

CONSTITUTION COMMITTEE

AGENDA



6 July 2021

At 10.00 a.m.

**Council Chamber,
Civic Centre, Hartlepool.**

PLEASE NOTE CHANGE OF DATE AND TIME

A limited number of members of the public will be able to attend the meeting with spaces being available on a first come, first served basis. Those wishing to attend the meeting should phone (01429) 523568 or (01429) 523019 by midday on 5 July 2021 and name and address details will be taken for NHS Test and Trace purposes.

MEMBERS: CONSTITUTION COMMITTEE:-

Councillors Brash, Brown, Harrison, Howson, Little, B Loynes, Moore, Stokell and Young

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**
 - 3.1 To confirm the minutes of the meeting held on 1 February 2021
- 4. ITEMS FOR DECISION**
 - 4.1 Review of the Protocol on Elected Member/Officer Relations (*Chief Solicitor/Monitoring Officer*)
 - 4.2 Appointment of Member Champions (*Chief Solicitor*)
 - 4.3 Review of Part 4 – Contract Procedure Rules (*Chief Solicitor and Monitoring Officer*)

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

4.4 Issues for Annual Review of the Constitution – Verbal Update

5. **ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**



CONSTITUTION COMMITTEE

MINUTES AND DECISION RECORD

1 February 2021

The meeting commenced at 2.00 p.m. in the Civic Centre, Hartlepool

Present:

Councillor Moore (In the Chair)

Councillor Harrison, Howson, James, Loynes, Marshall, Prince and Tennant

Officers: Hayley Martin, Chief Solicitor
Denise McGuckin, Managing Director
Amanda Whitaker, Democratic Services Team.

1. Apologies for Absence

None

2. Declarations of interest by Members

None

3. Minutes

The minutes of the meeting held on 2 March 2020 were confirmed.

In response to clarification sought on minute 19 - Proposal to roll out the Your Say, Our Future Approach, the Chair assured elected members that engagement with public and elected members would continue to be progressed and would be held 'remotely.'

4. Revised Code of Conduct for Elected Members and Co-Opted Members and Best Practice

Recommendations – *Report of Chief Solicitor and Monitoring Officer*

The Committee was requested to consider the adoption of a revised model Code of Conduct for Elected Members and Co-opted Members, a copy of which had been appended to the report. The revised Code

had been considered by the Audit and Governance Committee, at its meeting on 7 January 2021.

Elected Members were advised that the Audit and Governance Committee had recommended the adoption of the revised model Code of Conduct and had welcomed the inclusion of a bullying policy. Concerns had, however, been expressed that there continued to be no further sanctions available to Councils (as this would depend on legislative change). The Committee had recommended also that the gifts limit should continue to be £25 rather than the £50 set out in the Model Code.

The Constitution Committee debated issues arising from the report. Views were expressed that the Code should be strengthened to highlight that elected members should constantly be responsible for the position held. It was suggested that the Code be updated to include that an elected member will take responsibility for any personal actions at all times whilst holding the office of Councillor.

With regard to the recommendation that Local Authorities should include prohibitions on bullying and harassment in codes of conduct, an elected member referred to a related Motion which she had moved and which had subsequently been agreed by Full Council. The Motion had been referred to this Committee to be considered in conjunction with the Standards Public Life Review. The elected member advised the background to the Motion and considered that the Code should include that an elected member should not harass another elected member or an Officer. It was proposed also that there should be a process whereby elected members could raise grievances. The elected member suggested also that the Chief Solicitor review the Declaration of Acceptance of Office to determine whether anything could be added to reflect these issues and the expectations of Members upon taking office. The Chief Solicitor responded to issues which had been highlighted by elected members and advised that some of the issues raised would not be possible to introduce as they would require legislative changes.

Elected members were advised that the Officer Member Protocol was currently under review. The Chief Solicitor agreed a suggestion to write to the Local Government Association to seek an update on whether any progress has been made in relation to introducing stronger sanctions.

Decision

That the Committee recommend to Full Council that it approves the revised Code of Conduct (subject to outcome of the letter sent by the Chief Solicitor to the Local Government Association.)

5. Periodic Review of the Council's Constitution – *Chief Solicitor and Monitoring Officer*

The report set out proposed changes to the Constitution prior to consideration of changes by Full Council on 25 February 2021. The Chief Solicitor outlined the background to the review. At the Extraordinary meeting of Full Council held on 10 June, 2020, Elected Members had approved a senior management restructure following consideration of a revised structure by the Finance and Policy Committee. The effect of the restructure meant that a number of service areas had been moved to different departments.

On the 11 January 2021, the Chief Solicitor had presented a briefing note to a Members' Seminar, a copy of which was appended to the report. Members were content with the proposals set out in the report and agreed to the transfer of the functions as listed in section 4 with the exception of economic growth and regeneration. Members commented that they felt that it was important to keep a committee for 'Regeneration' to ensure inward investment and economic growth sit outside of Finance and Policy Committee (other than financial decisions) to avoid conflict and ensure good scrutiny and challenge. Following comments at the Members' Seminar the proposals for the alignment of Committee functions were set out in the report.

The Constitution Committee expressed support for the proposals highlighted in the report. The Committee noted that the changes in the identified functions were in addition to those currently set out in Part 3 of the Constitution. Other functions would remain as set out currently in Part 3 of the Constitution

In view of the proposed changes to the functions of the Regeneration Services Committee, Elected Members expressed support for changing the title of this Committee to Economic Growth and Regeneration Committee.

Decision

The Committee agreed with the proposals set out in the report, with no dissent, and agreed to recommend to Full Council that the proposals be adopted, subject to the title of the Regeneration Services Committee being changed to the Economic Growth and Regeneration Committee.

6. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that the following item of business should be considered by the Committee as a matter of urgency in accordance

with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

7. Political Proportionality Review

An elected member referred to the above which had been considered at a recent meeting of Full Council. The Chief Solicitor gave assurance that it was intended that the review was intended to make minimal changes as possible, whilst ensuring political groups were represented. A full review of the political proportionality would take place following the forthcoming elections, prior to the Annual Council meeting.

The meeting concluded at 2.50 p.m.

CHAIR

CONSTITUTION COMMITTEE

6 July 2021



Report of: Chief Solicitor and Monitoring Officer

Subject: **REVIEW OF THE PROTOCOL ON ELECTED MEMBER/OFFICER RELATIONS**

1. PURPOSE OF REPORT

- 1.1 To seek a view from the Committee regarding proposed changes to the Protocol on Elected Member/Officer Relations prior to consideration of the proposed changes by Full Council at a future meeting.

2. BACKGROUND

- 2.1 Following this Committee's approval of the Members Model Code of Conduct, which is due for consideration by Full Council at a future meeting to coincide with further national guidance due to be issued to supplement the Code, the Chief Solicitor in consultation with Chief Officers were of the view that it was appropriate to review the Protocol on Elected Member/Officer Relations. The revisions, as detailed in **Appendix A**, are proposed to strengthen the Protocol.

3. PROPOSALS

- 3.1 A summary of the proposals are as below:
- a) Additions to the role of Elected Members and Officers;
 - b) Principles underlying Elected Member/Officer Relations has been expanded;
 - c) Undue influence section has been expanded;
 - d) Officers' advice to Elected Members inserted;
 - e) Elected Members in their Ward Role has been expanded;
 - f) Personal and business relationships inserted;

- g) Politically Restricted Posts inserted; and
- h) Correspondence section has been expanded

4. RECOMMENDATIONS

- 4.1 That the Committee consider the proposals set out in **Appendix A** and make recommendations to Full Council.

5. REASONS FOR RECOMMENDATIONS

- 5.1 To ensure the Constitution is up to date and reflects changes to the Protocol on Elected Member/Officer Relations.

6. BACKGROUND PAPERS

- 6.1 Constitution Committee Report, 1st February 2021 - Revised Code of Conduct for Elected Members and Co-Opted Members and Best Practice Recommendations – Report of Chief Solicitor and Monitoring Officer.

7. CONTACT OFFICERS

- 7.1 Hayley Martin | Chief Solicitor
Hartlepool Borough Council
Tel: (01429) 523002
Email: Hayley.martin@hartlepool.gov.uk

PROTOCOL ON ELECTED MEMBER/OFFICER RELATIONS

1. INTRODUCTION

Hartlepool Borough Council (the 'Council') expects high standards of conduct from its Elected Members and Officers which are articulated throughout this document. This Protocol is designed to provide a guide to good working relations between Elected Members and Officers. The Protocol is part of the Council's Constitution and is to be considered in conjunction with other Codes of Conduct included in Part 5 of the Constitution, particularly the Code of Conduct for ~~Councillors~~ Elected Members and Co-opted Members and the Code of Conduct for Employees.

All Councils are required to have an Officer/Elected Member protocol included in the written Constitution. The matters which the protocol must cover are set out in the statutory framework and are therefore not within the discretion of the Council. The relevant matters to be addressed are set out below.

- Principles underlying Elected Member/Officer relations.
- Roles of Elected Members.
- Roles of Officers.
- Relationships between Chairs/Elected Members of the Policy and other Committees including Audit and Governance, Licensing and Planning Committees and Officers.
- Officer relationships with party groups.
- Elected Members in their ward role and Officers.
- Council access to documents and information.
- Other individuals who are members of Council bodies.
- Media relations and press releases.
- Correspondence.
- Internet and Social Networking Use
- Breaches and protocol.
- Concluding comments.

The protocol combines relevant topics covered in existing guidance for Elected Members and Officers and statutory advice on the production of new Constitutions. It recognises and is consistent with other procedures/ protocols included elsewhere in the Constitution, particularly the Articles in Part 2 and the Responsibility for Functions in Part 3 which define particular roles for Elected Members and Committees and the Rules of Procedure in Part 4, and provides a written statement of current practice and convention. Given the variety and complexity of Officer/Elected Member relations, it does not seek to be comprehensive, but gives specific advice on issues which may arise and is intended to provide guidance on the approach to dealing with other issues of a similar nature. This protocol also applies where relevant to co-opted members of the Council.

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2. ROLES OF ELECTED MEMBERS

All Elected Members will:

- i) Collectively be the ultimate policy-makers and determine the budget and policy framework operating at all times in accordance with the principles of decision making set out in Article 1~~12~~ of the Constitution;
- ii) Monitor and reviewing policy implementation and service quality;
- iii) Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- iv) Contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- v) Effectively represent the interests of their ward and of individual constituents;
- vi) -Deal with individual case work and representing constituents in resolving concerns and grievances.
- vii) Be available to represent the Council on other bodies; and
- viii) Maintain the highest standards of conduct and ethics.

The role of Elected Members is fundamentally different to that of Officers. In addition to a decision making role as part of the Council and, where relevant, as part of a Committee or Sub-Committee, Elected Members also have a responsibility to represent the interests of their ward and of individual constituents. This representative role may be carried out in a number of ways, and Officers will offer assistance to Councillors acting in a ward capacity. However, individual Elected Members are not empowered to instruct Council Officers to take a particular course of action, ~~unless they are exercising properly authorised decision making powers, as set out in the Council's delegation scheme.~~

3. ROLES OF OFFICERS

The Council's Senior Management Team (set out in Parts 3 and 8 of the Constitution) will:

- i) Provide professional, impartial advice to the Council and all of its constituent bodies as set out in Part 3 of the Constitution and subject to the Access to Information Procedure Rules in Part 4 of the Constitution.
- ii) Report to the Council or any of its constituent bodies on any matter judged to be in the Council's interests.

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- iii) Undertake day to day and operational management of the services and functions for which the Council has given them responsibility and take any other decisions as allocated in this Constitution.
- iv) Determine when the Constitution requires decisions to be taken by Elected Members and refer matters as required.
- v) Exercise the statutory responsibilities placed upon statutory and Proper Officers where the post held includes such responsibilities.
- vi) Provide informal support and assistance to Elected Members within the scope of legislative requirements and this protocol.
- vii) Determine the detailed arrangements which will apply within their Departments for the provision of advice and support to Elected Members by other Officers.
- viii) Authorise other Officers within their management control to act on their behalf as appropriate.
- ix) Respect the role that all Elected Members play within the Council with particular consideration for the roles of the Leader, Ceremonial Mayor and Chairs of Committees.
- x) In all matters, Officers will give advice in accordance with their professional expertise and any relevant professional codes of conduct. Officers will not be required to reduce options, withhold information, or make recommendations which they cannot professionally support, to any body of the Council.

xi) Initiateing proposals for policy development and implementing the Authority's - policies. policies.

xii) Ensureing the Authority acts lawfully.

xiii) Representing the Authority on external organisations.

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Officers have a statutory responsibility to undertake day-to-day decision making and operational management of services within their area of responsibility. They also have additional decision making powers as set out in the delegation scheme contained in Part 3 of the Constitution. Officers are able to provide informal support and assistance to all Elected Members. However both legislation and the Council's protocol place some limit on the support which may be provided, in order to take account of matters such as resource limitations and confidentiality issues. These limits are dealt with further in the following sections and elsewhere in the Constitution, particularly in Part 4 - Rules of Procedure.

4. PRINCIPLES UNDERLYING **ELECTED** MEMBER/OFFICER RELATIONS

Mutual respect between Officers and Elected Members is essential to good local governance. Inappropriate relationships between Officers and individual Elected Members can damage the reputation of the Council as well as individuals and should be avoided. Officers are reminded of the guidance contained within section 3 of the Code of Conduct for Employees 'Political Neutrality'.

The following principles underpin the detail contained in individual sections which deal with specific aspects of Member/Officer relations.

- i) Elected Members and Officers will treat each other with courtesy and respect at all times in both formal and informal situations.
- ii) Council Officers will give impartial advice to the whole Council including all political groups, Committee and non-Committee Elected Members. Formal recommendations will only be made to the body empowered to take the decision in question.
- iii) Elected Members and Officers will not seek to use their positions to exercise inappropriate influence e.g. to secure an improper advantage for themselves or any other person.
- iv) Elected Members and Officers will at all times observe the requirements of the Council's Constitution.

Amongst other things, this means that both Officers and Elected Members will refrain from shouting, aggression, threats (either explicit or implied), and references, which could reasonably be perceived as insulting. Formal and informal situations encompass: formally constituted meetings either inside or outside of the Council, telephone conversations, personal contact, e-mail, letters or references in the media. It does not mean that Elected Members and Officers may not hold or express differences of view, but that they should do so in accordance with accepted standards of courteous behaviour.

Additionally, in relation to issues within an Officer's area of responsibility, Elected Members should recognise and respect the Officer's expertise and professionalism – failure to do so may place the Council at risk of a formal legal challenge and/or damage to its reputation. Officers' professional advice should not be ignored and should only be rejected for valid reasons. This does not mean that an Officer's recommendations are not open to question or examination, but an Officer's advice should not be rejected arbitrarily or for other than good reasons relevant to the issue in question. What amounts to a valid basis to reject advice cannot be generally defined other than as a reasonable belief based on adequate grounds that the judgement of the Officer is flawed in some way material to the decision to be taken. The adequacy of the grounds will vary according to the nature of the issue and the degree of expertise involved in making the relevant judgement.

Providing an outcome which is satisfactory to an individual constituent or group of constituents does not, of itself, constitute a valid reason for rejecting

professional advice – the decision must be based on an objective assessment of the issues relevant to the matter in question, public approval only being a determining factor when the merits and demerits are finely balanced.

Members and Officers both have an important role in creating and stimulating a good reputation for the Authority. In particular they should:

a) protect and promote the legitimacy of democratic local government;

b) promote a positive relationship between Members and Officers and be careful not to undermine it;

c) ensure criticism of the Authority when formally representing it is avoided; and

d) ensure personal criticism of other Members and Officers is avoided.

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5. UNDUE INFLUENCE

In any dealings between Elected Members and Officers neither should try to take advantage of their position.

In their dealings with Officers Elected Members should be aware that it is easy for Officers to be overawed and feel at a disadvantage. This can be even more so where Elected Members hold leading roles. However, it is also possible for Elected Members, particularly newer Elected Members, to be overawed by Officers. Elected Members and Officers must always be mutually respectful regardless of their role within the Authority.

Elected Members must not attempt to influence any Officer to do things they have no power to do, or to work outside of normal duties.

Apart from decisions that are clearly illegal, Officers should usually carry out decisions of Committee and Council. However, instructions should never be given to Officers to act in a way that is unlawful as ultimately this could damage the Authority's interests. Officers have a duty to express their reservations in this sort of situation and the Monitoring Officer or Chief Finance Officer may get involved as they have a statutory duty to intervene where illegality or maladministration is possible. To assist Elected Members in decision making they should be informed of all legal and financial considerations and be warned of the consequences even if it is unpopular. If a Member has a concern that an Officer is not carrying out a particular Committee or Council decision the Elected Member concerned should draw this to the attention of the Managing Director.

Officers should not use undue influence to pressure an individual Elected Member to make a decision in his/her favour, nor raise personal matters to do with their job, or make claims or allegations about other Officers to Members.

The Authority has procedures for consultation, grievance and discipline and there is a right to report actions of concern under the Authority's Whistle Blowing Policy.

The Authority has adopted separate Codes of Conduct for Members and Officers. One shared aim of the codes is to improve and maintain the Authority's reputation and so they demand very high standards of conduct.

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Under the Members' Code of Conduct Members must promote equality, treat others with respect and not do anything that compromises the unbiased nature of those who work for the Authority. In particular, Members should never act in a way which an independent observer might consider to be bullying, harassment or trying to get special treatment.

6. RELATIONSHIPS BETWEEN CHAIRS/ELECTED MEMBERS OF THE POLICY AND OTHER COMMITTEES INCLUDING AUDIT AND GOVERNANCE, LICENSING AND PLANNING AND OFFICERS

Relationships between Chairs/Elected Members of Committees and Officers will operate in line with the relevant codes of conduct and the principles contained in the protocol.

Elected Members in positions which include the chairing of meetings will seek to ensure that relevant codes are adhered to and all meeting participants, both Council and non-Council, behave courteously at all times.

6.1 Policy Committees

In making their decisions, Elected Members of the Policy Committees must seek and have regard to the professional advice given by Officers. Elected Members must at all times pay due regard to the advice given by Statutory Officers and be aware of, and take account of, their statutory responsibilities.

Elected Members should respect the principle that Officers serve the full Council and therefore have responsibilities to its Policy, Regulatory and other Committees.

Elected Members should at all times take full responsibility for their political decisions within the Council and as representatives on other agencies or bodies.

Elected Members must follow all of the statutory and constitutional requirements governing the decision making process.

Elected Members, Officers and representatives of outside bodies providing information to a Committee will be treated courteously at all times and will treat such individuals with courtesy and respect. Elected Members asking questions will act in accordance with the Member Code of Conduct and the Contract Procedure Rules. It will be the responsibility of the Chair to ensure that members of the public and other non-Council attendees behave appropriately.

Directors and Chief Officers may be required to attend the Committee and may be asked questions as to policies and decisions. They may be required to explain advice given to Elected Members and the objectives of policies. Comment should, however, be consistent with the requirement for Officers to be politically neutral and Officers may not be held accountable for decisions taken by Elected Members. Other Officers may attend the Committee at the discretion of their Director/Chief Officer in order to provide information which will assist. The Committee should not be used to address issues of the individual performance of employees. It will not be the purpose of any Committee to require Officers to personally account for their actions in circumstances where general management provisions including the appraisal and disciplinary processes may apply.

Although professional advice on Council services will generally be provided to a Committee from within the existing Officer structure, circumstances may arise where specific experience is unavailable in-house. Appropriate expertise may then be commissioned subject to budgetary provision being available.

At the request of another Committee a Policy Committee Chair may attend meetings to explain the objectives of policies and the reasons for their Committee's decisions, relevant to their remit.

A Committee may commission independent advice on matters outside of the Council's direct responsibility where budgetary provision exists and where it is either required or advisable and the Council's statutory Officer has been duly committed.

A Committee may invite, but not require, the attendance of representatives from other Councils or agencies.

6.2 Regulatory and Other Committees

(i) Audit and Governance Committee

The Audit and Governance Committee may require a variety of information and advice in order to carry out their work effectively (particularly that relating to the undertaking and discharge of their statutory scrutiny functions) and mechanisms to ensure this is achieved are addressed in detail in other sections of the Constitution. However in planning their work the Audit and Governance Committee must recognise that Officers and outside agencies providing information and Elected Members, Officers and outside agencies requested to attend Committee meetings, may have other commitments which may restrict their ability to meet the requests of the Committee within specified timescales. This is particularly the case where very detailed/complex information is requested or where a number of individuals are requested to attend a Committee meeting. The Committee should be conscious of such circumstances and plan, consider and programme their work accordingly.

(ii) Planning and Licensing Committees

Particular issues arise in relation to the Planning and Licensing Committees, when Elected Members are determining applications for permissions, licences etc. Although Elected Members act in an administrative role in the Planning Committee and a quasi-judicial role in the Licensing Committee, similar issues arise regarding the status of Officers' recommendations on the merits of an application.

When acting in a quasi-judicial capacity (for example in relation to licensing), Elected Members will pay particular regard to the requirements of natural justice and the procedural advice issued by the Monitoring Officer.

The Planning Committee through the Planning Code of Practice has endorsed the following principles:-

"Elected Members are entitled to reject the Officer's advice but they should only do so on the basis of an objective consideration of the planning issues. Planning is not a defined science and frequently involves decisions based on judgements relating to a wide variety of issues – traffic, appearance, character of the area, environmental impact etc. Elected Members are entitled to bring their local knowledge into play in weighing considerations that often compete with each other. Their judgement on a particular issue may be different from that of the Planning Officer.

"However, the Committee must recognise the importance of factors such as:-

- the local planning scene as set out in the Local Plan;
- the national planning regime as set out in legislation and planning decisions and case law;
- the Council's own guidance to developers;
- previous decisions of the Committee.

The Planning Officer's advice will reflect these factors. Whenever Elected Members depart from the Officer's advice and recommendation they increase the potential for undermining the integrity of the local planning scene and the ability of the Committee as the Local Planning Authority to require and enforce relevant standards of development – in the interests of the community as a whole."

The Licensing Committee in their licensing statement have endorsed the following principles: -

The role of the Officer in the context of the Licensing Committee's consideration of applications presented to it for determination is to provide the information available to the Council to enable the Elected Members to form their own judgement of the issues relevant to the application. The factual content of the information comprises the evidence presented on behalf of the Council. It is the practice for the Officer to make a recommendation whether the application should be granted or refused. The recommendation represents the Officer's opinion, in the light of the information available in

advance of the hearing and with the benefit of his/her professional training and experience.

However, as the proceedings of the Committee are quasi-judicial, the Committee would be acting improperly if it failed to pay due regard to information and evidence presented by the parties (applicant and/or objectors). The Committee are required to make a determination by reference to all the evidence presented to them at the hearing, and they are required to take note also of the evidence submitted by or on behalf of the parties (applicants and objectors). The Committee are entitled to, and should, form a view as to the weight they attach to the evidence presented.

In assessing the weight to be given to the evidence, the Committee is also entitled to recognise that information presented by the Officer and the Officer's recommendations have the particular merit of being: -

- objective;
- based on a knowledge of the local licensing scene as a whole;
- informed by the previous decisions of the Committee;
- aimed towards the benefits to the community as a whole and not influenced by the benefits to the applicant, or his/her business or an objector or a section of the community.

7. THE CEREMONIAL MAYOR

The Ceremonial Mayor will act as the Council's first citizen attending civic and ceremonial events and carrying out the role and function as established in Part 2, Article 5 - The Ceremonial Mayor. In fulfilling the duties of the role, the Ceremonial Mayor:

- i) shall expend civic funds reasonably and within financial limits, subject to the advice of the Proper Officer.
- ii) shall have priority in use of the civic vehicle, but at all other times this should be made available for other council duties, subject to the agreement of the Managing Director.
- iii) will be entitled to wear the chain of office.
- iv) will, where more than one civic function is occurring at the same time, determine which function if any, should be accepted/carried out by the Deputy Mayor.
- v) shall seek to ensure that the business of the Council is conducted effectively and that any procedural difficulties are discussed with the Managing Director and the Council's Monitoring Officer.

8. OFFICERS' ADVICE TO THE ELECTED MEMBERS

Members are entitled to ask Officers for such advice and information as they reasonably need to help them in discharging their role as a Member of the

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Council. This can range from general information about some aspect of the Authority's activities, to a request for specific information on behalf of a constituent.

Similarly the Leader is entitled to receive such advice and support as s/he reasonably requires to enable them to fulfil their role as the political leader of the Authority and the Authority's principal public spokesperson.

It is important for the Managing Director, Directors and Assistant Directors to keep Members informed both about the major issues affecting the Authority and about issues affecting the areas s/he represents. Members shall be kept informed about proposals affecting their ward and be invited to Authority initiated events within or affecting their ward. Although issues may affect a single ward, where they have a wider impact, a number of local members will need to be informed.

Advice or information sought by Members should be given in a timely manner. It should be provided by the relevant service provided it is within the service's resources. Resources are finite and Members should act reasonably in the number and content of the requests they make.

Requests by Members to Officers, which are made outside of normal working hours or to an Officer who is on annual leave will be responded to by Officers within working hours or when they return from annual leave, unless exceptional circumstances apply.

Officers serve the whole Authority and must be politically neutral in their work. In providing advice and support to the Authority's Committees and Council, and when implementing the lawful decisions of a Committee or Council, it must not be assumed that an Officer is supportive of a particular policy or view or is being other than politically neutral in implementing such decisions. Political neutrality in carrying out their work ensures that Officers are able to act impartially in the best interests of the Authority. Special legal rules exist which limit the political activities of certain Officers. 'Politically restricted' posts mean that the Officers in those posts are not allowed to speak or write in such a way that could affect public support for a political party. However they can speak or write in a way which is necessary in order to perform their duties properly. £

If Members have any concerns that an Officer is not acting in a politically neutral manner, they should refer their concerns to the Managing Director or relevant Director, or in the case of the Managing Director, the Leader. Allegations that an Officer has not acted in a politically neutral way are serious and could be damaging to his/her reputation.

Officers can advise on matters relating to the Authority's business. However, the Officer may need to tell his or her manager about the discussions, if that is necessary to enable a matter to be properly dealt with.

Officers can usually give information confidentially unless doing so would not be in the Authority's best interests (for example, if it went against their obligation to protect the Authority's legal or financial position). Any information a Member receives confidentially in one capacity (for example, as a Committee Member) cannot be used when acting in a different capacity (for example, when representing his/her ward). Confidential information can only be given to those

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entitled to see it. It is best to check with the Officer giving the information whether it is appropriate to pass it on to others.

Members should make sure that when they are getting help and advice from Officers they only ask for information to which they are properly entitled. There is more detail about the information to which Members are entitled below. Members' rights to inspect documents are contained partly in legislation and partly at common law and are described in the Access to Information Rules contained within the Constitution.

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If a Member asks for information or advice relating to the work of a particular service, and it appears likely or possible that the issue could be raised or a question asked at a subsequent meeting on the basis of that information, the Chair of the Committee should be advised about the information provided.

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Any Member can seek advice or assistance in confidence from the Chief Officers to address a ward issue.

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Officers are required to serve the Authority as a whole. They are responsible to the Chief Officers and not to individual Members whatever office they may hold.

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98. OFFICER RELATIONSHIPS WITH PARTY GROUPS

No Officer of the Council shall attend any party political group as an employee of the Council without the agreement of the Managing Director and party political groups will not have the power to require attendance of individual Officers unless agreed by the Managing Director.

Officers attending any group meetings, shall not divulge to other groups the contents of any discussion or debate which takes place.

No reports should be produced by Officers specifically for party groups without the express permission of the Managing Director and Officers shall not conduct research for party political purposes.

Officers will provide publicly available attendance details relating to individual Elected Members to group officials from the same party or in the case of other parties (or independents) with the authorisation of the Member concerned. Elected Members will always be notified that such information is being provided.

Officers are not permitted to allow the use of Council resources for party political purposes, other than where such use has been properly authorised and where relevant, the appropriate charge has been made.

An Officer, as a member of the public, is entitled to raise with their Councillor any complaint about the services of the Council. Employees are expected to do this in their own time. If an Officer complaint concerns any aspect of their work with the Council this should always be discussed with their line manager in the first instance. Where this is not appropriate then another appropriate

manager. If this does not lead to the concerns being adequately addressed then the Officer should make use of the Council's appropriate HR procedures. An Officer must not approach Elected Members to raise any work related issues as this could lead to disciplinary action for not following council procedures for managing such issues. In circumstances where concerns relate to potential allegation of fraud, corruption, safeguarding or other serious concerns; these can be raised through the Council's **'Whistle Blowing' policy and procedure.**

- Roles of Elected Members.
- Roles of Officers.
- Principles underlying Member/Officer relations.
- Undue Influence.
- Relationships between Chairs/Elected Members of the Policy and other Committees including Audit & Governance, Licensing and Planning Committees and Officers.
- Ceremonial Mayor.
- Officer relationships with party groups.
- Elected Members in their ward role and Officers.
- Councillor access to documents and information.
- Elected Members and Officers who are members of Outside Organisations and other bodies.
- Publicity material, media relations and press releases.
- Correspondence.
- Internet and Social Networking Use.
- Breaches of the protocol.
- Concluding comments.
- In the event that an Officer approaches a Member regarding any aspect of their work with the Council the Member must not become involved in this issue and should advise the officer to follow the procedures detailed in the previous section.

109. ELECTED MEMBERS IN THEIR WARD ROLE AND OFFICERS

All Elected Members are entitled to raise matters of local concern either as representatives of the Council or on behalf of individuals or groups of constituents. Specific departmental protocols for dealing with such approaches may be introduced by the relevant Director or Chief Officer in order to facilitate an appropriate response to such enquiries. Wherever possible, a Member should raise their concern/matter using the Councillor Portal.

Information about an individual resident cannot be shared with a Member without the consent of the individual concerned. Similarly, an Officer cannot become involved in a situation without the consent of the individual, unless there is a cause for concern from a safeguarding perspective.

Elected Members will receive advice and assistance in their pursuit of local matters which is consistent with their responsibilities as Elected Members and local representatives. Individual Elected Members may not, however, seek to obtain a disproportionate amount of Officer time in dealing with ward matters.

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This provision is intended to avoid a situation in which the demands of a small number of Elected Members become so great that the interests of other Elected Members, or the Council as a whole, may be compromised or damaged. There are provisions in the protocol for discussing and resolving differences of view about how much input can reasonably be required from Officers in responding to issues raised by Ward Councillors. If a Director or Chief Officer feels that the demands of Elected Members in these circumstances are unreasonable, and this cannot be resolved informally, he/she will set out in writing the reasons, together with proposals for resolving matters. If agreement cannot be reached the matter will be referred to the Managing Director to determine.

Consultation meetings with residents to discuss matters of local interest may be convened in a number of circumstances, for example by Elected Members, Officers or residents themselves. Officers shall only attend such meetings with the agreement of the appropriate Director or Chief Officer. When Officers convene such meetings, they will ensure that all Elected Ward Members and any other Members who might reasonably have an interest in the subject (e.g. relevant Policy Committee Chair) will be advised of the meeting and invited to attend.

Elected Ward Members and others with a particular interest will be invited as a matter of course to any public meetings called by Officers to discuss local issues. They may also ask to be kept informed of key developments relating to local issues in which they have a particular interest. Such requests must be reasonable and not conflict with Officers' day to day management and decision making responsibilities. Elected Members are not entitled to insist that they be invited to all meetings which Officers convene in order to discharge their responsibilities.

Elected Members should not commit the Authority to Public Meetings until discussed and agreed with Chief Officers. When Elected Members or local residents convene local meetings, Officer attendance will be at the discretion of the relevant Director or Chief Officer and will take account of the purpose of the meeting as stated by the convenor.

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In all circumstances, the role of Officers at such meetings is to provide information on the topic under consideration and any decision making process which might be relevant, but not to offer or share judgements. Officers will seek to assist in the effective engagement of the community in the consultation process but will be mindful at all times of the integrity of the formal decision making process.

Elected Members attending local consultation meetings, which may on occasion give rise to heated debate, should be mindful of the restrictions on the responses available to Officers and both Officers and Elected Members should act at all times in accordance with their respective codes of conduct.

Officers may not permit the use of Council resources on Ward matters unless authorised to do so for all Elected Members. The only basis upon which the Council can lawfully provide support services (e.g. stationery, postage, typing,

printing, photocopying, transport etc) to Elected Members, is to assist them in discharging their role as Elected Members of the Council. Such support services must therefore be used on Council business only. They should never be used in connection with party political or campaigning activity or for private purposes.

Elected Members and Officers will be mindful and have regard to any applicable Code of Recommended Practice on Local Authority publicity as issued by the Secretary of State under section 4 of the Local Government Act 1986.

11. PERSONAL AND BUSINESS RELATIONSHIPS

Members and Officers must work together closely to effectively undertake the Authority's work. This inevitably leads to a degree of familiarity. However, close personal relationships between individual Members and Officers can be damaging to mutual respect.

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It is important not to allow any personal or business connection or relationship with any other Members or Officer to affect the performance of official responsibilities, taking action or making decisions. It is also important in these circumstances to be wary of passing confidential information to anyone who should not have access to it.

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Members and Officers should always consider how any relationship or connection could be interpreted by anyone outside the Authority, or by any other Member or Officer, and avoid creating any impression of unfairness or favouritism.

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Members should take account of any relationship or connection they have with any other Member or Officer when considering whether or not they need to register or declare a personal interest.

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It would usually be inappropriate for a Member to have special responsibilities in an area of activity in which someone with whom s/he has a close personal or business relationship is a senior officer. If this situation arises, the Member should take appropriate action to avoid a potential conflict of interest.

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120. COUNCILLOR ACCESS TO DOCUMENTS AND INFORMATION

Officers will follow the Access to Information Procedure Rules as set out in Part 4 of the Constitution and will make available to Elected Members any information to which a statutory right of access exists as soon as practicable.

Elected Members will also be provided with non-statutory information in accordance with the agreed policy.

Where there is uncertainty as to the statutory position, the matter will be referred to the Council's Monitoring Officer for determination.

Non-statutory information requests from Elected Members will be met within a reasonable timescale taking into account the scale of the request, providing that the information is not confidential, does not constitute party political research or require an unreasonable amount of officer time. Where an Officer considers the request is likely to require an unreasonable amount of Officer time, and the matter cannot be resolved informally, it should be referred to the Managing Director (or Monitoring Officer).

Elected Members are entitled as of right to a wide range of information but not to everything that they may wish to see. All Elected Members have rights of access to documentation relating to business transacted at meetings of the Council, Committees etc. The statutory provisions entitle Elected Members to access documents such as reports, files and accounts, which are relevant to the business in question and are identifiable. They do not entitle an individual Member to require an Officer to undertake research on the Member's behalf or to extract information from records – though in some circumstances an Officer may judge that extraction of information is more efficient than providing access to documents. Beyond those statutory rights, Elected Members' entitlement to information is determined to some degree by the particular role which they carry out. A Member who is on a particular Committee will have access rights which are different from a non-decision making Councillor, owing to the matter being categorised either as being 'exempt' under statute or being otherwise confidential.

Officers who are asked for information will sometimes need to take advice from colleagues, in particular the Monitoring Officer, as to whether or not the Member concerned is entitled to see information which they have asked for. Sometimes they will need to explore whether the information is available at all. It is important to bear in mind that if a Member is not automatically entitled to information, then equally, the Officer is not at liberty to provide it unless satisfied that there is some valid justification for doing so and that disclosure does not infringe any law (e.g. Data Protection Act), Council policy or confidentiality. Where Officers seek further information from Elected Members before making a response to a request for information, this is in order that the position can be checked. Elected Members should not see this as Officers being unhelpful. Where Elected Members feel they have not been given the correct response to a request, they are encouraged to refer the matter to the Monitoring Officer for determination as the Statutory Officer responsible.

134. ELECTED MEMBERS AND OFFICERS WHO ARE MEMBERS OF OUTSIDE ORGANISATIONS AND OTHER BODIES

All representatives or other individuals invited or appointed to serve on Council bodies will have the relevant Codes of Conduct, procedures and protocols drawn to their attention and be required to observe them. Included in Part 5 of the Constitution is a Guide for Elected Members and Officers serving on Outside Organisations and Other Bodies. The Guide is intended to give a

general overview of the issues which affect Elected Members and Officers who are appointed to outside organisations and other bodies (see also Part 7 of the Council's Constitution). The Council's Monitoring Officer will be able to provide further advice to expand upon any of the issues raised.

14. POLITICALLY RESTRICTED POSTS

There are a number of rules which apply to Officers who occupy politically restricted posts under the Local Government and Housing Act 1989. In summary such Officers are prevented from:

a) being a Member of Parliament or a local authority member;

b) acting as an election agent or sub agent for a candidate for any of those bodies;

c) being an officer for a political party or branch, or a committee if that role is likely to involve participation in the management of the party or branch, or to act on its behalf in dealings with other persons;

d) canvassing on behalf of a political party or an election candidate;

e) speaking in public in support of a political party; and

f) publishing written or artistic works affecting support for a political party.

152. PUBLICITY MATERIAL, MEDIA RELATIONS AND PRESS RELEASES

The Council's Communications and Marketing Team will follow the same principles as other Officers of the Council in serving Elected Members impartially. They will also follow the Local Authority Code on Recommended Practice for Local Authority Publicity.

Appropriate press releases and publicity material will be prepared and distributed. Where any conflict exists publicity will incorporate a balanced and accurate account of the outcome of the formally constituted meetings.

Communications and Marketing Officers will observe the provisions of the code of recommended practice on Local Authority publicity. One of the key provisions of the code is that the opinions of individual Elected Members cannot be promoted unless they are speaking on behalf of the Council. Communications and Marketing Officers will continue, therefore, to incorporate in press releases only the views of individuals holding posts, which authorise them to speak on behalf of the Council.

Communications and Marketing Officers will, however, offer informal advice to all Elected Members on media relations.

In accordance with the general provisions on confidentiality, both Officers and Elected Members will refrain from making confidential information available to the media.

Draft press releases will be finalised following consultation with any Member who is to be quoted.

Photographic services will be available for major civic events and at other events where budgetary provision has been identified.

Elected Members communicating with the media in any form, including social media, will not make references to Officers which are personal in nature or could be construed as offensive. Any matters relating to individual performance by an Officer of the Council should be raised through the appropriate mechanisms and not in the media. Officers who are in communication with the media in the course of their employment will similarly refrain from any such references to Elected Members. Elected Members are encouraged to check the factual accuracy of any media submissions with the appropriate Officer. Factually inaccurate statements mislead the public and may damage the reputation of anyone who is the subject of, or associated with, such inaccuracies.

163. CORRESPONDENCE

Correspondence between an individual Member and Officer should not normally be copied by the Officer to another Member, unless the Elected Member has sent copies to other Elected Members, in which case Officers may copy the response to the same Elected Members. Correspondence between Elected Members and Officers should not be shared on social media without prior agreement from all parties involved.

Where copies of correspondence are sent to other Elected Members, this should be made clear to the original Member. In other words, a system of “silent” or “blind” copies should not be used.

In all matters relating to the copying of correspondence, access to information legislation and the Council policy on access will be observed.

Official letters on behalf of the ~~Authority-Council~~ should normally be sent out in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representation to a Government Minister) for a letter to be signed by a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should be sent out by the relevant Officer.

Members should not send letters which appear to create obligations, accept or deny any liability, or give instructions on behalf of the Authority. An Officer must always send any such letter.

174. INTERNET AND SOCIAL NETWORKING USE

Elected Members and Officers should have due regard to internet security and ensure that communications remain proper and appropriate in accordance with the guidance set out in the respective codes of conduct.

185. BREACHES OF THE PROTOCOL

Potential breaches of the protocol may come to light in a number of ways. They may be raised, for example, by Elected Members, Officers, non-Council officials, groups or individual members of the public.

195.4 Alleged Breaches of the Protocol by Officers

The matter should be raised with the relevant member of the Council's Corporate Management Team who will investigate the circumstances.

If it is judged that the alleged breach may be a disciplinary matter or come within the scope of any other existing Council procedure (e.g. for dealing with potentially criminal acts) then the appropriate procedure will be initiated and followed in the usual way.

Where it is not appropriate to use an existing procedure, the investigating officer will report back to the person making the allegation with a suggested course of action.

145.5 If matters cannot be resolved, they will be referred to the Managing Director for consideration, who will in any event be advised of all alleged breaches of the code.

145.2 Alleged Breaches of the Code by Elected Members or Co-optees

Details of the allegation should be reported to the Managing Director, via a Departmental Manager if appropriate.

The Managing Director will consider what, if any further action is appropriate in the circumstances, having regard to any existing procedures such as the Council's complaints procedure or the procedure for dealing with allegations of criminal conduct.

Options may include:

- (a) Invoking an existing procedure.
- (b) Informal discussions with the individual who is the subject of the allegation to arrive at an agreed response.
- (c) Referring the matter to the relevant Group Leader with a recommendation for action.
- (d) Referring the matter to the Council's Monitoring Officer to consider action under the Code of Conduct.

- (e) Referring the matter to an appropriate body or agency.

2046. CONCLUDING COMMENTS

The Officer/Member protocol is not intended to deal with every situation that might arise. It does contain, however, a significant amount of material which can act as a pointer to how to deal with a wide range of issues. For example, it is clear in the sections covering the role of Elected Members and the role of Officers that strategic decision-making is undertaken by Elected Members and not Officers. On the other hand, day to day choices on the action necessary to implement Member decisions are the responsibility of Officers not Elected Members. This is made very clear in statutory guidance to Councils. In Hartlepool, Officer/Member relations have traditionally been very strong and constructive, based on mutual respect for the different roles of each, together with a recognition of the need to work together for the good of the community. It is the joint responsibility of both Officers and Elected Members to maintain that tradition into the future.

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CONSTITUTION COMMITTEE
6 July 2021



Report of: CHIEF SOLICITOR

Subject: APPOINTMENT OF MEMBER CHAMPIONS

1. PURPOSE OF REPORT

1.1 To consider referral made at the Annual Council meeting, held on 25 May, for the Committee to consider any changes to the list of member champion appointments.

2. BACKGROUND

2.1 Details of Member Champion Appointments are set out in Part 7 of the Constitution.

2.2 The Armed Forces and the Veterans Champions are required in accordance with the Armed Forces Covenant. The following member champion appointments are also included in the Constitution as follows:-

<u>Organisation</u>	<u>2019/20 Membership</u>	<u>Background</u>
<u>Champions</u>		
Heritage Champion (Member of Planning Committee)	(1) Cllr Young (Chair of Planning Committee)	Report agreed by Planning Committee on 23 October 2013 detailed that English Heritage established a network of Heritage Champions in 2004 to help ensure that the historic environment plays a central role in the development of all

		<p>the Authority's policies, plans, targets and strategies. The role of the Heritage Champion would be for the appointee to determine. The former elected Mayor had previously occupied the role and it was felt appropriate, following the change in governance arrangements, that the Planning Committee nominate a member from their Committee to fill the vacancy.</p>
<p>Mental Health Champion</p>	<p>(1) Cllr Thomas</p>	<p>This roles dates back to the National Service Frameworks for Mental Health was launched and champions were a requirement. This dates back 15-20 years.</p> <p>If this role is to continue, it would be to raise the profile of issues relating to mental health and to represent the views of the population group within the Council</p>
<p>Older Persons Champion (Chair of Adult and Community Based Services Committee)</p>	<p>(1) Cllr Little (Chair of Adult and Community Based Services Committee)</p>	<p>This roles dates back to the National Service Frameworks for older persons was launched and champions were a requirement. This dates back 15-20 years.</p> <p>If this role is to continue, it would be to raise the profile of issues relating to older persons and to represent the views of</p>

		the population group within the Council
Refugee Champion	(1) Cllr Hamilton	Added with approval of former Chief Executive as it relates to a regional partnership.
Children in our Care Champion	(1) Cllr Harrison	Role is to be the lead corporate parent for children in our care. This entails engaging with and listening to their views, ensuring their voice is heard and influences the way the Authority supports and promotes opportunities for children in care. The Children in our Care Champion advocates on behalf of children in our care, maximising opportunities for them to excel and achieve their ambition. The Champion will act for children in our care as they would for their own child.
Animal Rights Champion	(1) Cllr S Akers-Belcher	Added to the Champion list at the request of the former Leader of the Council.
Risk Champion (Chair of Finance and Policy Committee)	(1) Cllr Moore (Chair of Finance and Policy Committee)	This is no longer required under the new Risk Management Framework - the Committees are now Risk Champions rather than an individual elected member.

Anti-Social Behaviour Member Champion	N/A	New appointment following recommendation from Audit and Governance Committee
Community Wealth Building Champion	N/A	New appointment following recommendation from Finance and Policy Committee

3. RECOMMENDATIONS

- 3.1 Following the referral from Council, the Committee is requested to consider any changes to the list.

4. CONTACT OFFICERS

Hayley Martin | Chief Solicitor
Hartlepool Borough Council
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CONSTITUTION COMMITTEE
6 July 2021



Report of: Chief Solicitor and Monitoring Officer

Subject: REVIEW OF PART 4 – CONTRACT PROCEDURE RULES

1. PURPOSE OF REPORT

1.1 To seek a view from the Committee regarding changes to Part 4 of the Constitution, ‘Contract Procedure Rules’ prior to consideration of the proposed changes at a future meeting of Full Council.

2. BACKGROUND

2.1 Part 4 of the Constitution includes a set of procedure rules for Officers and Members to follow. This report asks Members to consider changes to the Contract Procedure Rules (CPR’s). The CPR’s set out the means whereby the Council controls and regularises the manner in which it contracts with third parties. It is a key document within the Constitution and reflects both legal and best value requirements.

2.2 Following a benchmarking exercise with other Tees Valley Council’s its evident that the Council’s thresholds in relation to procurement are restrictive and out of sync with other Council’s.

3. PROPOSALS

3.1 Currently, the CPR’s set out the procurement thresholds as follows:

	Goods Materials and Services (excluding Social and other specific Services)	Social and other specific services	Works
Anticipated Contract Value	Rules	Rules	Rules
	Informal - reasonable enquiries required. Minimum of One quotation, using Quick Quotes is optional.		

£0-£1000	Officers should attempt to procure services from local organisations where possible, although consideration must be given to the cost to the Council.
£1,000-£5,000	At least 2 quotations using Quick Quotes Officers should invite a minimum of 1 local company to quote (where available)
£5,000-£25,000	At Least 3 quotations using Quick Quotes Officers should invite a minimum of 2 local company to quote (where available)

Corporate Procurement	£60,000	At Least 3 quotations using Quick Quotes Officers should invite a minimum of 2 local companies to quote (where available)	At least 3 quotations using Quick Quotes Officers should invite a minimum of 2 local companies to quote (where available)
	£100,000	At least 4 quotations using Quick Quotes Officers should invite a minimum of 3 local companies to quote (where available)	At least 4 quotations using Quick Quotes Officers should invite a minimum of 3 local companies to quote (where available)
	£189,330	Tender Procedure	At least 4 quotations using Quick Quotes Officers should invite a minimum of 3 local companies to quote (where available)
	£663,540	EU Procedures apply	Tender Procedure EU 'light touch' procedures apply
	£4,733,252	EU Procedures apply	Tender Procedure EU 'light touch' procedures apply
			Tender Procedure EU Procedures apply

3.3 Members are asked to review these limits and consider increasing them in line with other Tees Valley Authorities. A copy of the limits of the other authorities are attached at Appendix 1. It is suggested that the limits be changed as follows:

	Goods Materials and Services (excluding Social and other specific Services)	Social and other specific services	Works
Anticipated Contract Value	Rules	Rules	Rules
	Informal - reasonable enquiries required. Minimum of One quotation, using Quick Quotes is optional.		

	£0-£10,000	Officers should attempt to procure services from local organisations where possible, although consideration must be given to the cost to the Council.
	£10,000- £25,000	At Least 2 quotations using Quick Quotes Officers should invite a minimum of 1 local company to quote (where available)

4. RECOMMENDATIONS

- 4.1 That the Committee consider the proposals set out in Section 3 of this report and make recommendations to Full Council.

5. REASONS FOR RECOMMENDATIONS

- 5.1 To ensure the Council’s purchasing activity is efficiently and effectively administered by Officers.
- 5.2 To ensure the Constitution is up to date and reflects changes to the Procedure Rules.

6. BACKGROUND PAPERS

- 6.1 Constitution – Part 4 Contract Procedure Rules

7. CONTACT OFFICERS

- 7.1 Hayley Martin | Chief Solicitor
Hartlepool Borough Council
Tel: (01429) 523002
Email: Hayley.martin@hartlepool.gov.uk

Darlington BC

Up to £9,999 - one written Quotation (Quotations not required under £500)

£10,000 to £24,999 - At least 3 written Quotations

£25,000 to £99,999 – at least 3 written quotations

£100,000 - EU Threshold – Invitation to Tender by Advertisement or list to at least 5

Above EU Threshold – EU Procedure

Middlesbrough Council

Up to £15,999 – Value for Money

Works	Supply of Goods Materials & Services	Light Touch Regime	Consultants	Procedure
£16,000 - £1,000,000	£16,000 – EU Threshold (currently £189,330)	£16,000 – EU Threshold (currently £663,540)	£16,000 – EU Threshold (currently £189,330)	at Least 3 written quotation using the NEPO Portal from Local Suppliers where possible.
£1,000,000 – EU Threshold (currently £4,733,252)	N/A	N/A	N/A	At least 4 Tenders must be sought. The NEPO portal must be used.
Above EU Threshold	Above EU Threshold	Above EU Threshold	Above EU Threshold	EU Procedures

SBC - Choice of Procedure, Thresholds and Advertising Requirements

Category	Contract Value	Procurement Process	Contract Opportunity Advertising	
			OJEU	Contract Finder
Supplies and Services (general)	< £15,000	Value for Money or call off from an existing framework agreement/	No	No

		dynamic purchasing system (dps)		
	£15,001 to OJEU Supplies & Services Threshold (currently £181,302)	Quotation or call off from an existing framework agreement/ dps	No	No
	Over the OJEU Supplies & Services Threshold (currently £181,302)	Tender or call off from an existing framework agreement/ dps	Yes (unless call off)	Yes, within 24 hours of publishing on OJEU (unless call off)
Social and Other Specific Services (Light Touch Regime)	< £15,000	Value for Money or call off from an existing framework agreement/ dps	No	No
	£15,001 to OJEU Supplies & Services Threshold (currently £181,302)	Quotation or call off from an existing framework agreement/ dps	No	No
	£181,302 to OJEU Light Touch Regime Threshold (currently £615,278)	Tender or call off from an existing framework agreement/ dps	No	Yes, unless Call off
	Over the OJEU Light Touch Regime Threshold (currently £615,278)	Tender or call off from an existing framework agreement/ dps	Yes (unless call off)	Yes within 24 hours of publishing on OJEU (unless call off)
	< £15.000	Value for Money or call off from an existing framework agreement/ dps	No	No
	£15,001 to £1,000,000	Quotation or call off from an existing framework agreement/ dps	No	No
	£1,000,001 to OJEU Works Threshold	Tender or call off from an existing	No	Yes, unless Call Off

	(currently £4,551,413)	framework agreement/ dps		
	Over OJEU Works Threshold (currently £4,551,413)	Tender or call off from an existing framework agreement/ dps	Yes (unless call off)	Yes, within 24 hours of publishing on OJEU (unless call Off)

Redcar & Cleveland

For opportunities valued below £10,000, value for money must be demonstrated.

Quotations must be invited for Works contracts valued at £10,000 to £1,000,000, and for Goods and Services, including Social and Other Specific Services, contracts valued at £10,000 to the EU threshold.

All contracts valued at and above £10,000 must be procured using the Council's e-Procurement System. Contact the Commissioning and Procurement Team for further guidance.

Procuring Officers must obtain, wherever possible, at least three quotations.

Where a quotation is not openly advertised on the e-tender system, at least three quotations must be invited from local suppliers, wherever possible.

Tenders must be invited for works with a value at and above £1,000,000 but below the EU procurement threshold.

Tenders must be invited for a Contract with a value above the EU procurement thresholds;