurement strategy actions	Procurement Officer	Sep-08
				Maverick spending			Regular public consultation over projects			Embed project management methodology	Corporate Improvement Manager	Dec-08
				A balance between community benefit and value for money is not achieved			Public meetings held including procurement issued					
				Demotivated staff			Procedures and policies are in place to support current managers and officers to deliver best value procurement					
				Reputation damage			Project management methodology used, including benefits realisation model					
				Failure to deliver service requirements								
			Dissatisfied customers									
2			That the community within the Borough loses confidence in the Council	Members are reluctant to sanction or approve future projects based on any negative feedback received from the local community	3 x 3	H	Regular public consultation over projects	3 x 2	M	Continuous consultation with the public	Procurement Officer	Sep-08
				The public boycott and services procured			Reported newspaper reports to the public the results of consultations			Embed procurement strategy actions	Procurement Officer	Sep-08
							Public attendance at Member meetings as appropriate			Embed project management methodology	Corporate Improvement Manager	Dec-08
							Internet access showing Council procedures to engage with the Council					

Overview and Scrutiny Structure – Focus on Corporate Priorities

This structure aligns an Overview and Scrutiny Committee to each of the Corporate Plan Priorities to clearly focus on delivering improved services across the borough. It would therefore link to the Local Strategic Partnership and the County’s Local Area Agreement as well as down to the level of individual officers’ appraisals. Areas of responsibility for the proposed committees are provided below, along with links to the appropriate Cabinet portfolio holders. Each of these committees would be responsible for managing the call-in of Cabinet decisions in line with their areas of responsibility.



The Working Party, primarily established to look at the role of the full Council, considered a number of the issues raised at the previous Scrutiny Committee meeting on 14 November 2007. It was felt that the role and position of the Health Scrutiny Sub-Committee required further clarity for the sake of completeness. Our Health Scrutiny Sub-Committee is part of a joint working arrangement with Staffordshire County Council which has the statutory responsibility for undertaking scrutiny of health issues in this county. In terms of the activity of the Sub-Committee, it is responsible for issues relating to health improvements within the Borough, Local National Health Service Bodies and providing an interface with planning for and provision of health services amongst other things. It was felt appropriate to retain a separate Health Scrutiny Sub-Committee given the nature of the joint working arrangement with the County Council and it would also allow that body to continue the good work it has been doing in building relationships with the Primary Care Trust and other health bodies in the area. Consequently it is considered appropriate to remove the responsibility for health improvement from the proposed Healthy, Active and Cohesive Communities Overview and Scrutiny Committee and therefore that committee should be renamed the Active and Cohesive Communities Overview and Scrutiny Committee. However it was felt appropriate that the Health Scrutiny Sub-Committee should have a relationship with the proposed structure for

Overview and Scrutiny and for that reason it is recommended that a representative of the Health Scrutiny Sub-Committee should be a member of the Co-ordinating Committee.

It is recommended that the Overview and Scrutiny Co-ordinating Committee consist of the Chairs and Vice-Chairs of the Overview and Scrutiny Committees, a representative of the Health Scrutiny Sub-Committee and six other non-Executive Members of the Council. Therefore the total membership of that committee will be 15 Members, however this can be increased or decreased by no more than two if required to satisfy the requirements of political balance calculations. It is also drawn to Members' attention that Scrutiny Review Working Parties can be established to undertake projects that come under the auspices of two or more committees and that membership of such working parties can consist of any non-Executive Members of the Council.

Overview and Scrutiny Committee Areas of Responsibility

<p>Cleaner, Greener and Safer Communities</p> <p>Cabinet Portfolio Holders: Community Safety Environment & Recycling</p>	<p>Clear Streets Country Parks Enforcement Environmental Protection Graffiti/Fly Tipping/ Fly Posters Noise Pollution Recycling Public Open Space Street Cleansing Waste Management Use of Energy</p>	<p>Anti-Social Behaviour Community Safety Crime and Disorder Reduction Domestic Violence/Abuse Drug and Alcohol Abuse Staffordshire Police Street Wardens</p>
<p>Economic Development and Enterprise</p> <p>Cabinet Portfolio Holders: Regeneration & Planning Quality of Life and Social Inclusion</p>	<p>Employment & Business Support External Funding Housing Strategy Housing and Homelessness Inward Investment North Staffordshire Regeneration Partnership</p>	<p>Planning Policy & Development Control RENEW Sustainability in Planning Tourism</p>
<p>Active and Cohesive Communities</p> <p>Cabinet Portfolio Holders: Quality of Life and Social Inclusion Corporate & Service Improvement</p>	<p>Bereavement Services Blue Badge Scheme Community Cohesion Community Regeneration Community Grants Disabled Access</p>	<p>Involvement of Young People Museums and Cultural Activities Neighbourhood Management Rural Communities Sports and Leisure Facilities</p>
<p>Transformation and Resources</p> <p>Cabinet Portfolio Holders: Corporate & Service Improvement Finance, Resources & Efficiency</p>	<p>Budget Consultation Council Structure and Democratic Framework Council Tax Customer Services Efficiency Savings and Financial Monitoring Human Resources</p>	<p>ICT Legal Services Management of Land and Property Assets Policy and Performance Management</p>

Terms of Reference – Overview and Scrutiny Committees (To be inserted in Article 6 and at Appendix 2 of the Constitution)

Overview and Scrutiny Co-ordinating Committee

General role

To co-ordinate the work of the Overview and Scrutiny Committees

Composition

The Council will appoint an Overview and Scrutiny Co-ordinating Committee, and a Chair and Vice-Chair of the Committee.

The Committee will consist of 15 Councillors, with 8 members being the Chairs and Vice-Chairs of the Overview and Scrutiny Committees, a representative of the Health Scrutiny Sub-Committee and a further 6 members appointed by the Council. The membership of this Committee will only consist of non-Executive members of the Council. The membership of this Committee may be increased or decreased by no more than two (decreased to 13 or increased to 17) to facilitate effective political balance if required.

Role and Functions

The Overview and Scrutiny Co-ordinating Committee will exercise the following functions:-

- (i.) To co-ordinate and prioritise the work of the Council's Overview and Scrutiny Committees;
- (ii.) To facilitate, where appropriate, Overview and Scrutiny activity on cross-cutting issues, partnerships, policies, strategies in respect of the Local Area Agreement for Staffordshire and the Local Strategic Partnership;
- (iii.) To establish ad-hoc Scrutiny Review Working Parties to investigate specific topics on behalf of the Committee
- (iv.) To act as a mechanism to ensure effective communication with the Cabinet;
- (v.) To act as a forum for the Chairs and Vice-Chairs of the Overview and Scrutiny Committees to share good practice and to ensure that Overview and Scrutiny procedures are maintained in accordance with this Constitution;
- (vi.) In considering the annual work programme, the Overview and Scrutiny Co-ordinating Committee shall have regard to the following:
 - Referrals to it by the Council, Cabinet or another Committee;
 - Petitions received from the public; and
 - Items proposed for the programme by members of the Overview and Scrutiny Co-ordinating Committee, or of one of the Committees.

- (vii.) To report annually to Full Council on the workings of Overview and Scrutiny
- (viii.) To monitor the effectiveness and application of the call-in procedure, to report on the number and reasons for call-in and to make recommendations to Full Council on any changes required to ensure the efficient and effective operation of the process;
- (ix.) To propose amendments to the Overview and Scrutiny arrangements within the Constitution to Full Council for consideration;
- (x.) To have the powers of an Overview and Scrutiny Committee in relation to Executive decisions made but not implemented as set out in section 21(3) of the Local Government Act 2000, as do all other Overview and Scrutiny Committees.

Overview and Scrutiny Committees – Composition

The Council will appoint four Overview and Scrutiny Committees of 13 Councillors, including a Chair and Vice-Chair of each Committee

The 13 members of each Committee will be drawn from non-Executive Councillors.

The composition of the Committees will be on a political balance basis from across the Council

Overview and Scrutiny Committees – Role and Function

Within their terms of reference the Overview and Scrutiny Committees may:

- (i.) Ensure that Overview and Scrutiny activity focuses on the Council's corporate priorities as set out in the Corporate Plan;
- (ii.) Achieve an understanding of the relevant policy framework documents to enable them to become involved in policy development;
- (iii.) Conduct research, and consult with the community, on the analysis of policy issues and options available to the Council; consider and implement mechanisms to encourage and enhance community participation and a user focus in overview and scrutiny. They may for example, wish to hear from residents, stakeholders, and members and officers in other parts of the public sector and may invite such people to attend;
- (iv.) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions within their terms of reference. This will include assessing the outcomes of decisions and activities in these areas and scrutinising performance;
- (v.) In accordance with agreed protocols and procedures, consult or question members of the Cabinet, Chief Executive, Executive Directors and Senior Officers (accompanied by other officers as appropriate) and others with a 'duty to co-operate' about their views on specified issues and proposals affecting the area and their decisions and performance, whether generally in comparison with service plans and targets over a period of time or in relation to particular decisions, initiatives or projects;
- (vi.) Make reports and/or recommendations to Full Council and/or the Cabinet in connection with the discharge of any council functions or policy matters;

- (vii.) Review and scrutinise the performance of external bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committees about their initiatives and performance, to ensure that the interests of local people are enhanced by collaborative working. Make reports and/or recommendations to public service providers, including those with a duty to co-operate, insofar as their actions relate to functions or service delivery connected with the Authority;
- (viii.) Question and gather relevant evidence from any person (with their consent) with knowledge of the topic under investigation, including appointing advisers and assessors to assist them in the Overview and Scrutiny process.
- (ix.) Establish ad-hoc Scrutiny Working Parties to investigate specific topics on behalf of the Committee on a time-limited basis, the Membership of which need not necessarily come from a single committee;
- (x.) Exercise responsibility for any finances made available to them.

Overview and Scrutiny Committees – Areas of Responsibility

Each of the corporate priority areas would become the responsibility of one Overview and Scrutiny body as titled to the left.

Title	Scope of Overview and Scrutiny activity/ corporate priority
Overview and Scrutiny Co-ordinating Committee	Guiding and co-ordinating the work of the Overview and Scrutiny Committees. This Committee is also responsible for overarching scrutiny activity in relation to the LSP and LAA.
Cleaner, Greener and Safer Communities	We aim to improve the environment so that everyone can enjoy a safe, sustainable and healthy Borough and enhanced quality of life.
Economic Development and Enterprise	We will work with our partners to maximise investment in employment-generating activities that will create opportunities for improving the wealth and prosperity of the Borough’s residents.
Active and Cohesive Communities	We will work with partners to ensure that residents and visitors are able to access a range of facilities and activities that will enable them to improve their health and quality of life.
Transformation and Resources	We will create the maximum positive effect on the quality of life for the communities of Newcastle. We will achieve this through the delivery of excellent services that the public want and need and deliver them in the most effective and efficient way possible with the resources we have at our disposal.

Overview and Scrutiny Procedural Rules – Appendix 6 of the Constitution

1. What will be the Number and Arrangements for Overview and Scrutiny Committees?
 - 1.1 The Council will have the Overview and Scrutiny Committees set out in Article 6 of the Constitution and will have them as it considers appropriate from time to time.
 - 1.2 The Council will have one Overview and Scrutiny Co-ordinating Committee which will co-ordinate the work of the four Overview and Scrutiny Committees. It will consist of all non-Executive Councillors.
 - 1.3 The Terms of Reference of the Overview and Scrutiny Co-ordinating Committee will be:
 - (i.) To co-ordinate and prioritise the work of the Council's Overview and Scrutiny Committees;
 - (ii.) To facilitate, where appropriate, Overview and Scrutiny activity on cross-cutting issues, partnerships, policies, strategies in respect of the Local Area Agreement for Staffordshire and the Local Strategic Partnership;
 - (iii.) To establish ad-hoc Scrutiny Review Working Parties to investigate specific topics on behalf of the Committee
 - (iv.) To act as a mechanism to ensure effective communication with the Cabinet;
 - (v.) To act as a forum for the Chairs and Vice-Chairs of the Overview and Scrutiny Committees to share good practice and to ensure that Overview and Scrutiny procedures are maintained in accordance with this Constitution;
 - (vi.) In considering the annual work programme, the Overview and Scrutiny Co-ordinating Committee shall have regard to the following:
 - Referrals to it by the Council, Cabinet or another Committee;
 - Petitions received from the public; and
 - Items proposed for the programme by members of the Overview and Scrutiny Co-ordinating Committee, or of one of the Committees
 - (vii.) To report annually to Full Council on the workings of Overview and Scrutiny;
 - (viii.) To monitor the effectiveness and application of the call-in procedure, to report on the number and reasons for call-in and to

make recommendations to Full Council on any changes required to ensure the efficient and effective operation of the process;

- (ix.) To propose amendments to the Overview and Scrutiny arrangements within the Constitution to Full Council for consideration;
- (x.) To have the powers of an Overview and Scrutiny Committee in relation to Executive decisions made but not implemented as set out in section 21(3) of the Local Government Act 2000, as do all other Overview and Scrutiny Committees.

1.4 The terms of reference for the Overview and Scrutiny Committees will be to:

- (i.) Ensure that Overview and Scrutiny activity focuses on the Council's corporate priorities as set out in the Corporate Plan;
- (ii.) Achieve an understanding of the relevant policy framework documents to enable them to become involved in policy development;
- (iii.) Conduct research, and consult with the community, on the analysis of policy issues and options available to the Council; consider and implement mechanisms to encourage and enhance community participation and a user focus in Overview and Scrutiny. They may, for example, wish to hear from residents, stakeholders, and members and officers in other parts of the public sector and may invite such people to attend;
- (iv.) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions within their terms of reference. This will include assessing the outcomes of decisions and activities in these areas and scrutinising performance;
- (v.) In accordance with agreed protocols and procedures, to consult or question members of the Cabinet, Chief Executive, Executive Directors and Senior Officers (accompanied by other officers as appropriate) and others with a 'duty to co-operate' about their views on specified issues and proposals affecting the area and their decisions and performance, whether generally in comparison with service plans and targets over a period of time or in relation to particular decisions, initiatives or projects;
- (vi.) Make reports and/or recommendations to Full Council and/or the Cabinet in connection with the discharge of any Council functions or policy matters;
- (vii.) Review and scrutinise the performance of external bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committees about their initiatives and performance, to ensure to that the interests of local people are enhanced by collaborative working. Make reports and/or recommendations to public service providers, including those

with a duty to co-operate, insofar as their actions relate to functions or service delivery connected with the Authority;

- (viii.) Question and gather relevant evidence from any person (with their consent) with knowledge of the topic under investigation, including appointing advisers and assessors to assist them in the Overview and Scrutiny process.
- (ix.) Establish ad-hoc Scrutiny Working Parties to investigate specific topics on behalf of the Committee on a time-limited basis, the Membership of which need not necessarily come from a single committee;
- (x.) Exercise responsibility for any finances made available to them.

2. Who may sit on Overview and Scrutiny Committees?

- 2.1 The Overview and Scrutiny Co-ordinating Committee will comprise the Chairs and Vice-Chairs of the Overview and Scrutiny Committees, a representative of the Health Scrutiny Sub-Committee, plus six other non-Executive members of the Council in line with political balance requirements.
- 2.2 The Chair of the Overview and Scrutiny Co-ordinating Committee will be one of the Overview and Scrutiny Committee Chairs appointed at the Annual Council meeting and will not be a member of the Administration (“the Administration” means a political group(s) which form the Cabinet).
- 2.3 All Councillors, except members of the Cabinet, may be members of an Overview and Scrutiny Committee, subject to overall political balance calculations. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.
- 2.4 Membership of Scrutiny Review Working Parties will be determined by the “parent” Overview and Scrutiny Committee. Any non-Executive Member of the Council may be a member of a Scrutiny Review Working Party. Political balance requirements will not apply to the membership of Scrutiny Review Working Parties.

3. Meetings of the Overview and Scrutiny Committees

There shall be at least 2 ordinary meetings of each Overview and Scrutiny Committee in each year. In addition, extraordinary meetings may be called by the Chair of the relevant Overview and Scrutiny Committee, by any 2 members of the Committee or by the Chief Executive if he/she considers it necessary or appropriate.

4. Quorum

The quorum for an Overview and Scrutiny Committee shall be as set out for Committees in the Council Procedure Rules of this Constitution, namely not fewer than one quarter of the total membership of the Committee.

5. Chairs and Vice-Chairs of Overview and Scrutiny Committee Meetings

- 5.1 The Chairs and Vice-Chairs of the Overview and Scrutiny Committees will be appointed by the Council. Unless political balance precludes this, no member will hold more than one Chair or Vice-Chair position.
- 5.2 The Chair of the Overview and Scrutiny Co-ordinating Committee will be an Overview and Scrutiny Chair from the opposition group(s) of the Council.
- 5.3 With respect to the four Overview and Scrutiny Committees, 2 Chairs will be given to members of the opposition group(s), the other 2, to the administration of the Council (“the Administration” means a political group(s) which form the Cabinet). With respect to Vice-Chairs:
- (i.) For the Committees chaired by members of the administration on the Council, the Vice-Chair will be from an opposition group;
 - (ii.) For one of the Committees chaired by a member from an opposition group, the Vice-Chair will be from the administration of the Council;
 - (iii.) For the other Committee chaired by a member of an opposition group, the Vice-Chair will be from a different opposition group on the Council, in the event of more than one opposition group.
- 5.4 All of the above will be subject to the overall composition of the Overview and Scrutiny Committees together reflecting the overall political composition of the Council. However, Scrutiny Review Working Parties will not be subject to political balance calculations.

6. Work Programme

- 6.1 The Overview and Scrutiny Committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that Committee.
- 6.2 The Overview and Scrutiny Committees will also respond, as soon as their work programme permits, to requests from the Overview and Scrutiny Co-ordinating Committee, Council and/or the Cabinet to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committees shall report their findings and any recommendations back to the Cabinet and/or Council.

7. Agenda Items

- 7.1 Any member shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next meeting. On receipt of such a request the Chief Executive will ensure that it is included on the next agenda. The item of business should not be included on the agenda later than three working days prior to the meeting to enable proper consideration of the matter by the Committee. The member will be able to present the item at the meeting explaining why they want the Committee to consider including it in their

work programme. The Committee will decide if it wishes to include that item in its work programme and, if so, when, or refer it to another Committee.

- 7.2 The Overview and Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Cabinet to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committees shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or Cabinet shall consider the report of the Overview and Scrutiny Committee within two months of receiving it or as soon as is reasonably practical.

8. Policy Review and Development

- 8.1 The Overview and Scrutiny Committees will be consulted on executive proposals on the budget and for the setting of the Council tax and the Cabinet will consider any representations made by the Overview and Scrutiny Committees prior to its budget proposals to Full Council.
- 8.2 In relation to the development of the Council's approach to other matters not forming part of its budget or policy framework, Overview and Scrutiny Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- 8.3 Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration.

9. Reports from Overview and Scrutiny Committee

- 9.1 Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and the Chief Executive will submit it for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- 9.2 If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then minority reports may be prepared and submitted for consideration by the Council or Cabinet with the majority report. If a Member(s) propose to publish a minority report it will be the responsibility of that Member(s) to produce the report and recommendations without officer support.
- 9.3 The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee within two months of it being submitted to the Chief Executive or as soon as is reasonably practical.
- 9.4 From time to time, ad hoc recommendations to the Cabinet may arise from discussion at meetings of the Overview and Scrutiny Committees. These recommendations will be passed directly to the relevant portfolio holder who

will be required to respond to the relevant Overview and Scrutiny Committee within two months, or as soon as is reasonably practicable. The portfolio holder will invite the relevant Overview and Scrutiny Committee Chair or Vice-Chair to a meeting of the Cabinet to explain the reasons for the recommendation.

10. Making sure that Overview and Scrutiny Reports are considered by the Cabinet and/or the Council

10.1 The agenda for Cabinet and/or Council meetings shall include an item entitled 'Issues arising from Overview and Scrutiny'. The reports of Overview and Scrutiny Committees referred to the Cabinet and/or Council shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet and/or the Council's deliberations on a substantive item on the agenda) within two months of the Overview and Scrutiny Committee completing its report/recommendations.

10.2 Overview and Scrutiny Committees will in any event have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an Overview and Scrutiny Committee following a consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any Key Decision.

11. Rights of Overview and Scrutiny Committee Members to Documents

11.1 In addition to their rights as Councillors, members of Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules at Appendix 14 of this Constitution.

11.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview and Scrutiny Committees as appropriate depending on the particular matter under consideration.

12. Members and Officers giving Account

12.1 Any Overview and Scrutiny Committee may scrutinise and review outcomes of actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require the Leader of the Council, a member of the Executive, the Chief Executive and/or any senior Officer to attend before it to explain, in relation to matters within their remit:

- (i) any particular decision or series of decisions;
- (ii) the extent to which the actions taken implement Council policy; and/or
- (iii) their performance

and it is the duty of those persons to attend if so required;

- 12.2 Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Chief Executive. The Chief Executive shall inform the member or officer in writing giving at least ten working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 12.3 Where, in exceptional circumstances to be determined by the Chief Executive, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance.
- 12.4 In some circumstances it may be desirable for Overview and Scrutiny members to meet with less senior officers which will be arranged subject to the agreement of the officers' manager. If a manager does not agree to their officer attending an Overview and Scrutiny Committee meeting, the manager will attend on behalf of that officer and give reasons for that decision.

13 Attendance by Others

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and partner organisations and shall invite such people to attend.

14 Call-In

- 14.1 When a decision is made by the Executive, or a Key Decision is made by an officer with delegated authority from the Executive or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within seven days of being made. Chairs of all Overview and Scrutiny Committees will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- 14.2 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of seven working days after the publication of the decision, unless it is called in for scrutiny.
- 14.3 During the seven working days period, the Chief Executive shall call-in a decision for scrutiny by the Committee if so requested by any five members of the Council or the Leader of a political group comprising at least five members of the Council including him/herself, and shall then notify the decision-taker of the call-in. The Chief Executive shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chair of the Committee, and in any case within five days of the decision to call-in.

- 14.4 If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council. If referred to the decision-maker they shall then reconsider within a further ten working days, amending the decision or not, before adopting a final decision
- 14.5 If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny meeting, or the expiry of that further ten working day period, whichever is the earlier.
- 14.6 if the matter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no power to make decisions in respect of an Executive decision unless it is contrary to the Policy Framework, or contrary or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole, a meeting will be convened to reconsider the decision within ten working days of the Council request. Where the decision was made by an individual, the individual will reconsider within ten working days of the Council request.
- 14.7 If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

15 Call-In and Urgency

- 15.1 The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. As per his/her responsibilities detailed in Article 5 of this Constitution, the Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for the urgency.
- 15.2 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted the Overview and Scrutiny Co-ordinating Committee with proposals for review if necessary.

16 The Party Whip

- 16.1 Overview and Scrutiny is intended to operate outside of the party whip system. However, when considering any matter in respect of which a member of Overview and Scrutiny is subject to a party whip the member must declare the existence of the whip and the nature of it before the commencement of the Committee's deliberations on the matter. The Declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.
- 16.2 The expression "party whip" can be taken to mean: "Any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner."

17 Procedure at Overview and Scrutiny Committee Meetings

- 17.1 Overview and Scrutiny Committees shall consider the following business:
- (i) minutes of the last meeting;
 - (ii) declarations of interest;
 - (iii) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
 - (iv) responses of the Cabinet to reports of the Overview and Scrutiny Committee; and
 - (v) the business otherwise set out on the agenda for the meeting;
- 17.2 Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:
- (i.) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of all attendees, and to contribute and speak;
 - (ii.) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - (iii.) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- 17.3 Following any investigation or review, the Committee shall prepare a report for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

18 Matters within the remit of more than one Overview and Scrutiny Committee

Where a matter for consideration by an Overview and Scrutiny Committee also falls within the remit of one or more other Overview and Scrutiny Committee, the decision as to which Overview and Scrutiny Committee will consider it will be resolved by the Overview and Scrutiny Co-ordinating Committee.

Protocol for Member Call-In

1. Introduction

- 1.1 The call-in procedure allows for any member of the Council, subject to the call-in procedure rules and this protocol, to refer decisions which have been made by Cabinet or delegated key decisions taken by officers, but not yet implemented, back to the appropriate decision making body for reconsideration. This is intended to be a check on the decision-making responsibilities of the Cabinet and the delegated key decisions taken by officers.
- 1.2 If call-in is triggered, the decision is effectively suspended pending reconsideration. If call-in were used to frequently it would delay the decision making process and work against the principle of speeding up decision making. The call-in procedure and protocol has therefore been carefully designed to ensure that there is an appropriate balance between effectively holding the Cabinet to account, being able to question decisions before they are implemented, and allowing effective and efficient decision making by the Cabinet.
- 1.3 Within the Constitution (Overview and Scrutiny Procedure Rules – Appendix 6 of the Constitution) the call-in process is set out. This protocol clarifies the call-in process and the documentation required for the process. This protocol will be subject to review and change by the Overview and Scrutiny Co-ordinating Committee and the Council.
- 1.4 The Overview and Scrutiny Co-ordinating Committee will monitor the call-in process. If in their view there has been continuous vexatious use or abuse of the process then the right of that member, or those members, will be suspended by the Overview and Scrutiny Co-ordinating Committee until the end of the Municipal Year. The member(s) will have the right of appeal to the Standards Committee.
- 1.5 In this protocol where it indicates that the Chief Executive is responsible this includes his/her representative when he/she is not available.

2. Procedure

- 2.1 Any decisions made by the Cabinet or a key decision made by an officer with delegated authority from the Cabinet, or any decisions made under joint arrangements are subject to call-in.
- 2.2 All decisions of the Cabinet (whether taken collectively or individually) must be recorded. The record must show the reasons for the decision, details of the alternative options considered, record of any conflict of interest declared, and any dispensation granted by the Standards Committee where appropriate. The record must be published within seven working days of the decision being made and will be available as prescribed including on the Council's web site and the notice board at the Civic Offices.
- 2.3 Any request for call-in must be made in writing to the Chief Executive on a "Call-in Request Form" within seven working days of the decision being published. The form must be signed by a minimum of 5 members. A faxed or emailed form will be accepted. The form must state the draft proposal for consideration at the call-in meeting. Five faxed or e-mailed copies of the form will be accepted as long as the same draft proposal for consideration is quoted. The final wording of the proposal,

along with the evidence supporting the call-in proposal, will be accepted from the lead call-in member up to 48 hours after receipt of the call-in form in writing via email, fax, handwritten to the Chief Executive.

- 2.4 The call-in procedure does not apply to:
- (i.) Decisions taken by the Cabinet that are urgent;
 - (ii.) Decisions of Full Council;
 - (iii.) Any decisions taken by officers that are not key decisions;
 - (iv.) Recommendations from the Cabinet to the Council
 - (v.) Specific or individual employee relations, disciplinary or grievance matters;
 - (vi.) Matters which are subject to formal or statutory appeal processes or are sub-judice;
 - (vii.) Individual appeal cases for example, planning or licensing;
 - (viii.) Decisions of the Standards and other regulatory committees of the Council
- 2.5 A member may withdraw their support for a call-in request no later than 24 hours before the start of the call-in meeting by letter, fax or e-mail to the Chief Executive. If after one or more members have withdrawn their support there are less than five members still in support of the call-in request, the call-in will no longer be valid.
- 2.6 When the call-in has been received, the Chief Executive will record the time and date of receipt on the request form. The Chief Executive will inform the decision taker, the Chair or Vice-Chair of the relevant Overview and Scrutiny Committee, the Democratic Services Manager and the Scrutiny Officer that they are in receipt of a call-in request.
- 2.7 The Chair or Vice-Chair of the relevant Overview and Scrutiny Committee will determine within three working days whether the call-in request is valid having regard to the areas that call-in does not apply set out in paragraph 2.4 above. The Chair or Vice-Chair of the relevant Overview and Scrutiny Committee will sign the call-in form to verify that it is valid. The decision will be suspended from the date of the request pending the decision of the Overview and Scrutiny Committee or Overview and Scrutiny Co-ordinating Committee.
- 2.8 A decision should only be called-in once. If the Cabinet significantly alter the decision after call-in by scrutiny, the new decision will be capable of being called-in.
- 2.9 The decision called-in will be considered by a meeting of the appropriate Overview and Scrutiny Committee within ten working days of the request for call-in being made. If it is not possible to convene a full meeting of the appropriate committee then the Overview and Scrutiny Co-ordinating Committee will meet to consider the request. These meetings will be public meetings unless information under discussion is subject to exemption under normal Council procedure.

- 2.10 The papers despatched for the meeting will be the original report on which the decision was based together with a copy of the call-in request. The members who signed the call-in request form shall be notified that the call-in has been received and will be given notice of the Committee meeting at which the matter will be considered.
- 2.11 Proceedings at the meeting will follow the format set out below. Time limits will be strictly adhered to by the Chair of the meeting, except in exceptional circumstances by determination of the Chair:-

Action	By Whom	Time limit
Apologies	Chair	
Declarations of interest and party whip	Chair	
Welcome: including explanation of procedure to be followed	Chair	
Explanation of reasons for the call-in and justification for proposal set out on the call-in form	Lead call-in member and any other persons that they wish to involve	15 minutes
Explanation of decision taken and views on alternative proposal	Relevant Cabinet member and officer (if a Cabinet decision) or relevant officer (if decision was delegated to an officer) and any other persons that they wish to involve	15 minutes
Questioning of call-in representatives and decision taken and consideration of any photographs, plans etc, that illustrate the issue under discussion	Overview and Scrutiny Committee Members	Unlimited
Summing-up	Lead call-in member	5 minutes
Summing up	Decision taker	5 minutes
Voting on the proposal on the call-in form	Overview and Scrutiny Committee Members	Unlimited

- 2.12 The appropriate Committee/Overview and Scrutiny Co-ordinating Committee having reviewed the decision can:
- (i) reject the call-in proposal and note the original decision. The decision will take effect on the date of the Overview and Scrutiny meeting;
 - (ii) accept the proposal set out on the call-in form and refer back to the decision making person or body, with any comments they also wish to make. The Cabinet shall then reconsider at the next scheduled Cabinet meeting, amending the decision or not before adopting the final decision. If the decision has been made by an officer with delegated authority, that person shall then reconsider within a further 3 working days amending the decision or not, before adopting a final decision;
 - (iii) accept the proposal set out on the call-in form and refer the matter to Full Council if the decision is deemed to be outside the policy and budget framework.
- 2.13 If a proposal is supported, members may come to agreement on any comment they wish to pass to the Cabinet or the decision taker.
- 2.14 If after a call-in is received the appropriate Overview and Scrutiny Committee or Overview and Scrutiny Co-ordinating Committee does not meet in the period set out above, the decision shall take effect on the expiry of 10 working days after the call-in form has been received.



CALL-IN REQUEST FORM

Decision reference/minute no.	
Date of publication of decision:	
Decision taken by:	
This form must be returned to the Chief Executive within 7 working days of the decision being published with at least 5 signatures	
Decision Called in:	
A call-in should satisfy one or more of the following criteria	
Which of the following criteria is supports the call-in of this decision? (please tick)	
<input type="checkbox"/>	The decision may be contrary to the budget or policy framework set by the council and the Monitoring Officer has advised accordingly
<input type="checkbox"/>	The decision is inconsistent with another Council Policy
<input type="checkbox"/>	The decision is inconsistent with a previous Overview and Scrutiny recommendation, which has been accepted by the council or the Cabinet
<input type="checkbox"/>	The decision maker has not taken into account relevant considerations and this can be demonstrated by reference to the documents supporting the decision
<input type="checkbox"/>	The decision maker has failed to consult relevant people or bodies in contravention of defined Council Policies or procedures
<input type="checkbox"/>	The decision has or will demonstrate a significant adverse public reaction
<input type="checkbox"/>	The decision gives rise to significant legal, financial or propriety issues
Please explain how the relevant criteria above are met by this call in:	

Suggested proposal you would like to be voted on at the call-in meeting
(this should be an evidence-based proposal and you should provide evidence to support the proposal)

Members requesting call-in of the decision:

	Name	Signature	Date
1.			
2.			
3.			
4.			
5.			
6.			

THIS PART OF THE FORM IS TO BE COMPLETED BY THE CHIEF EXECUTIVE OR HIS/HER REPRESENTATIVE

Date and time form received:	
Form processed by (name):	
Date of publication of decision:	
Was the Call-in request received within 3 working days of publication?	YES/NO If no reject and inform relevant parties
Are there at least 5 appropriate Member's signatures on the call-in notice?	YES/NO If no reject and inform relevant parties
Which Overview and Scrutiny Committee will this call-in be referred to?	

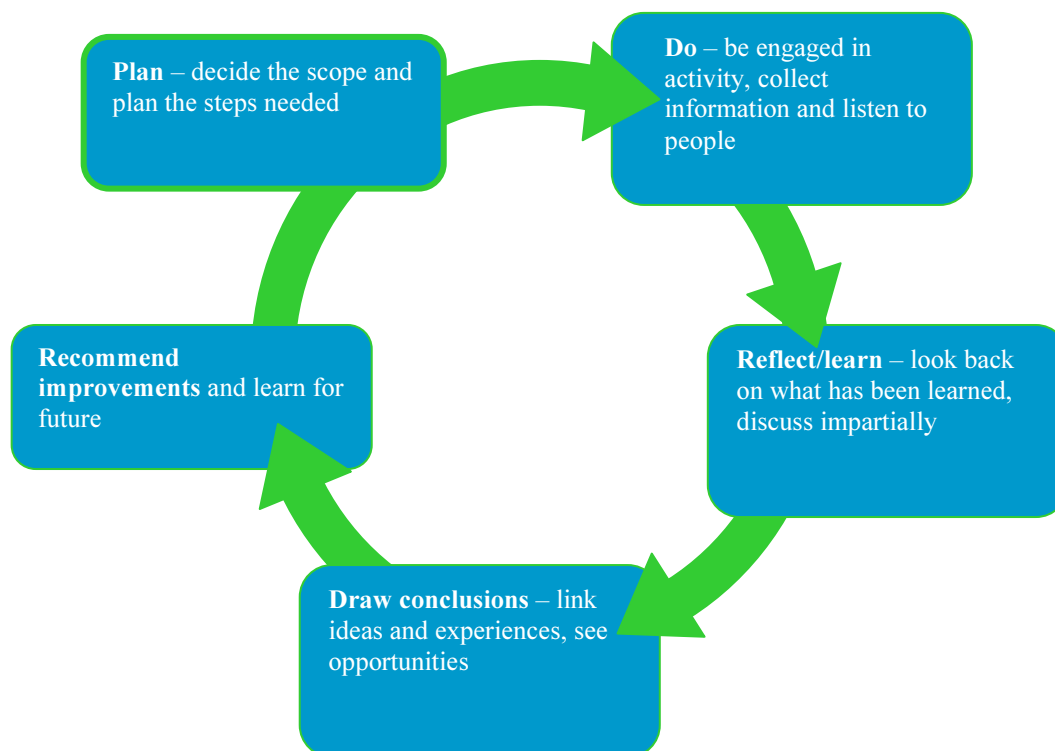
Signature of Chair / Vice-Chair of relevant Overview and Scrutiny Committee		Date:
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The appropriate decision making body, Members requesting call-in, the Democratic Services Manager and Scrutiny Officer need to be informed of receipt of call-in form

Protocol for Scrutiny Review Working Parties

A Scrutiny Review Working Party is a small group of councillors who are asked to carry out a specific piece of work. A committee sets up a working party when it has been agreed that detailed work is required on a topic. A Scrutiny Review Working Party normally has between three and six councillors as members. They will plan their work assisted in this by advice from officers and meet as necessary to finish their task.

Scrutiny review work gives councillors the opportunity to explore issues in depth. A review has different stages that need to be done before it is finished.



The working party is responsible to the committee that set up the group. They must report their findings to the committee for approval before the report is sent to the Cabinet.

Selecting a topic

One of the most important stages in any review happens before a Scrutiny Review Working Party is set up.

Choosing a topic for review is a crucial stage in the process. Councillors must consider why the topic should be looked at and what benefits would result from the work.

This will involve receiving general information about the topic, either from officers or from representatives of other bodies. Having received initial information and got a basic understanding of the issue, the Overview and Scrutiny Co-ordinating Committee will decide if the matter demands further investigation by overview and scrutiny.

There are a number of criteria that are used to judge each suggestion and the Overview and Scrutiny Co-ordinating Committee is responsible for making the judgement. If they decide more work should be done then they will refer the work to a particular committee.

The Overview and Scrutiny Committee will decide how best to do the piece of work and when the work is to be done. If a review is needed the committee will set up a Scrutiny Review Working Party to carry out the task.

Setting up a Scrutiny Review Working Party

When a committee sets up a Scrutiny Review Working Party there are a number of actions that need to be done.

- (i.) The committee will decide how many members they wish to form the group – usually between 3 and 6.
- (ii.) The committee will request any members of the committee who wish to participate in the task to make their desire known.
- (iii.) The committee will decide if they wish to open up membership of the Scrutiny Review Working Party to councillors who are not on the committee – it is good practice to make use of councillor interest, experience or specialist knowledge.
- (iv.) The Chair of the committee will nominate a councillor to chair the working party.
- (v.) A timescale needs to be agreed for the review.

If any councillor not present at the meeting is put forward for membership of the working party a written invitation should be sent to ask if they would like to participate. Councillors are able to accept or decline the invitation.

It is recommended that councillors sit on no more than one or two working parties at any point in time. This is to allow for workload to be balanced.

When responses to the Members' Expertise and Specialist Knowledge Survey have been received this detail provided will be used to inform the process of setting up a working party.

The Scrutiny Review Process

Planning and scoping

Members need to be thoroughly involved in the planning of a review. Having been given an indication of what the scope should be by the Overview and Scrutiny Co-ordinating Committee (through the suggestion form), the working party should consider the specific issues it will cover and agree a plan for the review. They should be assisted in this by advice from officers.

The plan should set out:

- (i.) A clear statement of the scrutiny topic.
- (ii.) The aim (or purpose) of the project.
- (iii.) The scope of the project - what will be included and excluded.
- (iv.) Any specific questions to be answered.
- (v.) Specific concerns or issues, which should be addressed.
- (vi.) How it will contribute to achieving Corporate Priorities.
- (vii.) Initial list of key stakeholders, partners or other agencies to involve.
- (viii.) Timescales both for completion of the task and any interim requirement.

Within the agreed scope members of the working party decide what information they need and what questions to ask and if external expertise should be involved. Where needs are identified consideration

should be given as to why that information/contact etc is necessary. This may include which people or organisations should be consulted and at what stage further consultation may be appropriate. In addition the group should consult appropriate contacts on their views at the planning stage.

In other words, with regard to collecting information, the working party should agree who, what, where and why.

Gathering information

Once the planning is finished, the working party will actively gather its evidence. Some of this will be written information, such as council documents, national guidance or information from organisations providing a similar service. Information can also be collected by interviewing people. Evidence to working parties from officers should be fact-based and not contain recommendations unless presented in the form of options. Information might also be gathered from user groups, the public, other interested parties or partners. Sometimes the group will think that their enquiries would benefit from a site visit or other activities such as by directly trying the service.

Site visits by members of a working party can be an extremely valuable part of the process and could inform Members' questioning of subsequent contributors.

If the group wants to hold a public meeting to seek views on an issue they can. Members of working parties should be engaging with other organisations - partners, user groups, other councils etc and talking to people who are affected by the issue being considered to make sure they are gathering information.

Notes are written to record what happens at meetings of the Scrutiny Review Working Parties. The notes will strike a balance between an exact record and a summary of the discussion. These can be helpful when the final report is being written. They also allow people who have contributed information to check if it has been understood properly.

Reports of the working party meetings are submitted to the parent Overview and Scrutiny Committee on a regular basis. This allows the members of that committee to monitor the work and to make suggestions about the tasks the working party are undertaking.

Reflect, learn and draw conclusions

When the working party has gathered all the evidence it needs, they will assess it and reflect on what they have learned. A draft report is written to help this process. This helps the group to draw conclusions from what they have learned. The report of the working party's recommendations must be an expression of the views of the working party rather than a report to the working party written by Officers. This means that it is important for members of the working party to express their views at the drafting stage.

The relevant directorate will normally be given a chance to comment on the draft report before the group makes recommendations. This is an opportunity for factual corrections to be made. Sometimes the report relates to work by bodies outside the Council. In that case, these bodies may be consulted.

Report findings and recommendations

At the end of each review reports need to be produced and written in plain English. They must outline the information gathered and present information in a variety of ways so that they are interesting and easy to read.

The final report will be based on facts collected and give a full picture of the issues under scrutiny. It will reflect the range of views presented to the working party. The report will contain conclusions and clear recommendations.

Generally, when the report is endorsed it will be by consensus among all members of the working party. However, occasionally agreement cannot be reached, so the views of all members will then be reflected in the report.

When the working party have finished their report, the members of that group present their work to their parent Overview and Scrutiny Committee. As part of this process the working party will explain the work that has been done and ask the committee to support their recommendations. The committee could also comment on the report or ask for further work to be done.

The Committee's responsibilities

Submitting a final report

If the committee formally supports the document, it will be sent to the Chief Executive who is responsible for making sure that the Cabinet considers it. The Overview and Scrutiny Committees are not decision-making bodies, therefore the Chief Executive will arrange for it to be sent to the right body - the Cabinet or Full Council. An agreed process is in place to make sure that recommendations are considered and responded to.

If the inquiry relates to an area outside the Council's control, the committee may also send its recommendations to the body concerned.

Follow up and feedback

The Cabinet formally respond to the recommendations that the committee has made. A report will explain what actions or decisions will take place because of the committee's recommendations.

The committee will monitor the way its recommendations are put in place and decide when they would like to receive a progress report.

It will also evaluate the task and finish group's investigation to learn lessons for the future. It is an important part of the scrutiny process to include an evaluation of the effectiveness of the review that has been undertaken. This enables lessons to be learned for the future about areas of the process that are successful as well as those that can be improved upon. It also helps to demonstrate the value of the process.

It is important to feed the results and outcome of the scrutiny back to everyone who has taken part and other interested stakeholders, including all Councillors.

What issue do you think should be looked at?
Why do you think it should be looked at?
How would this make things better?
Have you contacted your local Councillor about this issue? If so, who and what was their response?

This part of the form will normally be completed by councillors or officers

Potential criteria for selecting items	Tick box
Council corporate priority area	
Features in Council's CPA Improvement Plan	
Service ranked as important by Council's community (e.g. through Community Strategy/customer surveys)	
Poor performing service (evidence from performance indicators)	
High level of user/general public dissatisfaction with service	
Public interest issue covered in media	
High level of budgetary commitment to the service/policy area or pattern of budgetary overspends	
Central government priority area	
New legislation or guidance (from government or external bodies)	
Issues raised by Inspectorate Reports (e.g. GOWM, OFSTED, CSCI, Best Value)	
Potential criteria for rejecting items	
Issue being examined by another internal body (executive, officer group, area arrangement)	
Issue to be addressed or has been reviewed as part of best value review within 12-18 months	
New government legislation or guidance expected in the next 12-18 months	
Subject to external inspection	
Related to an individual complaint	

Which corporate strategic priorities would this project contribute to?
<ol style="list-style-type: none"> 1. Creating a Cleaner, Greener and Safer Borough 2. Creating a Borough of Opportunity 3. Creating a Healthy and Active Community 4. Transforming our Council to Achieve Excellence

AUDIT AND RISK COMMITTEE

The Role:

The role of the Audit & Risk Committee should cover the regulatory, corporate governance, and risk management.

Draft Terms of Reference:

- 1 Provide proactive and effective leadership on audit and governance issues and champion both internal control and risk management throughout the Council.
- 2 Approve (but not direct) internal audit's strategy, plan and performance.
- 3 Review quarterly summary internal audit reports including an opinion on internal controls and any corporately significant issues arising, and receive assurance that action has been taken where necessary.
- 4 Review reports showing progress against the audit plan.
- 5 Receive risk management reports, at least quarterly, and take appropriate action to ensure that corporate business risks are being actively managed, including reporting to Council at least annually.
- 6 Consider the reports of external audit and inspection agencies and actively promote and manage the implementation of any corporately significant issues arising.
- 7 To oversee the financial reporting process.
8. To provide independent overview of the Councils financial and non financial performance management to the extent that it affects the Councils exposure to risk.