

# Council Meeting

16 December 2015

**Time** 5.45 pm **Public Meeting?** YES **Type of meeting** Full Council

**Venue** Council Chamber - 4th Floor - Civic Centre

**Membership** (Quorum for this meeting is 15 Councillors)

**Mayor** Cllr Ian Brookfield (Lab)

**Deputy Mayor** Cllr Barry Findlay (Con)

## Labour

Cllr Ian Angus

Cllr Harbans Bagri

Cllr Harman Banger

Cllr Mary Bateman

Cllr Philip Bateman

Cllr Payal Bedi

Cllr Peter Bilson

Cllr Alan Bolshaw

Cllr Greg Brackenridge

Cllr Paula Brookfield

Cllr Ian Claymore

Cllr Craig Collingswood

Cllr Claire Darke

Cllr Bishan Dass

Cllr Jasbinder Dehar

Cllr Steve Evans

Cllr Val Evans

Cllr Bhupinder Gakhal

Cllr Val Gibson

Cllr Dr Michael Hardacre

Cllr Julie Hodgkiss

Cllr Keith Inston

Cllr Jasbir Jaspal

Cllr Milkinderpal Jaspal

Cllr Andrew Johnson

Cllr Rupinderjit Kaur

Cllr Welcome Koussoukama

Cllr Roger Lawrence

Cllr Linda Leach

Cllr Elias Mattu

Cllr Lorna McGregor

Cllr Lynne Moran

Cllr Peter O'Neill

Cllr Phil Page

Cllr Rita Potter

Cllr John Reynolds

Cllr John Rowley

Cllr Judith Rowley

Cllr Sandra Samuels

Cllr Caroline Siarkiewicz

Cllr Stephen Simkins

Cllr Tersaim Singh

Cllr Jacqueline Sweetman

Cllr Paul Sweet

Cllr Martin Waite

Cllr Daniel Warren

## Conservative

Cllr Mark Evans

Cllr Christopher Haynes

Cllr Christine Mills

Cllr Patricia Patten

Cllr Arun Photay

Cllr Paul Singh

Cllr Wendy Thompson

Cllr Andrew Wynne

Cllr Jonathan Yardley

## Liberal Democrat

Cllr Richard Whitehouse

## UKIP

Cllr Malcolm Gwinnett

## Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

**Contact** Penny Williams (Interim Democratic Support Manager)  
**Tel/Email** 01902 555048 or [penny.williams@wolverhampton.gov.uk](mailto:penny.williams@wolverhampton.gov.uk)  
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Wolverhampton WV1 1RL

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# Agenda

Item No. Title

## MEETING BUSINESS ITEMS

- 1 **Apologies for absence**
- 2 **Declarations of interest**
- 3 **Minutes of previous meeting** (Pages 5 - 10)  
To receive the minutes of the meeting of 4 November 2015.
- 4 **Communications**  
To receive the Mayor's announcements.

## DECISION ITEMS

- 5 **Capital Programme 2015/16 - 2019/20 Quarter Two Review (Recommendation from Cabinet 9.12.15)** (Pages 11 - 16)  
To provide an update on the financial performance of the General Fund and HRA capital programmes for 2015/16 and the revised forecast for 2015/16 to 2019/20 as at quarter two of 2015/16.
- 6 **Treasury Management Activity Monitoring - Mid Year Review 2015/16 (Recommendation from Cabinet 9.12.15)** (Pages 17 - 24)  
To provide a monitoring and progress report on treasury management activity for the second quarter of 2015/16 as part of the mid-year review, in line with the Prudential Indicators approved by Council in March 2015.
- 7 **Corporate Parenting Strategy (Recommendation from Cabinet 9.12.15)** (Pages 25 - 26)  
To consider the recommendation from Cabinet on the approval of a Corporate Parenting Strategy 2015 -2017 for Looked After Children and Care Leavers.
- 8 **Changes to the Constitution (Recommendations from Special Advisory Group 7.12.15)** (Pages 27 - 50)  
To consider recommendations from the Special Advisory Group to change the Contract Procedure Rules and the naming of the Audit Committee.
- 9 **Motion to Council**  
**Daily Mile**

Councillor P Singh to move.

*That this Council recommends to all schools in Wolverhampton the introduction of a 'Daily Mile' of walking or running for all pupils as an element in the authority's efforts to combat childhood obesity.*

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**Question to Council  
Bus Lanes**

Councillor Thompson to ask the Cabinet Member for City Environment (Councillor Evans):-

*Could the Cabinet Member advise Council on what consultation with businesses has been conducted in connection with the proposal to introduce traffic regulation enforcement on more bus lanes in or near to the city centre?*

# Meeting of the Council

## Minutes - 4 November 2015

### Attendance

**Mayor** Cllr Ian Brookfield (Lab)  
**Deputy Mayor** Cllr Barry Findlay (Con)

### Labour

Cllr Ian Angus  
Cllr Harbans Bagri  
Cllr Harman Banger  
Cllr Mary Bateman  
Cllr Philip Bateman  
Cllr Payal Bedi  
Cllr Peter Bilson  
Cllr Alan Bolshaw  
Cllr Greg Brackenridge  
Cllr Paula Brookfield  
Cllr Ian Claymore  
Cllr Craig Collingswood  
Cllr Claire Darke  
Cllr Bishan Dass  
Cllr Jasbinder Dehar

Cllr Steve Evans  
Cllr Val Evans  
Cllr Bhupinder Gakhal  
Cllr Val Gibson  
Cllr Dr Michael Hardacre  
Cllr Julie Hodgkiss  
Cllr Keith Inston  
Cllr Jasbir Jaspal  
Cllr Milkinderpal Jaspal  
Cllr Andrew Johnson  
Cllr Welcome Koussoukama  
Cllr Roger Lawrence  
Cllr Linda Leach  
Cllr Elias Mattu  
Cllr Lorna McGregor

Cllr Lynne Moran  
Cllr Peter O'Neill  
Cllr Phil Page  
Cllr Rita Potter  
Cllr John Reynolds  
Cllr John Rowley  
Cllr Judith Rowley  
Cllr Sandra Samuels  
Cllr Caroline Siarkiewicz  
Cllr Stephen Simkins  
Cllr Tersaim Singh  
Cllr Jacqueline Sweetman  
Cllr Paul Sweet  
Cllr Martin Waite  
Cllr Daniel Warren

### Conservative

Cllr Mark Evans  
Cllr Christine Mills  
Cllr Patricia Patten  
Cllr Arun Photay

Cllr Paul Singh  
Cllr Wendy Thompson  
Cllr Andrew Wynne  
Cllr Jonathan Yardley

### Liberal Democrat

Cllr Richard Whitehouse

### UKIP

Cllr Malcolm Gwinnett

### Employees

Tracey Christie  
Ian Fegan  
Adam Hadley  
Keith Ireland  
Tim Johnson  
Julien Kramer  
Kevin O'Keefe  
Laura Phillips  
Linda Sanders  
Martyn Sargeant

Head of Legal  
Head of Communications  
Group Manager - Democracy  
Managing Director  
Strategic Director - Place  
Director of Education  
Director of Governance  
Business Support Manager  
Strategic Director - People  
Group Manager - Corporate Administration

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The proceedings opened with Prayers

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*Item No.*    *Title*

**1        Apologies for absence**

Apologies were received from Councillors Haynes and Kaur.

**2        Declarations of interest**

There were no declarations of interest.

**3        Minutes of previous meeting**

The Mayor proposed, the Deputy Mayor seconded, and it was resolved:

That subject to the resolution in item 8 being amended to read Councillor Reynolds proposing the recommendation and the resolution in item 9 being amended to read Councillor Reynolds seconding the recommendation, the minutes of the previous meeting held on 23 September 2015 be agreed as a correct record and signed accordingly by the Mayor.

**4        Communications**

**The Late Councillor Bert Turner**

The Mayor made reference to the death of Councillor Bert Turner on 6 October 2015 and extended the deepest sympathies of the Council to his wife and family. Councillor Simkins then paid tribute to Councillor Turner.

Those present stood in silent tribute to Councillor Burt Turner.

**Dutch War Graves Remembrance Service**

The Mayor invited councillors to attend the annual Service of Remembrance for Dutch soldiers from the Princess Irene Brigade, buried at Jeffcock Road Cemetery which was taking place on 7 November 2015 at 9.40am.

**Festival of Remembrance**

The Mayor made reference to the Festival of Remembrance which had taken place on 1 November 2015 and gave thanks to Councillor Leach for organising the event.

**Remembrance Sunday**

The Mayor informed councillors of the arrangements for the Remembrance Sunday service which was taking place on 8 November 2015.

**Civic Carol Service**

The Mayor invited councillors to the Civic Carol Service which was taking place on 6 December 2015 at 3.30pm at Darlington Street Methodist Church.

**5 Petition 148-15 Save Elderly Care in Wolverhampton**

The Council had received a petition which contained 5,637 signatures from residents of the City. The petition opposed the recommendations made in the Cabinet report of 22 July 2015, Better Care technology and strengthening support at home.

The Mayor outlined the procedure for considering the petition.

The lead petitioner, Adrian Turner, addressed Council in support of the petition.

Councillor Mattu, Cabinet Member for Adults, responded to the petition.

It was proposed by Councillor Mattu and seconded by Councillor Lawrence to consider the points made in the petition and include them as part of the consultation that was going to be considered by the Cabinet on 11 November 2015.

The issues raised in the petition were debated.

In line with the Constitution, at the conclusion of the debate the lead petitioner asked three further questions to the Cabinet Member, to which he responded.

The Mayor thanked all those who attended the meeting to hear the debate on the petition.

Resolved:

- (1) That the petition be received.
- (2) To consider the points made in the petition and include them as part of the consultation that is going to be considered by the Cabinet on 11 November 2015.

**6 Review of Polling Districts, Polling Places and Polling Stations**

Councillor Sweet outlined how the report followed on from the previous review of polling districts, polling places and polling stations. The report had been considered by the Special Advisory Group on 20 October 2015 and the outcome of the further work with ward councillors for Penn and Tettenhall Regis had been included in the report.

Council placed on record its thanks to the officers who had undertaken the review of polling districts, polling places and polling stations.

It was proposed by Councillor Sweet, seconded by Councillor Johnson, and resolved:

- That the polling stations to be employed for the 2016 City Council and Police and Crime Commissioner elections be approved.



## 7 **Special Appointments Committee**

Councillor Lawrence proposed, Councillor Bilson seconded and it was resolved:

- (1) That a Special Appointments Committee for the purpose of appointing to the position of Service Director – City Environment be established.
- (2) That the following membership be appointed to the Special Appointments Committee with the option of nominating substitute councillors if required:

Councillor Steve Evans (Labour)  
Councillor Johnson (Labour)  
Councillor Lawrence (Labour)  
Councillor Paul Singh (Conservative)  
Councillor Sweet (Labour)  
Councillor Sweetman (Labour)  
Councillor Thompson (Conservative)

## 8 **Executive Business**

Council received a summary of executive business in relation to the Wolverhampton Youth Justice Plan.

## 9 **Questions to Cabinet Members**

### **Business Week and Small Business Saturday**

Councillor Wendy Thompson asked the following question:

*Can the Leader of the Council indicate how the authority intends to mark Small Business Saturday on 5th December 2015, this being an excellent opportunity for all public institutions to celebrate the role of small businesses in our local economies, and also to set out the outcomes so far from the recent Business Week held in the city in terms of the extra inward investment that has been secured as a direct result of the preparatory work done to organise that week of events?*

Councillor Lawrence confirmed that the Council was working with local partners to promote Small Business Saturday. These partners included the Black Country Growth Hub, Access to Business, business organisations, the Wolverhampton Business Improvement District and individual businesses. A key event would be the Celebrating Enterprise Day at the Molineux on 2 December which would encourage more people to look at self-employment as a career option. Councillor Lawrence ensured Councillors that they would receive details events which were planned.

Councillor Lawrence also outlined the commitment to working with businesses throughout the year.

Councillor Thompson outlined that she was pleased with the investment being made to the railway. She also outlined that there needed to be greater improvement in the local skills base, in particular around mathematics education in school.

Councillor Lawrence confirmed that there had been concrete investment in the City and cited Wiggle as an example where 200 new jobs had been created. Council was also informed that work would take place with businesses for customised training. In relation to school results, the Leader outlined substantial improvement made over recent years and thanked the former Director of Education, Dr James McElligott for his work at the Council.

### **West Midlands Combined Authority**

Councillor Wendy Thompson asked the following question:

*Can the Leader of the Council give an update on the position with the West Midlands Combined Authority, and progress with moving towards a bid for a Devolution Deal for the West Midlands?*

Councillor Lawrence outlined that the bid for a combined authority had been submitted for parliamentary approval on behalf of the seven metropolitan boroughs, the three local enterprise partnerships and six district councils. If successful, the Combined Authority would be inaugurated in April 2016. In relation to the Devolution Deal, Council was informed that negotiations were continuing, but at the request of the Treasury, were confidential. Councillor Lawrence explained that any decisions on a devolution deal or the creation of a regional Metro Mayor would require a decision by Council.

### **BME Community in Teaching in Wolverhampton**

Councillor Paul Singh asked the following question:

*Given that the between 35% and 40% of Wolverhampton's population are from a BME background, could the Cabinet Member indicate the number of BME teachers in Wolverhampton schools and what percentage of the teaching profession in Wolverhampton this constitutes?*

Councillor Darke explained that each school was responsible for their own recruitment and employment and as such the Council did not hold the information requested.

In response to a further question from Councillor Paul Singh, Councillor Darke agreed to provide him with the number of BME head teachers employed in the City.

# Meeting of the City Council

## 16 December 2015

<b>Report title</b>	Capital programme 2015/16 to 2019/20 Quarter Two Review	
<b>Referring body</b>	Cabinet, 9 December 2015	
<b>Councillor to present report</b>	Councillor Andrew Johnson	
<b>Wards affected</b>	All	
<b>Cabinet Member with lead responsibility</b>	Councillor Andrew Johnson Resources	
<b>Accountable director</b>	Keith Ireland, Managing Director	
<b>Originating service</b>	Strategic Finance	
<b>Accountable employee(s)</b>	Mark Taylor Tel Email	Director of Finance 01902 556609 <a href="mailto:Mark.Taylor@wolverhampton.gov.uk">Mark.Taylor@wolverhampton.gov.uk</a>
<b>Report to be/has been considered by</b>	Strategic Executive Board Cabinet Confident, Capable Council Scrutiny Panel	17 November 2015 9 December 2015 3 February 2016

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### Recommendation(s) for action or decision:

Subject to the decisions of Cabinet on 9 December and Cabinet (Resources) Panel on 15 December, the Council is recommended to approve:

1. The revised medium term General Fund capital programme of £214.7 million, an increase of £6.7 million from the previously approved programme, reflecting the latest projected expenditure for the medium term.
2. The revised medium term Housing Revenue Account (HRA) capital programme of £210.9 million, a decrease of £4.0 million from the previously approved programme.
3. The additional resources for six new and twenty six existing General Fund projects totalling £6.7 million.

## 1.0 Purpose

- 1.1 To provide Council with an update on the financial performance of the General Fund and HRA capital programmes for 2015/16 and the revised forecast for 2015/16 to 2019/20 as at quarter two of 2015/16.
- 1.2 To recommend revised General Fund and HRA capital programmes for the period 2015/16 to 2019/20.

## 2.0 Background

- 2.1 On 9 December 2015 Cabinet considered a report on 'Capital programme 2015/16 to 2019/20 quarter two review'. The report can be accessed online on the Council's website. [Click here to access the report.](#)
- 2.2 Subject to the decision of Cabinet on 9 December, Cabinet recommended to Full Council that it:
  1. Approves the revised medium term General Fund capital programme of £213.6 million, an increase of £5.6 million from the previously approved programme, reflecting the latest projected expenditure for the medium term.
  2. Approves the revised medium term Housing Revenue Account (HRA) capital programme of £208.0 million, a decrease of £6.9 million from the previously approved programme.
  3. Approves the additional resources for six new and twenty five existing General Fund projects totalling £5.6 million.
- 2.3 Since then work has been undertaken in relation to a number of specific capital projects. As a result of this work, three further reports have been considered by Cabinet (Resources) Panel on 15 December 2015 which has increased the requirement of the General Fund capital programme by £1.1 million and HRA capital programme by £2.9 million. The three reports are private and are only available for the Committee to view: ([Click here to log in to access the reports.](#))
  - Improving the City Housing Offer: Tower Works and Fort Works, Pelham Street/Ashland Street, residential development procurement
  - Improving the City Housing Offer: Strategic Construction Partnership – Newbuild Council housing Phase 2
  - Occupancy of Floorspace at i10, Interchange
- 2.4 Subject to the decision of Cabinet (Resources) Panel on 15 December, over the three reports Cabinet (Resources) Panel recommended to Full Council that it:

1. Approves an increase to the Housing Revenue Account (HRA) capital programme of £2 million to support the development of new Council housing on this site.
2. Approves an increase to the Housing Revenue Account (HRA) capital programme of £910,000 to deliver the second phase of the SCP new build programme.
3. Approves an increase in the capital budget for i10 of £1.15 million to fund the capital fit-out works. These costs will be recouped through an increase in the rent paid by the tenants.

2.5 Table 1 consolidates all the changes proposed when comparing the approved General Fund budget with that proposed, along with the resources identified to finance the proposed change.

**Table 1: Summary of the General Fund projected budgets compared to approved budgets**

General Fund	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000	Total £000
<b>Budget</b>						
<b>Approved</b>	106,664	65,972	25,466	6,947	2,967	208,016
Cabinet 9 December 2015 recommendations	(10,008)	5,394	7,942	1,504	723	5,555
Cabinet (Recourses) Panel 15 December 2015 recommendations	1,150	-	-	-	-	1,150
<b>Projected</b>	97,806	71,366	33,408	8,451	3,690	214,721
<b>Variance</b>	<b>(8,858)</b>	<b>5,394</b>	<b>7,942</b>	<b>1,504</b>	<b>723</b>	<b>6,705</b>
<b>Financing</b>						
<b>Approved</b>						
Internal resources	62,043	33,917	7,848	1,036	56	104,900
External resources	44,621	32,055	17,618	5,911	2,911	103,116
	<b>106,664</b>	<b>65,972</b>	<b>25,466</b>	<b>6,947</b>	<b>2,967</b>	<b>208,016</b>
<b>Projected</b>						
Internal resources	53,193	37,707	15,557	2,358	728	109,543
External resources	44,613	33,659	17,851	6,093	2,962	105,178
	<b>97,806</b>	<b>71,366</b>	<b>33,408</b>	<b>8,451</b>	<b>3,690</b>	<b>214,721</b>
<b>Variance</b>	<b>(8,858)</b>	<b>5,394</b>	<b>7,942</b>	<b>1,504</b>	<b>723</b>	<b>6,705</b>

2.6 Table 2 consolidates all the changes proposed when comparing the approved HRA budget with that proposed, along with the resources identified to finance the proposed change.

**Table 2: Summary of the HRA projected budgets compared to approved budgets**

Housing Revenue Account	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000	Total £000
<b>Budget</b>						
Approved	68,673	42,338	33,802	35,091	34,928	214,832
Cabinet 9 December 2015 recommendations	(5,911)	3,795	180	(1,383)	(3,560)	(6,879)
Cabinet (Recourses) Panel 15 December 2015 recommendations	-	4,000	(1,090)	-	-	2,910
<b>Projected</b>	<b>62,762</b>	<b>50,133</b>	<b>32,892</b>	<b>33,708</b>	<b>31,368</b>	<b>210,863</b>
<b>Variance</b>	<b>(5,911)</b>	<b>7,795</b>	<b>(910)</b>	<b>(1,383)</b>	<b>(3,560)</b>	<b>(3,969)</b>
<b>Financing</b>						
<b>Approved</b>						
Internal resources	68,673	42,338	33,802	35,091	34,928	214,832
External resources	-	-	-	-	-	-
	<b>68,673</b>	<b>42,338</b>	<b>33,802</b>	<b>35,091</b>	<b>34,928</b>	<b>214,832</b>
<b>Projected</b>						
Internal resources	62,762	50,133	32,892	33,708	31,368	210,863
External resources	-	-	-	-	-	-
	<b>62,762</b>	<b>50,133</b>	<b>32,892</b>	<b>33,708</b>	<b>31,368</b>	<b>210,863</b>
<b>Variance</b>	<b>(5,911)</b>	<b>7,795</b>	<b>(910)</b>	<b>(1,383)</b>	<b>(3,560)</b>	<b>(3,969)</b>

2.7 Table 3 details proposed revised medium term capital programmes, covering the period 2015/16 to 2019/20.

**Table 3: Variance analysis of 2015/16 to 2019/20 projected budgets**

Directorate	Approved budget 2015/16 to 2019/20 £000	Forecast budget 2015/16 to 2019/20 £000	Variance over / (under) £000
Corporate	57,042	57,408	366
People	5,767	6,062	295
Place	145,207	151,251	6,044
<b>Total General Fund</b>	<b>208,016</b>	<b>214,721</b>	<b>6,705</b>
Housing Revenue Account	214,832	210,863	(3,969)
<b>Total Housing Revenue Account</b>	<b>214,832</b>	<b>210,863</b>	<b>(3,969)</b>
<b>Total Capital Programme</b>	<b>422,848</b>	<b>425,584</b>	<b>2,736</b>

2.8 The complete General Fund and HRA capital programmes for the period 2015/16 to 2019/20 can be viewed online on the Council's website. [Click here to read the report.](#)

2.9 The implications of the levels of borrowing required will be fully reflected in the revenue budget and medium term financial strategy. Details of financing of the revised capital programmes are shown in Table 4.

**Table 4: Summary of recommended changes to financing of the General Fund and HRA capital programmes**

	2015/16 to 2019/20			
	Approved budget	Recommended budget	Variance	Resource as % of expenditure
	£000	£000	£000	
<b>General Fund Expenditure</b>	<b>208,016</b>	<b>214,721</b>	<b>6,705</b>	
<b>Financing</b>				
Internal resources				
Capital receipts	26,457	15,565	(10,892)	7.2%
Prudential borrowing	77,385	92,920	15,535	43.3%
Revenue contributions	921	921	-	0.4%
Reserves	137	137	-	0.1%
<b>Subtotal</b>	<b>104,900</b>	<b>109,543</b>	<b>4,643</b>	<b>51.0%</b>
External resources				
Grants & contributions	103,116	105,178	2,062	49.0%
<b>Subtotal</b>	<b>103,116</b>	<b>105,178</b>	<b>2,062</b>	<b>49.0%</b>
<b>Total General Fund</b>	<b>208,016</b>	<b>214,721</b>	<b>6,705</b>	<b>100.0%</b>
<b>Housing Revenue Account Expenditure</b>	<b>214,832</b>	<b>210,863</b>	<b>(3,969)</b>	
<b>Financing</b>				
Internal resources				
Capital receipts	5,852	16,980	11,128	8.1%
Prudential borrowing	102,628	87,531	(15,097)	41.5%
Reserves	106,352	106,352	-	50.4%
<b>Subtotal</b>	<b>214,832</b>	<b>210,863</b>	<b>(3,969)</b>	<b>100.0%</b>
External resources				
Grants & contributions	-	-	-	0.0%
<b>Subtotal</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.0%</b>
<b>Total Housing Revenue Account</b>	<b>214,832</b>	<b>210,863</b>	<b>(3,969)</b>	<b>100.0%</b>

### 3.0 Financial, legal, equalities, environmental, human resources and corporate landlord implications

3.1 The implications are detailed in the Cabinet report on 9 December 2015 and Cabinet (Resources) Panel reports of 15 December 2015.

### 4.0 Schedule of background papers

4.1 Capital programme 2015/16 to 2019/20 quarter two review, Report to Cabinet, 9 December 2015

4.2 Improving the City Housing Offer: Tower Works and Fort Works, Pelham Street/Ashland Street, residential development procurement, Report to Cabinet (Resources) Panel, 15 December 2015

- 4.3 Improving the City Housing Offer: Strategic Construction Partnership – Newbuild Council housing Phase 2, Report to Cabinet (Resources) Panel, 15 December 2015
- 4.4 Occupancy of Floorspace at i10, Interchange, Report to Cabinet (Resources) Panel, 15 December 2015



# Meeting of the City Council

## 16 December 2015

<b>Report title</b>	Treasury Management Activity Monitoring – Mid Year Review 2015/16	
<b>Referring body</b>	Cabinet, 9 December 2015	
<b>Councillor to present report</b>	Councillor Andrew Johnson	
<b>Wards affected</b>	All	
<b>Cabinet Member with lead responsibility</b>	Councillor Andrew Johnson Resources	
<b>Accountable director</b>	Mark Taylor, Director of Finance	
<b>Originating service</b>	Strategic Finance	
<b>Accountable employee(s)</b>	Claire Nye Tel Email	Chief Accountant 01902 550478 <a href="mailto:Claire.Nye@wolverhampton.gov.uk">Claire.Nye@wolverhampton.gov.uk</a>
<b>Report to be/has been considered by</b>	Strategic Executive Board Cabinet Confident, Capable Council Scrutiny Panel	17 November 2015 9 December 2015 3 February 2016

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### Recommendations for noting:

Subject to the decision of Cabinet on 9 December, the Council is recommended to note:

1. A mid-year review of the Treasury Management Strategy Statement has been undertaken and the Council has operated within the limits and requirements approved in March 2015.
2. Savings of £1.9 million for the General Fund and £2.9 million for the Housing Revenue Account (HRA) are forecast from treasury management activities in 2015/16.

## 1.0 Purpose

- 1.1 To provide Council with a monitoring and progress report on treasury management activity for the second quarter of 2015/16 as part of the mid-year review, in line with the Prudential Indicators approved by Council in March 2015.

## 2.0 Background

- 2.1 On 9 December 2015 Cabinet considered a report on 'Treasury management activity monitoring – mid-year review 2015/16'. The report can be accessed online on the Council's website. [Click here to access the report.](#)
- 2.2 Since then three further reports have been considered by Cabinet (Resources) Panel on 15 December 2015 which would amend the capital programme requirements and therefore potentially impact on the treasury management position. The three reports are private and are only available for the Committee to view: [\(Click here to log in to access the reports.\)](#)
- Improving the City Housing Offer: Tower Works and Fort Works, Pelham Street/Ashland Street, residential development procurement
  - Improving the City Housing Offer: Strategic Construction Partnership - Newbuild Council housing Phase 2
  - Occupancy of Floorspace at i10, Interchange
- 2.3 The capital programme requirements have been fully reflected in the treasury management calculations and although they do not alter the forecast revenue outturn position for 2015/16, they do change the Prudential and Treasury Management Indicators and the Disclosure for Certainty Rate. Appendix A details the revised indicators; it should however be noted that even with these changes the Council continues to operate with the limits and requirements approved in March 2015.
- 2.4 Subject to the decision of Cabinet on 9 December, Cabinet recommended to Full Council that it:
1. Notes that:
    - (a) A mid-year review of the Treasury Management Strategy Statement has been undertaken and the Council has operated within the limits and requirements approved in March 2015.
    - (b) Savings of £1.9 million for the General Fund and £2.9 million for the Housing Revenue Account (HRA) are forecast from treasury management activities in 2015/16.

### **3.0 Financial, legal, equalities, environmental, human resources and corporate landlord implications**

3.1 The implications are detailed in the Cabinet report of 9 December 2015 and Cabinet (Resources) Panel reports of 15 December 2015.

### **4.0 Schedule of background papers**

4.1 9 December 2015 Cabinet report – Treasury Management Activity Monitoring – Mid-Year Review 2015/16

4.2 15 December 2015 Cabinet (Resources) Panel report - Improving the City Housing Offer: Tower Works and Fort Works, Pelham Street/Ashland Street, residential development procurement

4.3 15 December 2015 Cabinet (Resources) Panel report - Improving the City Housing Offer: Strategic Construction Partnership - Newbuild Council housing Phase 2

4.4 15 December 2015 Cabinet (Resources) Panel report - Occupancy of Floorspace at i10, Interchange

**APPENDIX A**

**Debt and Treasury Management - Prudential and Treasury Management Indicators**

**Prudential Indicators (PI)**

**PI for Affordability** - These indicators are used to ensure the total capital investment of the council is within a sustainable limit and the impact of these decisions are considered with regard to acceptable council tax and housing rent levels.

<b>PI 1 - Estimates and Actual ratio of financing costs to net revenue stream.</b>						
This represents the cost of financing capital expenditure as a % of net revenue for both the General Fund and HRA.						
	Approved by Council 4 March 2015			As at 30 September 2015		
	2015/16	2016/17	2017/18	2015/16	2016/17	2017/18
	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
General Fund	6.1%	8.2%	8.9%	5.1%	7.4%	8.4%
HRA	11.3%	13.2%	13.0%	33.0%	33.9%	34.8%

<b>PI 2 - Estimates of the incremental impact of capital investment decisions on the council tax and housing rents.</b>						
The council could consider different options for its capital investment programme in relation to their different impact on the council tax and housing rents. Negatives reflect a reduction in total capital expenditure.						
	Approved by Council 4 March 2015			As at 30 September 2015		
	2015/16	2016/17	2017/18	2015/16	2016/17	2017/18
	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
	£	£	£	£	£	£
<b>Financial year impact</b>						
Implications of the capital programme for year:						
For Band D council tax	202.52	235.55	239.70	102.50	149.37	167.98
For average weekly housing rents	6.21	6.69	7.38	2.41	4.39	5.28
<b>Marginal impact to previous quarter</b>						
Implications of the capital programme for year:						
For Band D council tax	-	-	-	(5.85)	12.36	22.55
For average weekly housing rents	-	-	-	(1.18)	(0.73)	(0.80)

<b>PI 3 - Estimates and actual capital expenditure.</b>						
Full details of capital expenditure plans and funding can be found in the quarter two capital budget monitoring 2015/16 report and subsequent reports to Cabinet (Resources) Panel of 15 December 2015.						
	Approved by Council 4 March 2015			As at 30 September 2015		
	2015/16	2016/17	2017/18	2015/16	2016/17	2017/18
	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast
	£000	£000	£000	£000	£000	£000
General Fund	78,032	39,093	9,305	117,040	71,366	33,408
HRA	62,501	29,057	30,326	62,762	50,133	32,892
	140,533	68,150	39,631	179,802	121,499	66,300

**APPENDIX A**

**Debt and Treasury Management - Prudential and Treasury Management Indicators**

**PI 4 - Estimates and actual capital financing requirement General Fund and HRA.**

The capital financing requirement measures the authority's underlying need to borrow for a capital purpose.

	Approved by Council 4 March 2015			As at 30 September 2015		
	2015/16 Forecast £000	2016/17 Forecast £000	2017/18 Forecast £000	2015/16 Forecast £000	2016/17 Forecast £000	2017/18 Forecast £000
General Fund	598,167	617,974	618,602	580,038	608,930	619,060
HRA	344,687	333,959	323,772	314,519	321,563	314,150
	942,854	951,933	942,374	894,557	930,493	933,210

**PI 5 - Authorised limit for external debt.**

These limits apply to the total external debt gross of investments and separately identify borrowing from other long term liabilities such as finance leases including Private Finance Initiatives (PFI).

	Approved by Council 4 March 2015		
	2015/16 Limit £000	2016/17 Limit £000	2017/18 Limit £000
Borrowing	906,895	915,620	923,031
Other Long Term Liabilities	96,557	94,671	92,574
Total Authorised Limit	1,003,452	1,010,291	1,015,605
Actual and Forecast External Debt as at 30 September 2015	785,540	839,441	860,870
Variance (Under) / Over Authorised limit	(217,912)	(170,850)	(154,735)

**PI 6 - Operational boundary for external debt.**

This is based on the same estimates as the authorised limit but directly reflects the Director of Finance's estimate of the most likely, prudent but not worst case scenario, without the additional headroom included.

	Approved by Council 4 March 2015		
	2015/16 Limit £000	2016/17 Limit £000	2017/18 Limit £000
Borrowing	880,937	908,683	920,161
Other Long Term Liabilities	96,557	94,671	92,574
Total Operational Boundary Limit	977,494	1,003,354	1,012,735
Actual and Forecast External Debt as at 30 September 2015	785,540	839,441	860,870
Variance (Under) / Over Operational Boundary Limit	(191,954)	(163,913)	(151,865)

Debt and Treasury Management - Prudential and Treasury Management Indicators

<b>PI 7 - HRA limit on indebtedness.</b>						
This maximum debt limit has been set by Government as part of the self-financing regime and is compared to the HRA capital financing requirement.						
	Approved by Council 4 March 2015			As at 30 September 2015		
	2015/16 Forecast £000	2016/17 Forecast £000	2017/18 Forecast £000	2015/16 Forecast £000	2016/17 Forecast £000	2017/18 Forecast £000
HRA Debt Limit	356,770	356,770	356,770	356,770	356,770	356,770
HRA Capital Financing Requirement	344,687	333,959	323,772	314,519	321,563	314,150
Headroom	12,083	22,811	32,998	42,251	35,207	42,620

**PI for Prudence** - Ensuring that external debt is sustainable and compliance with good professional practice are essential features of

<b>PI 8a - Gross debt and the capital financing requirement.</b>						
"In order to ensure that over the medium term debt will only be for a capital purpose, the local authority should ensure that debt does not, except in the short term, exceed the total of capital financing requirement in the preceding year plus the estimates of any additional capital financing requirement for the current and next two financial years". This replaced PI 8 net debt and the capital financing requirement from 2013/14 onwards.						
	Approved by Council 4 March 2015			As at 30 September 2015		
	2015/16 Forecast £000	2016/17 Forecast £000	2017/18 Forecast £000	2015/16 Forecast £000	2016/17 Forecast £000	2017/18 Forecast £000
Forecast Capital Financing Requirement at end of Second Year	951,933	951,933	951,933	933,209	933,209	933,209
Gross Debt	835,260	861,120	870,501	785,540	839,441	860,870
Capital Financing Requirement Greater than Gross Debt	Yes	Yes	Yes	Yes	Yes	Yes

**PI 9 - Has the local authority adopted the CIPFA Treasury Management in the Public Services: Code of Practice.** Yes

Debt and Treasury Management - Prudential and Treasury Management Indicators

Treasury Management Indicators (TMI)

<b>TMI 1 - Upper limits on fixed interest and variable interest exposures.</b>						
These relate to the levels of net outstanding principal sums exposed to fixed and variable interest rates.						
	Approved by Council 4 March 2015			As at 30 September 2015		
	2015/16 Limit	2016/17 Limit	2017/18 Limit	2015/16 Forecast	2016/17 Forecast	2017/18 Forecast
Upper limit for fixed rate	100%	100%	100%	85%	86%	86%
Upper limit for variable rate	20%	20%	20%	15%	14%	14%

<b>TMI 2 - Upper and lower limits to the maturity structure of its borrowing.</b>			
These limits relate to the % of fixed rate debt maturing.			
	Approved by Council 4 March 2015		As at 30 September 2015
	Upper Limit	Lower Limit	2015/16 Forecast Borrowing
Under 12 months	25%	0%	12.66%
12 months and within 24 months	25%	0%	11.21%
24 months and within 5 years	40%	0%	7.97%
5 years and within 10 years	50%	0%	3.67%
10 years and above	90%	50%	64.49%

<b>TMI 3 - Upper limits to the total of principal sums invested longer than 364 days.</b>						
This details the maximum amount which can be invested for up to 5 years (as per paragraph 1.6 of the Annual Investment Strategy).						
	Approved by Council 4 March 2015			As at 30 September 2015		
	2015/16 Limit £000	2016/17 Limit £000	2017/18 Limit £000	2015/16 Forecast £000	2016/17 Forecast £000	2017/18 Forecast £000
Upper limit for more than 364 days	35,000	35,000	35,000	35,000	35,000	35,000

Disclosure for Certainty Rate

**Certainty Rate**

This table details the information that is required to enable the Council to submit a return for 2015/16.

	As at 25 February 2015			As at 30 September 2015		
	2015/16 Forecast £000	2016/17 Forecast £000	2017/18 Forecast £000	2015/16 Forecast £000	2016/17 Forecast £000	2017/18 Forecast £000
<b>Net Borrowing Requirement:</b>						
Borrowing to Finance approved Capital Expenditure	103,832	27,746	11,478	97,712	55,787	23,526
Existing Maturity Loans to be Replaced During the Year	101,805	76,605	123,000	103,055	82,355	146,000
Less:						
Minimum Revenue Provision for Debt Repayment	0	0	0	0	0	0
Voluntary Debt Repayment	(15,729)	(16,781)	(18,940)	(19,103)	(17,965)	(18,712)
	(15,729)	(16,781)	(18,940)	(19,103)	(17,965)	(18,712)
Loans Replaced Less Debt Repayment	86,076	59,824	104,060	83,952	64,390	127,288
Net Advance Requirement	189,908	87,570	115,538	181,664	120,177	150,814



# Meeting of the City Council

## 16 December 2015

<b>Report title</b>	Corporate Parenting Strategy	
<b>Referring body</b>	Cabinet, 9 December 2015	
<b>Councillor to present report</b>	Councillor Val Gibson	
<b>Wards affected</b>	All	
<b>Cabinet Member with lead responsibility</b>	Councillor Val Gibson Children and Young people	
<b>Accountable director</b>	Kevin O'Keefe, Governance	
<b>Originating service</b>	Democratic Support	
<b>Accountable employee(s)</b>	Dereck Francis Tel Email	Democratic Support Officer 01902 555835 <a href="mailto:dereck.francis@wolverhampton.gov.uk">dereck.francis@wolverhampton.gov.uk</a>
<b>Report to be/has been considered by</b>	Cabinet Full Council	9 December 2015 16 December 2015

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### Recommendation(s) for action or decision:

Subject to the decision of Cabinet on 9 December 2015, the Council is recommended to:

Consider the recommendation from Cabinet on the approval of a Corporate Parenting Strategy 2015-2017 for Looked After Children and Care Leavers and its use across the Council and its partners in order to prioritise the needs of this vulnerable group of children and young people.

#### 1.0 Purpose

- 1.1 To consider a recommendation from Cabinet on the approval of a Corporate Parenting Strategy 2015-2017 for Looked after Children and Care Leavers and its use across the Council and its partners in order to prioritise the needs of this vulnerable group of children and young people.

## **2.0 Background**

2.1 On 9 December 2015 Cabinet will be asked to consider a report on a Corporate Parenting Strategy for 2015-2017.

2.2 Copies of the report have been deposited in the Members' Rooms and can also be accessed online on the Council's website. [Click here to access the report.](#)

Councillors are asked to refer to the report when considering the recommendation from Cabinet.

2.3 The report asks Cabinet to:

Refer the report to Full Council with a recommendation that it:

1. Approves the Corporate Parenting Strategy 2015-2017.
2. Endorse the Council's corporate commitment to the needs of Looked After Children and Care Leavers.
3. Pledges personal commitment to raising the profile and support offered to Wolverhampton's Looked After Children and Care Leavers.

The recommendation made by Cabinet will be reported verbally at Council.

## **3.0 Financial, legal, equalities, environmental, human resources and corporate landlord implications**

3.1 The implications are discussed in the body of the Cabinet report.

## **4.0 Schedule of background papers**

Cabinet report – 9 December 2015 Corporate Parenting Strategy.



# Meeting of the City Council

16 December 2015

<b>Report title</b>	Changes to the Constitution	
<b>Referring body</b>	Special Advisory Group, 7 December 2015	
<b>Councillor to present report</b>	Councillor Andrew Johnson	
<b>Wards affected</b>	All	
<b>Cabinet Member with lead responsibility</b>	Councillor Andrew Johnson Resources	
<b>Accountable director</b>	Kevin O'Keefe, Governance	
<b>Originating service</b>	Democratic Support	
<b>Accountable employee(s)</b>	Dereck Francis Tel Email	Democratic Support Officer 01902 555835 <a href="mailto:dereck.francis@wolverhampton.gov.uk">dereck.francis@wolverhampton.gov.uk</a>
<b>Report to be/has been considered by</b>	Special Advisory Group Full Council	7 December 2015 16 December 2015

## Recommendation(s) for action or decision:

The Council is recommended to:

1. Approve the Contract Procedure Rules attached at Appendix 1 for inclusion in the Council's Constitution.
2. Approve the renaming of the Audit Committee to the Audit and Risk Committee.

## **1.0 Purpose**

- 1.1 To consider recommendations from the Special Advisory Group on changes to the Contract Procedure Rules and on renaming the Audit Committee to Audit and Risk Committee.

## **2.0 Background**

- 2.1 On 7 December the Special Advisory Group considered the following two reports:

- Contract Procedure Rules
- Audit and Risk Committee

- 2.2 Copies of the reports have been deposited in the Councillors' Rooms and can also be accessed online on the Council's website. [Click here to access the reports.](#)

Councillors are asked to refer to the reports when considering the recommendations of the Special Advisory Group.

- 2.3 The Special Advisory Group made a number of drafting amendments to the Contract Procedure rules. The amended version is attached at Appendix 1.

- 2.4 The Advisory Group recommended to Full Council that it:

1. Approve the Contract Procedure Rules as amended, for inclusion in the Council's Constitution.
2. Approve the renaming of the Audit Committee to the Audit and Risk Committee.

## **3.0 Financial, legal, equalities, environmental, human resources and corporate landlord implications**

- 3.1 The implications are discussed in the body of the Special Advisory Group reports.

## **4.0 Schedule of background papers**

Special Advisory Group reports – 7 December 2015:

- Contract Procedure Rules
- Audit and Risk Committee

## **1 Introduction**

- 1.1 The Contract Procedure Rules (CPRs) are made under the provisions of section 135 of the Local Government Act 1972 and govern the making of contracts for and on behalf of the Council.
- 1.2 The CPRs form part of the Council's Constitution and will be reviewed annually.
- 1.3 These CPRs apply to all contracts entered into by the Council and to all Officers involved in the procurement of supplies, services or the execution of works and provide a basis for true, open and fair competition.
- 1.4 All contracts must be in writing. Officers should not agree to offers from Providers verbally as this can create a binding verbal contract.
- 1.5 These CPRs also apply to all third parties who undertake procurement on behalf of the Council.
- 1.6 These CPRs refer to the OJEU threshold for Services and Supplies which is £172,514 upto 31 December 2015. From 1 January 2016 until 31 December 2018 this will be £164,176.
- 1.7 Any procurement where the Council is the lead or contracting body will be subject to these CPRs. They may not be waived except in the specific instances referred to in these CPRs. Procuring Officers must ensure that any advisors, agents, consultants and contractual partners acting on their behalf comply with these CPRs. Where other public bodies are acting as the lead or contracting body then their own Contract Procedure rules or Contract Standing Orders will apply.
- 1.8 These CPRs should be read in conjunction with the Councils Financial Procedures and other advice, guidance and policies issued by the Head of Procurement.
- 1.9 The CPRs do not supersede the provisions of EU Directives and UK legislation governing procurement especially the Public Contract Regulations 2015 and subsequent updates and the duty to obtain best value under the Local Government Act 1999 (and associated Regulations).
- 1.10 Where there is any conflict between legislation and these CPRs, the legislation will always override these CPRs.
- 1.11 A breach of these CPRs will be viewed as a disciplinary matter and will be reported immediately to the Head of Audit, who will investigate and recommend appropriate action.

## **2 General**

- 2.1 Every Officer or Councillor involved in any decision in respect of any Provider or contract in which they or any immediate member of their family has a Pecuniary Interest shall immediately notify the Head of Procurement who shall make a record in the register kept for the purpose under s.117 Local Government Act 1972.
- 2.2 Adequate records, including electronic copies of contracts, shall be kept of each procurement process for a minimum period in accordance with the Council's Records Management Policy and Public Contracts Regulations.

- 2.3 The procurement of certain items, eg legal representation, services in connection with the sale of securities and financial instruments, are not subject to the requirements of Public Contracts Regulations. These procurement processes will follow the ethos of these rules and an Exemption will be required to document the reasons for any deviances from the CPRs.

### **3 Procurement Processes**

- 3.1 Where an existing contract that has been collaboratively procured or Framework Agreement established by another Public Body exists this should be considered prior to undertaking a new procurement. The technical or economic reasoning for not using the contract should be recorded.
- 3.2 The table that follows sets out how a procurement process must be undertaken based on the total value of the contract;

Appendix 1 - Proposed Contract Procedure Rules - December 2015

Anticipated Value of a contract (Excluding VAT)	Procurement Route	Advertising	Evaluation	Approval	Authority to Sign Contract
Below £250 (higher by exception with agreement from Head of Procurement)	Procurement Cards should be used.	Not required.	Lowest price.	Budget Manager in advance of purchase.	Not required
Upto £10,000	Request for Quotation (RFQ) Obtain at least one written Quotation. Managed by Service team. Advice available from Procurement.	If more than one quote is sought then contact Procurement to advertise on; Council's e-tendering system and Twitter @BuyWolves	Lowest price.	If a new Provider then complete a Supplier Creation Form (on intranet) and submit to the Hub. then Attach quote to requisition in Agresso. then Approval in accordance with Agresso workflow ie; 1) Budget Manager as the Scheme of Delegation 2) Procurement 3) Technical (if necessary)	Not required. Purchase Order via Agresso.

Appendix 1 - Proposed Contract Procedure Rules - December 2015

Anticipated Value of a contract (Excluding VAT)	Procurement Route	Advertising	Evaluation	Approval	Authority to Sign Contract
<p>£10,000 to £49,999</p>	<p>Request for Quotation (RFQ)</p> <p>Obtain at least three written quotations using the Council's e-tendering system.</p> <p>Managed by Service team.</p> <p>Advice available from Procurement.</p>	<p>Upto April 2016 or the introduction of an electronic RFQ system, quotes may be received by email.</p> <p>After April 2016 the Council's RFQ or e-tendering system.</p> <p>or</p> <p>If openly advertised then contact Procurement to advertise on Council's e-tendering site.</p> <p>and</p> <p>Twitter @BuyWolves</p> <p>If contract value is above £25,000 then contact Procurement to advertise on Contracts Finder website</p>	<p>Lowest price</p> <p>or</p> <p>by exception most economically advantageous based on criteria published with the request for quotation.</p>	<p>If lowest price used then attach all quotes to the requisition in Agresso.</p> <p>or</p> <p>If the most economically advantageous criteria are used then an "Authorisation to Award" form is completed.</p> <p>then</p> <p>If a new Provider complete a Supplier Creation Form (on intranet) and submit to the Hub.</p> <p>then</p> <p>Attach "Authorisation to Award" and quotes to requisition in Agresso.</p> <p>Approval in accordance with Agresso workflow ie;</p> <ol style="list-style-type: none"> <li>1) Budget Manager as the Scheme of Delegation</li> <li>2) Procurement</li> <li>3) Technical (if applicable)</li> </ol>	<p>Purchase Order via Agresso</p> <p>and</p> <p>If the Council's Standard Contract is used then an Officer in accordance with the Scheme of Delegation</p> <p>or</p> <p>If a bespoke contract then Legal Services Authorised Signatory</p>



Appendix 1 - Proposed Contract Procedure Rules - December 2015

Anticipated Value of a contract (Excluding VAT)	Procurement Route	Advertising	Evaluation	Approval	Authority to Sign Contract
<p>£50,000 to OJEU threshold for Services and Supplies (£172,514 upto 31 December 2015.</p> <p>From 1 January 2016 until 31 December 2018 this will be £164,176)</p> <p>Threshold applies to all contracts including Works and Social or Other services (as defined in Public Contracts Regulations)</p>	<p>Invitation to Tender (ITT)</p> <p>Advice must be sought from Procurement before commencing and a "Starting a Procurement" form completed.</p> <p>Tender process using the Council's e-tendering system.</p> <p>A single stage ITT must be used for all contracts upto the Goods and Services threshold.</p> <p>Managed by Procurement</p>	<p>Council's e-tendering system</p> <p>Twitter @BuyWolves</p> <p>Contracts Finder Website</p>	<p>Most economically advantageous based on criteria published within the Invitation to Tender.</p>	<p>An "Authorisation to Award" form is completed.</p> <p>then</p> <p>If a new Provider complete a Supplier Creation Form (on intranet) and submit to the Hub.</p> <p>then</p> <p>Request a Contracted Product Code from Procurement.</p> <p>then</p> <p>Approval in accordance with Agresso workflow ie;</p> <ol style="list-style-type: none"> <li>1) Budget Manager (as the Scheme of Delegation)</li> <li>2) Technical Approver (if applicable)</li> </ol>	<p>Purchase Order via Agresso</p> <p>and</p> <p>If the contract value is less than £100,000 and the Council's Standard Contract is used then an Officer in accordance with Scheme of Delegation.</p> <p>or</p> <p>If the contract value is more than £100,000</p> <p>or</p> <p>If a bespoke contract</p> <p>then</p> <p>Legal Services Authorised Signatory</p>

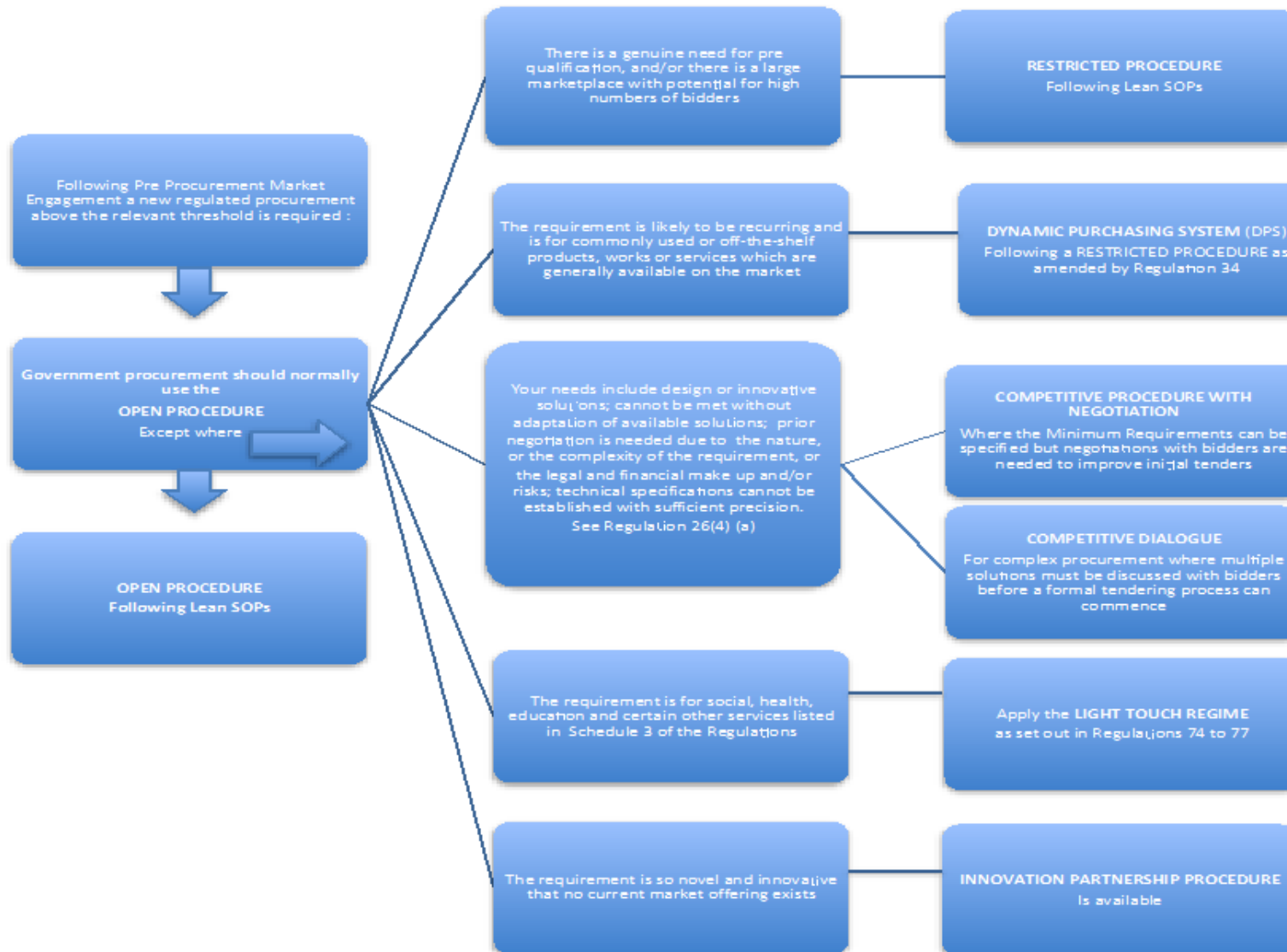
Appendix 1 - Proposed Contract Procedure Rules - December 2015

Anticipated Value of a contract (Excluding VAT)	Procurement Route	Advertising	Evaluation	Approval	Authority to Sign Contract
<p>Over OJEU threshold for services and supplies (£172,514 upto 31 December 2015.  From  1 January 2016 until 31 December 2018 this will be £64,176)</p>	<p>Advice must be sought from Procurement before commencing and a "Starting a Procurement" form completed.</p> <p>Approval to commence the procurement exercise should be sought from Cabinet (Resources) Panel including Delegated Authority to award the contract when the evaluation is completed.</p> <p>Tender process using the Council's e-tendering system.</p> <p>An Open procedure single stage ITT to be used  or  by exception an alternative procedure as stated in the Public Contracts Regulations with a justification approved by the Head of Procurement.</p> <p>Managed by Procurement.</p>	<p>Council's e-tendering system  Twitter @BuyWolves  Contracts Finder Website  and  If over the relevant OJEU threshold  then  Official Journal of European Union (OJEU)</p>	<p>Most economically advantageous based on criteria published within the Invitation to Tender.</p>	<p>An Individual Executive Decision report is completed if Delegated Authority from Cabinet (Resources) Panel has been granted in advance.  or  A Contract Award form is completed for inclusion in the Procurement Report for Cabinet (Resources) Panel.  then  If a new Provider complete a Supplier Creation Form (on intranet) and submit to the Hub.  then  Request a Contracted Product Code from Procurement.  then  Approval in accordance with Agresso workflow ie;  1) Budget Manager (as the Scheme of Delegation) 2) Technical Approver (if applicable)</p>	<p>Purchase Order via Agresso  and  Legal Services Authorised Signatory</p>

3.3 A single stage Open procedure should be used for all procurements unless there are exceptional circumstances as set out in the decision tree below (from Crown Commercial Service Procurement Policy Note 12/15). Further information can be found at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/450170/PPN12-15\\_Procurement\\_Routes.docx](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/450170/PPN12-15_Procurement_Routes.docx)

3.4 For any procedure other than Open then approval must be obtained from the Head of Procurement prior to commencement of the procurement.



### 3.5 Approval to Commence a Procurement

- 3.5.1 Where the Council has an existing contract that is suitable to source the services, supplies or works required this should be used. Approval for not using an existing contract must be sought in advance from the Head of Procurement and the technical or economic reasoning for not using the contract should be recorded.
- 3.5.2 Where an existing contract that has been collaboratively procured or Framework Agreement established by another Public Body exists this should be considered prior to undertaking a new procurement. The technical or economic reasoning for not using the contract should be recorded.
- 3.5.3 In such cases it is the duty of the Procuring Officer to ensure that the agreement has been procured in a legally compliant manner and that the Council is legally able to access the agreement. The Procuring Officer should also ensure instructions in any access agreement, guidance notes or instructions are followed to ensure the procurement is compliant. Failure to do this will make any contract awarded from the framework and possibly the whole framework invalid.
- 3.5.4 If the value of a contract is forecast to be greater than £50,000 then Procurement must be contacted at the earliest stage possible. A 'Starting a Procurement' form must be completed prior to the commencement of a procurement process.
- 3.5.5 If the value of any contract (including for works or social services etc) is forecast to be greater than the OJEU threshold for Services and Supplies then approval to commence the procurement must be sought from the Cabinet (Resources) Panel. Delegated authority to award the contract when the process is complete should also be requested at the same time. A standard template is available from Procurement.
- 3.5.6 Where the contract is complex or high value the Cabinet (Resources) Panel may, by exception, request that a further report is provided setting out the results of the evaluation prior to the contract being awarded.
- 3.5.7 A Conflict of Interest declaration must be signed by all parties, including Officers, involved in the procurement process and submitted to the Head of Procurement prior to a procurement commencing.
- 3.5.8 In the event of a conflict of interest the Head of Procurement shall determine the action to be taken.

### 3.6 Publishing Contract Notices

- 3.6.1 All procurement documentation must be completed and published with the Contract Notice. This as a minimum should include the specification, contract terms, evaluation criteria and background documentation. If applicable anonymised staffing and pensions liabilities information must also be issued.

### 3.7 Pre-Qualification Questionnaires(PQQ)

- 3.7.1 PQQ's must not be used for any procurement (including for works and social services etc.) with a value less than the OJEU Services and Supplies threshold.

- 3.7.2 For procurements above the OJEU threshold for Services and Supplies then PQQ's can be used with the approval of the Head of Procurement.
- 3.7.3 PQQ's must follow the mandated PQQ issued by the Crown Commercial Service and the Councils e-tendering system must be used.
- 3.8 Contents of a Request for a Quotation (RFQ) or an Invitation to Tender (ITT)
- 3.8.1 A Request for a Quotation (RFQ) is used for procurements with a value less than £50,000. The evaluation criteria is the lowest price or by exception most economically advantageous tender based on criteria published with the RFQ.
- 3.8.2 An Invitation to Tender is used for procurements with a value greater than £50,000 or by exception for complex and high risk procurements of any value. The evaluation criteria is the most economically advantageous tender based on criteria published with the ITT.
- 3.8.3 The following information must be included within a RFQ or an ITT:
- 3.8.4 Specification.
- A specification must;
    - clearly set out the requirements taking into account quality and standards required to be met and timescales for delivery. Any minimum requirements must be clearly stated.
    - consider the various matters prescribed by the Public Services (Social Value) Act 2012 and in particular how the contract might improve social, economic and environmental well-being.
    - consider the accessibility to Small and Medium size Enterprises (SME) and if necessary the contract should be divided into lots to make it more accessible.
    - consider the Shared Values and Principles included in Wolverhampton VCSE Compact Funding, Commissioning & Procurement Code of Practice where the contract may be suitable for VCSE organisations to deliver.
    - consider the Council's policies including information governance, business continuity, equality and diversity, and safeguarding.
- 3.8.5 Price
- How price will be evaluated should be clearly set out.
  - Where appropriate the whole life cycle cost, including cost of operation, maintenance and end of life, should be considered.
- 3.8.6 Evaluation Criteria
- All evaluation criteria and sub criteria, any financial models and a clear scoring matrix must be included and full details disclosed to potential bidders.
  - These criteria cannot be deviated from once it has been published.
- 3.8.7 Conditions of Contract

- The Council's standard forms of contract must be used for all supplies and services and the RFQ or ITT must refer to the relevant standard conditions identified on the Council's website.
- For works contracts standard industry forms must be used, for example, JCT, NEC or ICE etc.
- A risk analysis of the scope and specification of the contract should be undertaken and additional requirements such as Disclosure and Barring checks, business continuity and information governance requirements should be identified and included as additional contract conditions if required.
- Where there is a need to deviate from the Council's standard forms of contract or amendments are required to works standard industry forms, due to the risk imposed by the nature of the procurement or where the standard contract is deemed to be unsuitable, contract terms must be drafted by Legal Services prior to the RFQ or ITT being advertised.
- Contracts on supplier's conditions will only be entered into on by exception and must be approved in advance by the Head of Procurement and Legal Services.
- A RFQ or an ITT must include a clause empowering the Council to immediately reject a tender or terminate a contract if the tenderer offers any form of inducement to influence the decision to award the Contract. This right to terminate will apply regardless of whether the inducement was accepted by the Officer or Councillor concerned.

#### 3.8.8 Durations

- A RFQ should be advertised for a period of time appropriate to the complexity of the procurement and to ensure there are sufficient quotes received to demonstrate that a proper competition has taken place.
- An ITT should be advertised for a period of time appropriate to the complexity of the procurement, as minimum this should be 2 weeks.
- Where the contract value is above the OJEU Thresholds then the appropriate minimum time periods in accordance with the Public Contracts Regulations must be followed.

3.8.9 If a reduced timescale is required due to genuine urgent need then this must be recorded and approved by the Head of Procurement prior to the procurement commencing.

#### 3.9 Contract value and duration

- 3.9.1 Prior to a procurement being undertaken an estimate of the total contract value over its full duration, including any extension options must be established. A record of how this forecast was calculated should be retained.
- 3.9.2 The value of the contract must not be split to avoid the application of the CPRs and Public Contracts Regulations.
- 3.9.3 Contracts and Framework Agreements must not exceed a four year duration unless a demonstrable economic benefit can be established, recorded and approved by the Head of Procurement prior to the procurement commencing.

#### 3.10 Transfer of Undertakings Protection of Employment (TUPE) and Pensions

- 3.10.1 Where a service is already being provided and is being retendered or tendered for the first time, the TUPE regulations need to be considered and if necessary staffing details incorporated within the ITT.
  - 3.10.2 Advice from Legal Services must be sought at the earliest point that the Procuring Officer becomes aware that a staff transfer may form part of the procurement.
  - 3.10.3 Where a transfer of staff will occur Pensions liabilities and arrangements need to be considered and specialist advice sought from Procurement and Strategic Finance.
- 3.11 Appointment of Temporary, Agency and Interim Staff
- 3.11.1 Advice must be sought from the relevant HR Officer prior to commencing the appointment of any temporary, agency and interim staff.
  - 3.11.2 The appointment of temporary, agency and interim staff must be in accordance with these CPRs with the addition of an HR business case being approved.
  - 3.11.3 The appointment of temporary, agency and interim staff with an equivalent day rate of £350 or more must be approved by the Head of HR and the Cabinet Member for Governance prior to commencing the appointment and there is no requirement to report to the Cabinet (Resources) Panel.
  - 3.11.4 A copy of the completed and approved business case must be uploaded as an attachment to the Agresso requisition.

## **4 During a Tender**

- 4.1 Pre-procurement engagement
  - 4.1.1 Where discussions are held with stakeholders and/or potential bidders prior to the issue of an advert or Contract Notice then these should be recorded.
  - 4.1.2 Advice should be sought from Procurement prior to any discussions to ensure that any conflicts of interest are recorded and mitigation measures put in place.
- 4.2 Communications with tenderers during procurement
  - 4.2.1 All communications with tenderers after the RFQ, PQQ or ITT has been issued must be conducted via the secure messaging service which forms part of the e-tendering system.
  - 4.2.2 Until April 2016 or the introduction of an electronic RFQ system, communication with tenderers in relation to RFQs may be conducted using email.
  - 4.2.3 Verbal communication should not be carried out except to provide instruction on using the e-tendering system or in exceptional circumstances in the presence of a Procurement Officer who will make a record of the conversation.
- 4.3 Quotation and Tender opening and late submissions

- 4.3.1 Until April 2016 or the introduction of an electronic RFQ system, all quotations in response to RFQs can be returned to the Procuring Officer by e-mail. Following the introduction of an electronic RFQ system then all quotations must be submitted using that system.
- 4.3.2 All tenders in response to PQQs or ITTs will be submitted electronically through the Councils e-tendering system and cannot be opened until after the PQQ or ITT closing date.
- 4.3.3 All late quotations and tenders must be referred to the Head of Procurement. They will only be accepted in exceptional circumstances if:
- the other tenders have not been opened and;
  - there has been a failure of the e-tendering system or if the failure to comply is the fault of the Council.
- 4.3.4 The final decision on whether a tender will be accepted is at the discretion of the Head of Procurement.
- 4.3.5 The date for receipt of tenders may only be extended in exceptional circumstances. This must be approved by the Head of Procurement and the reasons documented.

## **5 Evaluation**

- 5.1 Evaluation of PQQ responses, quotations and tenders must be in accordance with the criteria and scoring published with the RFQ, PQQ or ITT. In the event no criteria have been published then the evaluation will be on lowest price.
- 5.2 No information about PQQ responses, quotations and tenders should be shared with competing organisations.
- 5.3 Questions from bidders must be submitted electronically, for RFQs by e-mail or through the e-tendering system where this has been used. Responses to questions must be shared with all bidders unless there is an overriding commercial or confidential reason. Advice should be sought from Procurement if there is any uncertainty.
- 5.4 Clarifications of PQQ responses, quotations and tenders maybe requested from bidders and must be made in writing using the e-tendering system. Advice should be sought from Procurement in advance.
- 5.5 Negotiations with tenderers are only permitted in limited instances with approval of the Head of Procurement.
- 5.6 Once a PQQ, RFQ or ITT has been evaluated and the successful organisation selected only minor refinements that do not substantially change the tenderer's proposal or the commercial position can be made. Advice should be sought from Procurement in advance.
- 5.7 Evaluators must come to a consensus on scores awarded, scores must not be averaged.
- 5.8 Justification and reasons for the scores awarded must be recorded in writing and retained in accordance with Council's Records Management Policy and Public Contracts Regulations. This information is to be used for providing feedback to bidders.



## **6 Awarding a Contract**

### **6.1 Approval to enter into a contract**

6.1.1 Approval to award the contract must be granted prior to the award being carried out in accordance with the table in section 3.

### **6.2 Mandatory standstill period**

6.2.1 For all contracts with a value above the OJEU threshold a mandatory 'standstill period' must be observed between notification of the contract award and conclusion of the contract in accordance with the Public Contracts Regulations.

### **6.3 Letters of Intent to enter a contract**

6.3.1 Officers must not issue letters of intent, memorandums of understanding or similar communications without the prior approval of Legal Services.

### **6.4 Contract Conditions**

6.4.1 Every contract shall be in writing and properly executed.

6.4.2 Contracts will be signed in accordance with the table in section 3. Contracts should only be signed after the correct approval to award has been granted.

6.4.3 Contracts must be signed or executed under seal by the Legal Services Authorised Officer where required by statute or required by an external funding body or an assessment of the risk necessitates it.

6.4.4 A scanned copy of the signed contract must be sent to the Head of Procurement for inclusion in the Contracts Register.

6.4.5 A signed paper hardcopy should be sent to Legal Services.

### **6.5 Contract Award Notice**

6.5.1 Contract Award Notices must be placed in OJEU and Contracts Finder in accordance with the Public Contracts Regulations. The publication of notices will be undertaken by Procurement.

### **6.6 Feedback to Bidders**

6.6.1 Unsuccessful bidders should be informed of the outcome of a procurement process as soon as possible.

6.6.2 Where there are two or more stages in a procurement process, unsuccessful bidders should be provided with feedback on their submission at the point they are excluded from the process.

6.6.3 For RFQs where the only evaluation criteria is the lowest price the unsuccessful bidders should be advised of the total price of the winning bidder.

6.6.4 For PQQs the unsuccessful bidders should be advised of their score against each criteria and weighted marks and reasons they did not meet the standard to be shortlisted.

- 6.6.5 For ITTs where the evaluation criteria comprises quality, price and if applicable social value then unsuccessful bidders should be advised of their score against each criteria and weighted marks, the relative strengths and weaknesses of its proposal and total score and price of the winning bidder.
- 6.6.6 Information on the successful bidder's proposal including the method of undertaking the work or a breakdown of the price should not be provided to unsuccessful bidders. If there is any doubt advice should be sought from the Head of Procurement.

## **7 Exemptions**

- 7.1 The CPRs ensure that the Council complies with its legal requirements and is fair and transparent with respect to how public money is spent. Only in exceptional circumstances will approval be granted to do something different. Where this is needed an Exemption will be approved by the Head of Procurement and Chief Accountant.
- 7.2 If the value of the Exemption is greater than the OJEU threshold for Services and Supplies then approval must be sought from the Cabinet (Resources) Panel.
- 7.3 An Exemption is an approval that the CPRs cannot be followed for a reason that is out of the Council's control.
- 7.4 All Exemptions from these rules must be recorded using the Exemption Form and approved before entering into a contract with a supplier.
- 7.5 Circumstances where time is lost through inadequate forward planning or any unnecessary delays will not constitute a reason to issue an Exemption and Officers should make adequate preparation in advance of commencing the procurement exercise.
- 7.6 An Exemption will only be approved if it is for one of the following reasons;
- 7.6.1 Where an existing contract that is suitable for the services, supplies or works required is not used. A business case to justify not using the existing contract for either technical or economic reasons must be demonstrated. This should be attached to the Exemption.
- 7.6.2 Where there is only one supplier within the market. Evidence that this is the case and what investigation has been done to try and find other suppliers must be demonstrated. This should be attached to the Exemption.
- 7.6.3 Where the procurement activity is grant funded and the supplier is named as a condition of that funding. A copy of the grant agreement or other evidence should be attached to the Exemption.
- 7.6.4 Where the Council is buying goods on behalf of another organisation. The procurement will need to be undertaken in accordance with that organisations CPRs or equivalent. A copy of the agreement to undertake this activity should be attached to the Exemption.
- 7.6.5 Where the Council is matching grant funding and the original grant has been given conditionally on the use of a named supplier, group of suppliers or particular framework. A copy of the grant agreement or other evidence should be attached to the Exemption.

- 7.6.6 Where the Council has required an applicant for a grant to provide a detailed breakdown of their costs and in order to do so they have identified a supplier. A copy of the grant agreement or other evidence should be attached to the Exemption.
- 7.6.7 Where services need to be procured as a matter of extreme urgency - e.g. in response to an emergency situation - and there is insufficient time to advertise etc.
- 7.6.8 Where software is being procured that must be compatible with an existing ICT system and the cost of change is uneconomic. A business case justifying this should be attached to the Exemption.
- 7.6.9 Contracts offered by the Chief Legal Officer (or designee) for the appointment of counsel.
- 7.7 If an Exemption is not approved then a change to what is being proposed will need to be undertaken to comply with the CPRs. If it is impossible to do this then a non-compliance will be recorded by Procurement, notified to the Audit team and an action plan to correct what is wrong will need to be put in place.
- 7.8 A list of Exemptions that have been approved will be reported to Cabinet (Resources) Panel every quarter.

## **8 Contract Management, Variations and Extensions**

- 8.1 Prior to the award of a contract an Officer who will be responsible for managing the contract must be identified, known as the Contract Manager.
- 8.2 Reporting and monitoring processes appropriate to the size and nature of the contract must be put in place to ensure that all obligations are fulfilled by the contracted parties.
- 8.3 Contracts may only be varied to implement minor changes either increasing or decreasing the service and for services of a similar nature.
- 8.4 Contracts should only be extended if options for extensions were included in the original contract.
- 8.5 Contract variations and extensions must follow the same authorisation process as though they were new procurements i.e. less than the OJEU threshold for Services and Supplies requires approval in accordance with the Scheme of Delegation, over the OJEU threshold for Services and Supplies requires approval from Cabinet (Resources) Panel. The services and supplies threshold applies to all contracts including works and where the "light touch" regime applies.
- 8.6 If the value of the original contract plus the sum of any extension or variation exceeds the thresholds within these CPRs with the result that a different procurement process should have been used then an Exemption will need to be requested.

## **9 Social Care Contracts**

- 9.1 It is recognised that either because of service user choice or the nature of the market for specialist placements that for some types of social care contracts that competitive procurement processes cannot be undertaken.

9.2 Only contracts for the following have specific exclusions from these CPRs;

### 9.3 Residential Care

9.3.1 Residential Care placements are exempt from the full requirements of the CPRs. Sections 1,2,7 and 8 apply.

9.3.2 The Council will contract with Residential Care Providers using a standard contract. The contract will set out a breakdown of the price. Any deviations from this standard contract must be approved in advance by the Procurement Category Manager: People and the relevant Commissioning Manager.

9.3.3 If a weekly fee for a placement is higher than in the table below then approval must be gained from the Procurement Category Manager: People and the relevant Commissioning Manager prior to agreeing the placement with the Provider;

Primary Care Need	Fee per week
Looked after Children	£3,000
Physical disability, learning disability or mental health (children and adults)	£2,000
Older people	Current Council standard rate for the relevant category

9.3.4 For out of area placements for older people the fee per week must be either the current Council standard rate or the standard rate for the relevant local authority area. Out of area placements with a fee per week above this then approval must be gained from the Procurement Category Manager: People and the relevant Commissioning Manager prior to agreeing the placement with the Provider.

9.3.5 Where there is an emergency need and approval cannot practically be requested in advance then this should be notified to the Procurement Category Manager: People and the relevant Commissioning Manager soon as possible and in all cases within 72 hours of the placement commencing.

### 9.4 Social Care Frameworks

9.4.1 In addition to the requirements of 3.5.3 where a framework relating to Social Care is used, e.g. foster care placements, Form F Assessments and children's residential care, then the following will apply;

- Where placements are made outside of the Framework Agreements approval must be gained from the Procurement Category Manager: People and the relevant Commissioning Manager prior to agreeing the placement with the Provider.

- Prior to making a placement a breakdown of the price must be obtained from the Provider and value for money demonstrated. Advice should be sought from the Procurement Category Manager: People where the costs are more than the typical expected costs.

## 9.5 Educational Placements

- 9.5.1 Where the Council is required to pay for Education Placements these are generally required to be paid in advance and are not subject to competitive tendering.
- 9.5.2 Prior to making a placement a breakdown of the price must be obtained from the Provider and value for money demonstrated. Advice should be sought from the Procurement Category Manager: People where the costs are significantly more than the typical expected costs.

## 10 Finance Leases excluding Land and Property

- 10.1 Where a contract requires the Council to enter into a finance or lease agreement then advice should be sought from the relevant Finance Business Partner in advance.
- 10.2 In addition to the approvals required as set out in the table in 3.2, finance and lease agreements must be approved by the Chief Accountant prior to signing.

## 11 Disposal of Assets excluding Land and Property

- 11.1 The disposal of assets excluding land and property must comply with the following;

Value of Assets	Process	Approval
Less than £10,000	Minimum of three written quotes	Strategic Director or Director
More than £10,000	Open competition using the Council's e-tendering system  or  Third party auction	Director of Finance

- 11.2 The value of the assets should be calculated on the value per disposal requirement, irrespective of how the items are disposed e.g. a group of similar items with a total value of £20,000 will require approval by the Director of Finance although the disposal maybe of individual items with values each of less than £10,000.
- 11.3 Advice should be taken from the Head of Procurement if it is determined that a third party auction is a suitable route for disposal.

- 11.4 The highest value unconditional bid received should be accepted unless, in the view of the relevant Budget Manager and Procurement Category Manager, a conditional bid offers better value to the Council.
- 11.5 The chosen process must be approved in advance by the Strategic Director, Director or Director of Finance as appropriate.

## **12 Concessions and Revenue Earning Contracts**

- 12.1 Prior to the Council awarding a concession or entering into a revenue earning contract, whether in its own right or with a commercial partner, approval of the commercial arrangements and contract terms and conditions must be obtained from the Director of Finance and from Legal Services.
- 12.2 Where the concession or revenue has a value greater than the OJEU threshold for Services and Supplies or has a significant risk profile (as assessed by the Director of Finance and Legal Services) then approval is required from Cabinet (Resources) Panel prior to entering into the agreement.
- 12.3 Where the Council is a bidder and submitting a proposal or tender in response to a contract opportunity then approval must be obtained from the relevant Strategic Director and the Director of Finance.
- 12.4 Where the contract has a value greater than the OJEU threshold for Services and Supplies or has a significant risk profile (as assessed by the Director of Finance and Legal Services) then approval is required from Cabinet (Resources) Panel prior to submitting the proposal or tender.
- 12.5 Advice from Legal Services must be sought prior to commencing any work on compiling a proposal or tender to determine if the Council has the power to enter into the contract.

## **13 Land and Property Transactions**

- 13.1 General Procedure for Land and Property Transactions
  - 13.1.1 Before land or property or an interest in land or property is offered for sale or lease the advice of Corporate Landlord will be sought and the Strategic Director Place/The Service Director City Assets or a nominee ("the Director") shall ensure that due regard is had to the Council's guidance for the disposal of Council land and property. The Director shall ensure a suitably RICS qualified valuer's estimate of the likely price or rent has been obtained. The Council will normally expect that best consideration is obtained in accordance with the relevant legislation.
  - 13.1.2 The advice of Corporate Landlord must be sought for all land and property transactions and/or proposals. The Director shall ensure due regard is given to this advice. The expectation is the advice should normally be followed unless there are specific circumstances that justify any variation in which case this will require the approval of Cabinet or Cabinet (Resources) Panel.

## Property Related Matters

13.1.3 Where a contract or proposal is likely to have any property implications for the Council, such as the leasing, acquisition or use of premises (whether Council owned or otherwise), the advice of Corporate Landlord must be sought and followed.

## 13.2 Scheme of Delegations for Property Transactions

13.2.1 The following scheme of delegation for all land and property transactions must be followed:

Delegation to the Director:-

- Disposal of land by leases/lettings up to 7 years and annual rent up to £50,000.
- Agreement of rent reviews up to a rent of £100,000 pa.
- The grant or taking of annual Wayleaves.
- The grant or taking of Licences to Occupy, Tenancies at Will, Licences to Assign, Alter and Underlet.
- Tenancy Agreements and associated Deeds related to the letting of residential properties managed by Wolverhampton Homes

13.2.2 Delegated decisions through an Individual Executive Decision Notice to the nominated Cabinet Member for City Assets in consultation with the Director. Details of all transactions must be reported to the Corporate Landlord Board at the next available opportunity.

- The granting or taking of an Exclusivity Agreement
- Disposal of property by licence/lease of more than 7 years and up to 25 years and at an annual rent up to £100,000.
- Acquisition of property by licence/lease up to 25 years and annual rent up to £100,000, subject to agreed service requirement and provision in the budget.
- Minor disposals by freehold sale or long lease at a premium, easement, dedication, release of covenants or other legal interest up to a value of £50,000.
- Disposal by freehold sale, long lease, easement, dedication, release of covenants or other legal interest for a capital sum at a value not exceeding £2,000,000 where principle of disposal has been previously agreed by Cabinet (Resources) Panel.
- Sales of freehold reversion under Leasehold Reform Act 1967.
- Acquisition or appropriation of property in accordance with agreed policy and subject to provision in budget.
- Surrender of leases for Estate Management needs or where financial difficulty is demonstrated.

- Variations to lease covenants/clauses, settling of rent above £100,000 pa under rent reviews, licence/lease renewals in excess of 7 years and variations to existing agreements where financial difficulty is demonstrated.
- Service of notices required to be served on lessees of the City Council terminating or altering the terms of a residential tenancy.
- Agreement of compensation and other collateral agreements following the Compulsory Purchase of land.

#### 13.2.3 Cabinet (Resources) Panel Decisions

- All other property acquisitions and disposals.

13.2.4 Details of all transactions must be recorded and filed appropriately.



## 14 Glossary of Terms

Concession	Contracts where the consideration consists either solely in the right to exploit the work or service, or in this right to exploit together with payment.
Contract	An agreement between two or more parties relating to supplies, services, utilities or the execution of works for payment or otherwise by an agreement intended to bind those parties.
Contract Notice	An advert giving details of the contract being procured. The issue of the Contract Notice starts the PQQ, RFQ or ITT process.
Contracts Register	A database of all Council Contracts maintained by Procurement.
e-tendering system	The computer system used by the Council to undertake procurement activities
Framework Agreement	An agreement or other arrangement which establishes the terms under which the Provider will enter into one or more Contracts with the city council or other Public body during the period in which the Framework Agreement applies.
OJEU	Official Journal of the European Union.
OJEU threshold	The European Union Threshold pertaining to the values of Supplies, Services or Works which is published by the EU Commission and updated bi-annually in January.
OJEU threshold for Services and Supplies	£172,514 upto 31 December 2015. From 1 January 2016 until 31 December 2018 this will be £164,176
Procuring Officer	The service team Officer who is responsible for the procurement process. This also includes third parties who are procuring on behalf of the Council.
Procurement Category Manager	Manager in the Procurement Team with line management responsible for the Procurement Officers.
Procurement Officer	The member of the Procurement Team who has been assigned to the procurement exercise.
Provider	An organisation that supplies goods to, provides services to or undertakes works for the Council.

Revenue earning contract	A Contract where either part of the consideration is a share for the Council of any income generated by the Provider or where the Council is acting as a Provider to another party.
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