



ISLINGTON

# COUNCIL

## 8 December 2022

### ADDITIONAL DESPATCH

Please find enclosed the following items:

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Resources Department  
7 Newington Barrow Way, London N7 7EP

Report of: Deputy Monitoring Officer

Meeting of: Council

Date: 8 December 2022

Ward(s): N/A

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## Subject: Constitution Update

### 1. Synopsis

- 1.1. This report proposes an amendment to the Council's Constitution to ensure it reflects changes in legislation and council policy and remains fit for purpose.

### 2. Recommendations

- 2.1. To approve the amendments to the Constitution as set out in the appendices to the report.

### 3. Background

Proposed amendments to the Constitution are described below and set out in the appendices to this report. Amendments are marked by crossing through in the case of deletions and by underlining in the case of additions.

- 3.1. Amendments to Part 6 – Procurement Rules (Appendix A)  
Amendments are proposed to reflect changes to legislation, following the government's introduction of Procurement Policy Note 10/21. In addition, changes are proposed to update job titles and to clarify the rules for agreeing inflation and indexation clauses in contracts.

- 3.2. Amendments to Part 7 – Members’ Allowances Scheme (Appendix B)  
A number of changes to the Members’ Allowance Scheme are proposed, as detailed in Appendix B.
- 3.3. Amendment to Article 13 - Key Decision Criteria (Appendix C)  
An amendment is proposed to clarify that decisions to receive income over £500,000 revenue or £1,000,000 capital are also considered to be key decisions.

## 4. Implications

### 4.1. Financial Implications

The inclusion of specific requirements in relation to indexation clauses of contracts strengthens the financial control of the authority and therefore improves value for money for residents of the Council’s contracts.

The changes to Members Allowances Scheme will result in approximately £140k additional costs to the Council. Budget provision has been set aside to meet this cost should the change be approved.

The clarification that the key decision threshold applies to income as well as expenditure supports stronger governance and transparency in relation to the decision-making process.

### 4.2. Legal Implications

The Council must keep its Constitution up to date (section 9P Local Government Act 2000).

### 4.3. Environmental Implications and contribution to achieving a net zero carbon Islington by 2030

There are no direct environmental implications resulting as a result of this report.

### 4.4. Equalities Impact Assessment

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

An Equalities Impact Assessment is not required in relation to this report, because there are no direct impacts on residents.

## 5. Conclusion and reasons for recommendations

- 5.1. This report proposes an amendment to the Constitution to ensure that the document remains up to date and fit for purpose.

### **Appendices:**

Appendix A – Amendments to the Procurement Rules  
Appendix B – Amendments to the Members' Allowances Scheme  
Appendix C – Other Amendments

**Background papers:** None

**Final report clearance:**

Signed by:

**Deputy Monitoring Officer**

Date:

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# PROCUREMENT RULES

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# A – FINANCIAL REGULATIONS

## 1. Introduction and Thresholds

1.1 These mandatory rules apply to all spend by officers or agents of the Council and partnerships for which the Council has responsibility, on goods, works and services, including when we are leading in a central purchasing body arrangement. References to the Council in these Procurement Rules should be substituted by any relevant partnership as appropriate. The rules ensure we comply fully with our obligations for Contract Standing Orders as governed by Section 135 of the Local Government Act 1972 and are the Council's rules for contract. It is a disciplinary offence for officers/agents not to follow the Procurement Rules. These rules govern any purchase, lease, rental or combination but exclude employment arrangements or Council land arrangements.

[1.2 All matters within these Procurement Rules reserved for the Assistant Director, Procurement and Supply may be undertaken by their nominated representative\(s\), who must report directly to the post.](#)

1.3 Any explanation or clarification of these Procurement Rules should come exclusively from the Council's Strategic Procurement and Supply Assurance or Legal Services.

1.4 Where there is conflict between law or Council policy then law then Council policy shall apply in that order of priority. No officer, member or the Executive has any authority to waive any matter which is required under the law.

1.5 These rules ensure competition, provide protection against inappropriate use of Council funds, look at full life costs of any purchase, assist legislative compliance and deliver best value by the Council supported by our policies and codes of practice.

1.6 The procedure to be followed is determined in Value Bands of whole life value (recurring procurements based on four years of value) across the entire Council. The calculation of the whole life value of a procurement shall be based on the total amount payable, net of Value Added Tax (VAT), as estimated by the Council including any potential renewals or contract extensions. Spend must not be fragmented in any way to circumvent the appropriate procedure. The budget must be appropriately approved by the relevant officer of the Council prior to spending. Where an exact value is not known then the decision should be based on the estimated value.

1.7A The procedure is:

1.7A.1 Utilise an existing corporate contract wherever available (for more information refer to our website); or

1.7A.2 When no corporate contract is available, follow the procedure set out in the Tables 1 to 2 below.

Table 1

All Contracts		
Value Band	Estimated whole life value (excluding VAT)	Required Procedure (Table 1 Notes apply)
i)	£ 0 - £4,999	No formal written quotation required.  Spend should be made by purchase card wherever possible.
ii)	£5,000 to £24,999	One (1) written quotation from a suitable provider with a reason for decision based on value for money recorded in writing.
iii)	£25,000 and the supplies/services threshold mentioned in 2.2.	A minimum of three (3) competitive written quotations with justification on grounds of value for money for award recorded in writing.

**Table 1 Notes:**

Quotations can be provided by email **and/or** include published or catalogue pricing.

All contracts within this Value Band ii) or Value Band iii) must be notified to [procurement@islington.gov.uk](mailto:procurement@islington.gov.uk) to be recorded on the corporate contracts database register.

Advertising contracts in Value Band i) is not permitted. Where contracts within this Value Band ii) or Value Band iii) are to be advertised, the agreement of the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) is required. The [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) ~~(or their nominated representative)~~ will advise on the wording and content of the advertisement and must additionally arrange for the advertisement to be placed in Contracts Finder. Advertised contracts in Value Band ii) or iii) may be reserved to national, regional (London based), small and medium sized enterprises (SMEs) and/or voluntary and community sector enterprises (VCSEs), when agreed by the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) ~~(or their nominated representative)~~ and their guidance is strictly adhered to on what the Council must have regard to.

As a matter of policy, non-advertised quotations in Value Band ii) or iii) must come from local suppliers (Islington and/or boroughs with adjoining boundaries), whenever suitable suppliers are available. If suitable suppliers cannot be identified this must clearly identified within the justification for award.

Table 2

<b>Services and Supplies Contracts other than “Light Touch” (see section 2.2) Services*</b>		
<b>Value Band</b>	<b>Estimated whole life value (excluding VAT)</b>	<b>Required Procedure (Table 2 Notes apply)</b>
iv)	The supplies/services threshold mentioned in 2.2.	<p>Contact <a href="mailto:procurement@islington.gov.uk">procurement@islington.gov.uk</a> who will look at the availability of an existing suitable consortium or framework arrangement.</p> <p>If one is not available:</p> <p>a formal tender process with a minimum of five (5) written competitive tenders.</p> <p>Where five (5) written competitive tenders are not available or a lower number is desired, the commissioning client officer shall follow the advice of the <a href="#">Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply</a> <del>(or their nominated representative)</del>.</p>

**Table 2 Notes:**

All contracts within this value band must be notified by email to [procurement@islington.gov.uk](mailto:procurement@islington.gov.uk) and subsequent guidance adopted.

National advertising requirements (Find a Tender Service and Contracts Finder) will have to be complied with for the procurement of most services in this category (see 2.2) in addition to the Council’s portal and website. National advertising requirements will only apply to the procurement of contracts that have a value that is above the relevant threshold.

Table 3(a)

<b>“Light Touch” Services (see section 2.2), Concessions (see section 2.3) and Works Contracts</b>		
<b>Value Band</b>	<b>Estimated whole life value (excluding VAT)</b>	<b>Required Procedure (Table 3(a) Notes apply)</b>
iv) - a	The supplies/services threshold mentioned in 2.2. - Up to £500k revenue or £1m Capital	<p>A minimum of four (4) competitive written quotations (or 5 in the case of contracts exceeding £250k revenue or £500k capital) with justification on grounds of value for money for award recorded in writing.</p> <p>Quotations must be obtained through the council’s e-tendering system, unless agreed otherwise by the <a href="#">Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply</a>.</p> <p>Where four (4) written competitive tenders are not available or a lower number is desired, the commissioning client officer shall follow the advice of the <a href="#">Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply</a> <del>(or their nominated representative)</del>.</p>

**Table 3(a) Notes:**

All contracts within this value band must be notified to [procurement@islington.gov.uk](mailto:procurement@islington.gov.uk) to be recorded on the corporate contracts database and any subsequent guidance adopted.

Where contracts within this Value Band are to be advertised, the agreement of the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) is required. The [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) ~~(or their nominated representative)~~ will advise on the wording and content of the advertisement and must additionally arrange for the advertisement to be placed in Contracts Finder.

Advertised contracts in Value Band iv) up to the applicable threshold in Rule 2.2 or 2.3, may be reserved to national, regional (London based), small and medium sized enterprises (SMEs) and/or voluntary and community sector enterprises (VCSEs), when agreed by the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) ~~(or their nominated representative)~~ and their guidance is strictly adhered to on what the Council must have regard to.

As a matter of policy, non-advertised quotations must come from local suppliers (Islington and/or boroughs with adjoining boundaries), whenever suitable suppliers are available. If suitable suppliers cannot be identified this must clearly identified within the justification for award. If no local supplier can be identified then the written permission of the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) is required.

Table 3(b)

<b>“Light Touch” Services (see section 2.2), Concessions (see section 2.3) and Works Contracts</b>		
<b>Value Band</b>	<b>Estimated whole life value (excluding VAT)</b>	<b>Required Procedure (Table 3(b) Notes apply)</b>
iv) - b	£500k revenue or £1m Capital	<p>Contact <a href="mailto:procurement@islington.gov.uk">procurement@islington.gov.uk</a> who will look at the availability of an existing suitable consortium or framework arrangement.</p> <p>If one is not available:</p> <p>a formal tender process with a minimum of five (5) written competitive tenders.</p> <p>Where five (5) written competitive tenders are not available or a lower number is desired, the commissioning client officer shall follow the advice of the <a href="#">Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply</a> <del>(or their nominated representative)</del>.</p>

All contracts within this value band must be notified to [procurement@islington.gov.uk](mailto:procurement@islington.gov.uk) to be recorded on the corporate contracts database and any subsequent guidance adopted.

The [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) ~~(or their nominated representative)~~ will advise on the wording and content of the advertisement.

1.7B Engagement of consultants requires the completion of a business case in line with the online guidelines provided by ~~the~~ Strategic Procurement and Supply Assurance [service](#). Consultants shall:

1.7B.1 include any independent self-insured third party person or organisation (i.e. not an employee of the Council), who provides professional independent advice

and recommendations in the form of a written report on which business decisions are made for and by the Council, as opposed to an individual service user.

- 1.7B.2 be engaged for their professional advice and recommendations on contract for services with appropriate control over how, when and by whom work is completed, dependent on the circumstances, rectifying any errors at the Consultant's expense, risking their money and providing the majority of their own equipment for the work.
- 1.7B.3 have a business case completed by the client commissioning officer i.e. the person in the Council responsible for identifying and specifying the need(s) for the contract. One business case may set out a need for a period of time or multiple needs under one overall project.
- 1.7B.4 require initial approval of the business case from the Chief Executive or the client commissioning officer's Corporate Director (or their nominated representative on a Chief Officer grade).
- 1.7B.5 be quality assured by Corporate Management Board **or** an independent panel consisting of Strategic Procurement and Supply Assurance, Finance, and an independent departmental representative, as outlined on the business case template. The client commissioning officer will then be informed whether or not they can procure their consultant or whether more information is needed for a decision to be reached. Normal decision making governance such as Recordable Decisions or Key Decisions shall still apply, as applicable.
- 1.7B.6 also include interim appointments to the Council's establishment and/or temporary agency workers outside of the Council's managed service provider.
- 1.7B.7 undergo relevant vetting requirements and have established the appropriate obligations for taxation by the client commissioning officer prior to their appointment
- 1.7B.8 be determined by the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply \(or their nominated officer\)](#).
- 1.8 Concession agreements are agreements under which the consideration given by the council consists of or includes the grant of a right to exploit the work or services to be carried out under the contract. For the purposes of the Procurement Rules, the Value Bands requirements in Table 1 will apply based on the estimated value to be received over the whole life of the agreement. The value of a concession is calculated on the basis of the total turnover of the concessionaire generated over the duration of the contract, net of VAT, as estimated by the Council, in consideration for the works and services that are the object of the concession as well as for the supplies required for such works and services.

## 2. Value Based Procedures

- 2.1 All contracts with an estimated value in value band iv) must be advertised on the Islington Council website, the Council's online e-tendering portal and Contracts Finder, unless otherwise agreed by the [Head of Service, Strategic Procurement and Supply](#)

AssuranceAssistant Director, Procurement and Supply . The advertisement must include unless otherwise authorised by the Head of Service, Strategic Procurement and Supply AssuranceAssistant Director, Procurement and Supply ~~(or their authorised representative)~~:

- 2.1.1 the price/quality breakdown of award criteria;
- 2.1.2 the time by which an interested party must respond to be considered;
- 2.1.3 how, to whom and in which way to respond;
- 2.1.4 any other relevant requirements for participating in the procurement.

The price/quality breakdown of award criteria including any weighting cannot be amended during the tender process once published.

- 2.2 The Public Contract Regulations 2015 (the Regulations) apply to all contracts although which specific rules apply will depend on the value and subject matter of the contract. Specific advertising and tender process requirements apply to the procurement of some contracts with a value estimated to exceed thresholds of £177,897 (excluding 20% VAT) or £213,477 (including VAT) whole life value for supplies/services and £4,447,447 (excluding 20% VAT) or £5,336,937 (including VAT) whole life value for works. ~~The~~ Strategic Procurement and Supply Assurance shall advise whether a contract is supplies, services or works in accordance with the Regulations and the definitions below:

- 2.2.1 a supplies contract is an agreement which has at its object the purchase, lease, rental or hire-purchase, with or without the option to buy, a physical product or piece of software, including any incidental matter, siting or installation;
- 2.2.2 a service contract is an agreement which has at its object the action of performing an activity or operation for or on behalf of the Council without a physical product;
- 2.2.3 a works contract is an agreement which has as its object a mixture of service or labour and transfer of goods, leading to the realisation or improvement of a physical asset, for example a building contract.

~~The~~ Strategic Procurement and Supply Assurance shall provide the appropriate Common Procurement Vocabulary (CPV) code(s) for any required advertisement.

- 2.3 In the case of services contracts, ~~the~~ Strategic Procurement and Supply Assurance shall determine whether the service is covered by the “light touch” regime under the Regulations. Light touch contracts are for services which tend to be of lower interest to cross-border competition and include certain social, health and education services, defined by CPV codes. The list of services to which the Light Touch Regime applies is set out in Schedule 3 of the Public Contracts Regulations 2015 (Annex A). Light-touch regime services which exceed a whole life value of £552,950 (excluding 20% VAT) or £663,540 (including VAT) also will be subject to advertising within the Find a Tender Service (FTS).

- 2.4 Concessions (or contracts for income) are subject to the advertising requirements of Procurement Rule 1.8 and additionally to advertising within FTS when they exceed whole contract life value of £5,336,937 in terms of income and/or monies received.
- 2.5 When executing new or amendment existing agreements:
- 2.5.1 contracts exceeding £500,000 or where directed by the Director of Law and Governance, must be signed as a deed by Director of Law and Governance or their authorised representative;
- 2.5.2 contracts below £500,000 where no alternative instruction has been provided shall be signed by two Authorised Officers of the Council in line with the Scheme of Authorisation;
- 2.5.3 electronic signatures of Authorised Officers from all parties are permitted;
- 2.5.4 contracts must be signed prior to works commencing, services starting or goods being delivered, unless otherwise agreed in writing by the Director of Law and Governance and recorded in the contract file. The Legal Services Contracts Team will supply the wording for any Letter of Intent. Letters of intent represent a risk to the Council and should only be used where absolutely unavoidable.
- 2.6 Proposed contracts that:
- 2.6.1 will or could be connected to the Council IT infrastructure network or could reasonably be determined a digital, technology or telephony device, including hardware, software, cloud services and storage, as well as data systems, services, electronic business applications, digital consultancy or agreements requiring data transfer need the prior agreement of the Director of Digital Services (or their nominated representative);
- 2.6.2 will directly impact or change the fabric of a corporate building asset need the prior agreement of the Director of Corporate Landlord (or their nominated representative) in addition to relevant permissions such as building control or planning;
- 2.6.3 exceed £500,000 need to be agreed in advance by any applicable board, as determined by the ~~Head of Service, Strategic Procurement and Supply Assurance~~ Assistant Director, Procurement and Supply (or their nominated representative).
- 2.7 In relation to contracts with an estimated value (to the Council) which exceeds the delegated authority of the Corporate Director as set out in Procurement Rule 18 (as applicable for the type of spend in question), approval of the Procurement Strategy is required from the Executive.
- 2.8 Where Procurement Strategy approval is required, a report (complying with the Access to Information Rules in Part 4 of the Constitution) must be provided to the Executive pre tender setting out the following relevant information:
- 2.8.1 Nature of the service;
- 2.8.2 Estimated value and volumes, referring to potential savings;

- 2.8.3 Timetable;
- 2.8.4 Options appraisal for tender procedure including consideration of collaboration, category management and insourcing opportunities;
- 2.8.5 Consideration of: social value including community benefit clauses, London Living Wage, best value, TUPE, pensions and other staffing implications;
- 2.8.6 Price and quality award criteria, including 20% minimum for social value in quality criteria unless by exception there is a significant reason not to do so agreed with the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#);
- 2.8.7 Any business risks associated with entering the contract;
- 2.8.8 Any other relevant financial, legal or other considerations.

### **3. Exceptions to the Procurement Procedure**

- 3.1 When procuring goods and services from an approved central purchasing body such as Crown Commercial Services (CCS) the financial thresholds in table 1 of the Procurement Rules do not apply. In these instances the procedures laid out in the existing contract or framework prevail which may require a mini competition (or quotation exercise) to be completed. The Council's rules in respect of Recordable and Key Decisions will always apply.
- 3.2 Exceptions to the Procurement Rules (including in the case of any collaborative arrangement between the Council and any other body under which the other body undertakes a procurement process with or on behalf of the Council) will only be considered on the basis of a written report ("waiver request") produced in advance of procurement activity. The waiver request should set out good operational and financial reasons and be based on value for money principles. Examples of exceptions, such as an emergency where serious financial loss or loss of life may be concerned, or when the goods, works or services are of an exclusive proprietary nature should be outlined in the waiver request.
- 3.3 Where the collaboration is on-going (e.g. in the case of a shared service arrangement) exceptions may be agreed in respect of all procurements by the other body which are undertaken as part of that arrangement.
- 3.4 The waiver request must include comments from the Legal Services Contracts Team; Strategic Procurement and Supply Assurance; and Finance.
- 3.5 Corporate Directors (and Directors and Heads of Service where appropriately authorised) can agree exceptions for Value Bands i), ii) and iii) contracts up to their delegated authority levels by approving a written waiver request.
- 3.6 Corporate Directors (and Directors where appropriately authorised) can agree exceptions for Value Band iv) contracts up to their delegated authority levels by approving a written waiver request.

- 3.7 A Recordable Decision report must be completed where appropriate. Only the Executive can agree exemptions in the case of Value Band iv) contracts where the value exceeds the Corporate Director delegated authority and it will be necessary for a formal report to be submitted.
- 3.8 The Executive does not have authority to waive or override the requirements of national law.
- 3.9 Exceptions to the Procurement Rules, other than use of an approved central purchasing body, will only be approved under exceptional circumstances where there are significant reasons to justify the request.

#### **4. Risk and Insurance Financial Management**

- 4.1 All Value Band iv) procurements must have a risk assessment completed by the client commissioning officer in line with the Council's standard processes.
- 4.2 All Value Bands procurements should give consideration to financial and legal risks of the proposed procurement. For Value Band iv) this should be recorded in writing.
- 4.3 All contracts where there is direct advice and/or design services provided by a contractor, including all Consultancy arrangements, must include a requirement for Professional Indemnity Insurance.
- 4.4 For Value Band iii) procurements all contractors must have and maintain Public Liability insurance and Employers Liability insurance of £5,000,000 or more in addition to any other insurance recommended by the Insurance Section of the Council. Value Band iv) procurement insurance values should be checked with the Insurance Section. (Note: sole traders with no employees are excluded from Employers Liability.)
- 4.5 Corporate Directors -and (where they have appropriate authorisation) Directors and Heads of Service may agree an exception to insurance values for public liability and professional indemnity in respect of contracts up to Value Band iii). A Corporate Director or authorised Director may agree a variation to an insurance value at Value Band iv). All variations to agreed insurance levels must be made in discussion with the Insurance Section and the Director of Law and Governance (or their authorised representative). All variations must be recorded in writing in the contract file.
- 4.6 All potential Contractors to the Council shall have a financial appraisal undertaken prior to being awarded a Value Band iv) contract.
- 4.7 Strategic Procurement and Supply Assurance shall procure independent financial appraisals as required unless otherwise agreed by the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) ~~(or their nominated representative)~~.
- 4.8 In the event of any doubt as to the Contractor's financial viability, or any non-availability of an external report, the Commissioning officer's finance contact shall provide expert advice. Consideration may still be made of the Contractor if the risk is deemed acceptable by Corporate Directors (or authorised Service Directors) and agreed with the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) ~~(or their nominated representative)~~.

- 4.9 Financial appraisals are not required when contracting directly with other local authorities, the Police, Crown Prosecution Service, Greater London Authority, Clinical Commissioning Groups, National Health Service, Her Majesty's Prison Service, Fire Brigade or other public sector bodies as agreed by the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) (or their equivalents in all cases). Such organisations are underwritten by Government and thus are deemed financially viable at all times.
- 4.10 Where there is doubt as to the financial viability of a contractor but the Council has either no acceptable alternative provider or has decided to accept the level of risk then additional form of security to a level determined between Legal Services Contracts Team and financial services shall be provided such as:
- 4.10.1 a Parent Company, Ultimate Holding Company or Holding Company guarantee where their finance prove acceptable;
- 4.10.2 a Director's Guarantee or Personal Guarantee where their finances prove acceptable;
- 4.10.3 a Performance Bond, retained funds or cash deposit;
- 4.10.4 any other security as determined by finance and/or legal services.
- 4.11 A Corporate Director can decide in the case of contracts with a total value up to £5,000,000, that the level of security specified by finance and/or Legal Services Contracts Team need not be provided by the tenderer. A written record by the Corporate Director of this decision and the reason(s) for it must be kept in the contract file.
- 4.12 A contractor may need to provide security of performance.
- 4.13 Before a contract is awarded, the Executive must approve the award of a contract where the contractor cannot provide security of performance for contracts with a total contract value of more than £5,000,000. The report seeking approval of the Executive must set out the reason why it is proposed that the contract should be awarded despite the absence of security and what measures are to be taken to manage the risk.
- [4.14 Consent of the Assistant Director, Procurement and Supply in consultation with the Monitoring Officer and Section 151 Officer \(or their nominated officers\) is required prior to the inclusion of any specific indexation or inflation clause. The drafting or review of such a clause should be undertaken \(or overseen\) by the Contracts Team in Legal Services. Finance shall be required to arithmetically calculate and check proposed increases to contracts, in addition to challenging the relevant index to be applied. Indexation or inflation related claims must be substantiated by evidencing increase to the supplier. No automatic indexation or inflation increase will be permitted without evidence to substantiate the increase, whether or not addressed within contract terms.](#)
- [4.15 Specific indexation or inflation claims must be appropriately challenged as set out within these Procurement Rules. Index related claims for below key decision value agreements for the original procurement strategy and contract award \(not the increase\) should be considered for challenge by the relevant Head of Strategic Category Management and Assistant Director for Procurement and Supply with the service department and Finance. Index related claims for above key decision value agreements for the original procurement strategy and contract award \(not the](#)

[increase\) should be considered for challenge by the Commissioning and Procurement Board \(see 14 Commissioning and Procurement Board Responsibilities\).](#)

## **5. E-Procurement**

- 5.1 The Council recognises the following e-procurement activities, including sourcing, ordering, receiving goods and making payments to achieve best value in line with the Procurement Rules and Council policies:
  - 5.1.1 Corporate purchase cards;
  - 5.1.2 Electronic tendering;
  - 5.1.3 Electronic auctions;
  - 5.1.4 Purchase-to-pay systems;
  - 5.1.5 Consolidated and electronic invoicing.
- 5.2 Assistance for using e-auction may be obtained from Strategic Procurement and Supply Assurance. All e-auctions require the authorisation of the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) ~~(or their nominated representative)~~.
- 5.3 An electronic signature is acceptable to make a contract legally binding with appropriate back up storage.

## **B – POLICY, REGULATIONS, INDIRECT RULES**

### **6. Equality Impact Assessment (EqIA)**

- 6.1 It is mandatory to complete the EqIA Screening Tool for all contracts in value band iv) prior to the specification being completed. The EqIA Screen Tool will ascertain whether a full EqIA is also mandatory to ensure that: i) anyone with protected characteristics as recognised in law has their needs considered and are treated fairly; ii) equality commitments are translated into practice; and iii) supports the council to deliver the Challenging Inequality Programme.
- 6.2 Through the EqIA process commissioning client officers must demonstrate Public Sector Equality Duty (PSED) in decision making, having due proper regard to: i) eliminating unlawful discrimination, harassment, victimisation and prohibited conduct; ii) advancing equality of opportunity between people who share a protected characteristic and those who do not; and iii) fostering good relations between people who share a protected characteristic and those who do not.
- 6.3 Contract clauses inserted in respect of a Protected Characteristic must be approved by the Legal Services Contracts Team.
- 6.4 Contractors may be encouraged to undertake appropriate equalities training.
- 6.5 Contractors will be required to sign the Fairness and Equality Charter in all procurement in value band iv).

6.6 Any exception to Procurement Rule 6.1 to 6.5 must be approved by the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) (or their authorised representative).

## 7. Corporate Priorities

7.1 All contracts shall support the priorities set out in the Corporate Plan and/or Strategy.

7.2 Corporate priorities may change from time to time. For further information refer to [www.islington.gov.uk](http://www.islington.gov.uk).

## 8. Responsible Procurement

8.1 The Council has made a commitment to responsible procurement.

8.2 Officers shall consider the effect on the environment of their commissioning when procuring by:

8.2.1 supporting tackling climate change and reducing waste, by considering how they can contribute to the Council becoming net zero carbon by 2030;

8.2.2 reducing waste, improving resource efficiency and contributing to the move towards a circular economy;

8.2.3 not specifying, purchasing or using products that damage the environment when a reasonable alternative is available to promote behaviour that causes the least damage to the environment;

8.2.4 taking into account whole life costs such as energy, maintenance and end of life disposal costs where appropriate in tender evaluations;

8.2.5 identifying, prioritising and recognising that sustainability and buying environmentally friendly goods and services is part of continuous improvement;

8.2.6 completing an environmental impact assessment on all value band iv) contracts and considering any additional environmental benefit like biodiversity.

8.3 Officers shall, consistently with the council's Best Value duty and so far as permitted by relevant procurement legislation, consider the effect on others of their commissioning when procuring by:

8.3.1 ensuring that the council's Public Sector Equality Duty is complied with in all procurement activity;

8.3.2 leveraging opportunities to create new business, new jobs and new skills, particularly increasing opportunities for entrepreneurship and helping new and/or small businesses to grow, increasing employment opportunities particularly for those who face high barriers to employment or who are located in disadvantaged areas and extending training opportunities, particularly for people in industries with known skills shortages or in high growth sectors;

8.3.3 promoting fair employment practices (also see Rule: London Living Wage);

8.3.4 encouraging and improving supplier diversity, innovation and resilience, in contract advertisements, welcoming applicants who meet the qualitative

selection criteria from voluntary and community sector enterprises (VCSEs), social enterprises, staff mutuals, new start-ups, not for profit enterprises and small to medium enterprises;

- 8.3.5 promoting innovation and the use of disruptive technologies and business models throughout the supply chain, to deliver lower cost and/or higher quality goods and services, and encourage the wider adoption of innovation that contribute to the development of scalable and future-proofed new methods to modernise delivery and increase productivity;
- 8.3.6 considering Social Value at each stage of the procurement (also see Rule: Public Services (Social Value) Act 2012), going beyond the Act and adopting a minimum 20% on social value in all tender award criteria as a matter of policy wherever possible.

## **9A. Freedom of Information Act 2000 and Environmental Information Regulations 2004**

- 9A.1 The Freedom of Information Act 2000 and Environmental Regulations 2004 gives people the right to see information that is held by any public organisation. It is intended to make public authorities more open and responsible for their actions. The Act recognises that there are some valid reasons for withholding information. Contractors must be asked to complete a Freedom of Information Schedule (or equivalent named schedule) identifying any confidential or commercially sensitive information in their tender response. The Council will use this information when reviewing information for disclosure.

## **9B. Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR)**

- 9B.1 Public sector purchasers will be data controllers for most of the contracts they let. The current legislation on data protection requires that data controllers are accountable for how data is handled within the supply chain that processes those data. The UK General Data Protection Regulation (UK GDPR) requires that data controllers to appoint data processors which can provide 'sufficient guarantees' that the requirements of GDPR will be met. Processors also must act only on the instructions of the data controller. This means that a public sector purchaser needs to have visibility of how data is being used and be sure that their suppliers (and their supply chains) are up to standard. Failure can bring fines of up to £17.5 million for public bodies under the UK GDPR and Data Protection Act 2018.

## **10. Conduct**

- 10.1 Officers shall conduct themselves in line with the Employee Code of Conduct available on the Council's internet pages. Officers must not accept any gift or reward before, during or after a tender process beyond nominal value. Officers must declare any personal interest(s) in a contract prior to any involvement in a contract the Council is/are considering or a contract that has already commenced.

## **11. Transfer of Undertakings (Protection of Employment) Regulations (TUPE)**

- 11.1 Whenever a new contractor is appointed to take over an existing service, the employees of the original contractor (or the Council, if the service was previously provided in-house) may be affected by transferring the services to another provider. If so, you must make sure TUPE issues are considered. You must get legal advice from the Legal Services before asking for tenders or quotations. This may also apply where a service is being re-configured and will in future be covered by a number of providers.

## **12. London Living Wage**

- 12.1 As a matter of policy, London Living Wage (LLW) must be considered on all contracts where the Citizen's UK accreditation criteria for contracts apply. LLW consideration is encouraged on all contracts and shall be considered on all Value Band ii) contracts and above. LLW shall be adopted on all contracts insofar as this is permitted by law. A report shall be produced setting out all relevant considerations. The consideration report must be included within the contract file. The report must be approved by the relevant Director, ~~Head of Service, Strategic Procurement and Supply Assurance~~ Assistant Director, Procurement and Supply -and/or appropriate person under delegated authority.

## **13. Public Services (Social Value) Act 2012**

- 13.1 The Public Services (Social Value) Act 2012 came into force in February 2013. It covers services contracts that are covered by the Regulations but the principles can be applied to other contracts. In planning and conducting a Value Band iv procurement you must consider, and record within the contract file, how the procurement and contract shall:
- 13.1.1 consult and improve the economic, social and environmental well being of the borough and relevant partners;
  - 13.1.2 secure and achieve any noted economic, social and environmental improvement.

Consideration shall be proportionate, reasonable, relevant and non discriminatory to the procurement and subsequent contract. The Council has adopted a minimum 20% on social value in all tender award criteria as a matter of policy wherever possible.

## C – RESPONSIBILITIES

### 14. Commissioning and Procurement Board Responsibilities

14.1 The Commissioning and Procurement Board shall provide leadership and governance to:

14.1.1 challenge the approach and strategy of commissioning officers across the Council for the purposes of improving efficiency including category management and collaboration to ensure proposals are robust and sustainable;

14.1.2 help the Council to challenge costs, then identify and capture savings opportunities;

14.1.3 review third party spend, risk/opportunities, performance and transparency information for the purposes of embedding compliance;

14.1.4 appraise the Council's approach to the Community Right to Challenge and make any initial assessment and comments on expressions of interest prior to Executive decision;

14.1.5 improve the quality of business cases and reports, guiding commissioners on corporate and organisational objectives;

14.1.6 promote social, environmental and economic considerations – social value;

14.1.7 encourage opportunities to help local employment and local economies;

14.1.8 improve organisational knowledge in regard to third party spend and encourage a commercial approach that still focuses on the service user;

14.1.9 modernise the approach to commissioning, procurement and contract management in service delivery;

14.1.10 critically assess changes in the wider environment such as new developments in legislation or technology where additional guidance or support may be required.

14.2 The Commissioning and Procurement Board shall provide direction on the best approaches towards commissioning, procurement and contract management including appropriate supply chain related issues.

14.3 The Commissioning and Procurement Board will record minutes of their activities and these shall be made available upon request.

14.4 All key decision procurement strategies shall be challenged by the Commissioning and Procurement Board to qualitatively improve their content, unless otherwise agreed by the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) ~~(or their nominated representative)~~.

14.5 All proposed optional contract extensions, where the original procurement strategy was a key decision, shall be reviewed and challenged by the Commissioning and Procurement Board, unless otherwise agreed by the [Head of Service, Strategic](#)

Procurement and Supply Assurance Assistant Director, Procurement and Supply (or their nominated representative).

14.6 Indexation or inflation related claims for key decision value agreements for the original procurement strategy and contract award (not the increase) shall be challenged by the Commissioning and Procurement Board, prior to being submitted for final decision – this may be the process or the individual claim at the discretion of the Chair.

## **15. Supply Chain Practitioners Group Responsibilities**

15.1 The Supply Chain Practitioners Group shall:

- 15.1.1 keep an awareness of what supply chain activity is happening within departments;
- 15.1.2 act as a conduit of best practice for supply chain;
- 15.1.3 provide information for reports and input for newsletters;
- 15.1.4 maintain or liaise with the departmental person(s) responsible for maintaining the procurement forward plans for respective departments;
- 15.1.5 provide a first line information source on where to find supply chain information.

## **16. The Executive Responsibilities**

16.1 The Executive shall:

- 16.1.1 approve the award or variation of contracts where the value of the contract or variation (to the Council) is estimated to exceed officers delegated authority (in the case of Revenue Spend or Capital Spend) unless, in the case of Capital Spend the contract is for works approved as part of the capital programme which are to be provided under a framework agreement (established by the council on its own or in partnership with any other organisation) in which case, Corporate Directors and the Chief Finance Officer shall be authorised to approve such award. Revenue and Capital Spend are more particularly defined within the main Financial Regulations.
  - 16.1.2 approve awards without performance security where the contract exceeds £5,000,000.
- 16.2 The Executive may delegate its responsibilities under this Rule 16 to Corporate Directors or the Chief Finance Officer.

## **17. Chief Executive Responsibilities**

- 17.1 The Chief Executive is responsible for making sure that Corporate Directors carry out their responsibilities under these rules and for acting or appropriately delegating where a Corporate Director is not able to carry out these responsibilities.
- 17.2 The Chief Executive has all the powers of the Corporate Director set out in Rules 18 and 19 below.

## 18. Corporate Director and Chief Finance Officer Responsibilities

18.1 Corporate Director and Chief Finance Officer responsibilities include:

- 18.1.1 awarding contracts paid for using revenue money of up to £2,000,000 of Islington Council spend and contracts paid for using capital money of up to £5,000,000 of Islington Council spend
- 18.1.2 agreeing an amendment to a contract where the value of the amendment is up to £2,000,000 in the case of a revenue contract or £5,000,000 in the case of capital expenditure;
- 18.1.3 awarding contracts paid for using revenue money over £2,000,000 of Islington Council spend where authorised to do so under the constitution or by a specific Executive decision
- 18.1.4 awarding contracts paid for using capital money over £5,000,000 of Islington Council spend where authorised to do so under the constitution or by a specific Executive decision;
- 18.1.5 awarding contracts over £5,000,000 under a framework agreement (established by the Council on its own or in partnership with any other organisation) using capital money where the spend is part of the approved capital programme.

## 19. Corporate Director Responsibilities

19.1 Corporate Director responsibilities include:

- 19.1.1 making sure that the Procurement Rules, Key Decision procedures and Access to Information rules are followed;
- 19.1.2 making sure the Council achieves value for money;
- 19.1.3 taking immediate action if someone breaks the Procurement Rules;
- 19.1.4 making sure proper and detailed records of all contracts are kept;
- 19.1.5 making sure a record is kept when it is decided that these Procurement Rules do not have to be followed;
- 19.1.6 making sure arrangements are in place for opening tenders (where not conducted through the Council's e-tendering portal under the responsibility of the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#)) and keeping departmental copies of tenders (in electronic soft copy or physical hard copy) safe;
- 19.1.7 making sure that the Council's corporate seal is placed on any document that needs to be 'sealed and executed' as a deed, and that where a document does not need to be sealed, it is signed by two authorised officers;
- 19.1.8 agreeing to waive security of performance on a contract up to £5,000,000 of Islington Council spend;

- 19.1.9 deciding to accept a contract with lower levels of insurance cover and to accept a contract without professional indemnity insurance;
- 19.1.10 deciding, with advice from the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) ~~(or their nominated representative)~~ and the Legal Services Contracts Team (subject to rule 28.6) on whether to apply a competitive procedure with negotiation or a competitive dialogue where in response to an open or a restricted procedure only irregular or unacceptable tenders are submitted
- 19.1.11 in cases where the Public Contract Regulations do not require a specified process to be followed in respect of the procurement, agreeing to negotiate a contract direct with a completed waiver form; and
- 19.1.12 keeping a register of all contracts for their service and having all contracts duplicated on the corporate contracts database register with an official number and having mechanisms in place for those entries to be kept up-to-date.
- [19.1.13 taking responsibility for indexation or inflation related claims whether above or below key decision threshold agreements for the original procurement strategy and contract award \(not the increase\) where the matter is urgent and then then to retrospectively explain to Commissioning and Procurement Board the reasons for urgency and decision taken.](#)
- 19.2 The Director of Public Health and the Partnership Director of Fairer Together have the equivalent status as Corporate Directors in regard to the responsibilities of the Procurement Rules.

## **20. Finance Responsibilities**

20.1 The finance department shall:

- 20.1.1 provide guidance to client commissioning officers on procurement implications to associated budgets where multiple departments could be affected;
- 20.1.2 commit the budget to being available for any procurement activity; and
- 20.1.3 comment on all reports for the Corporate Management Board and Executive Reports
- [20.1.4 arithmetically calculate and check proposed increases to contracts, in addition to challenging the relevant index to be applied.](#)

## **21. Legal Services Contracts Team Responsibilities**

21.1 The Legal Services Contracts Team shall:

- 21.1.1 provide advice on the Public Contract Regulations, the Procurement Rules and responsibilities to client commissioning officers;
- 21.1.2 prepare conditions of contract and associated documents to include in the tender documents in a timely manner;

- 21.1.3 advise on any legal issues arising in relation to the contract and the procurement process;
- 21.1.4 review any proposed Contractor terms and conditions at the request of the commissioning officer;
- 21.1.5 advise on and where required negotiate on behalf of the commissioning officer, amendments to the conditions of contract.

## **22. Commissioning Officer Responsibilities**

22.1 Commissioning officers (officers leading on procurement) shall:

- 22.1.1 follow the Procurement Rules, decision making procedures and Access to Information rules;
- 22.1.2 in planning and conducting a Value Band iv) procurement consider, and record within the contract file, how the procurement and contract will:
  - 22.1.2.1 consult on and improve the economic, social and environmental wellbeing of the borough and relevant partners;
  - 22.1.2.2 secure and achieve any noted economic, social and environmental improvement.
- 22.1.3 complete an Health and Safety Impact Assessment (other than where the purchase consists of system software to operate computer hardware), and London Living Wage consideration report for a Value Band ii) contract or above;
- 22.1.4 complete an Environmental Impact Assessment, and Risk Assessment for a Value Band iv) contract;
- 22.1.5 get a corporate contract database register number from ~~the~~ Strategic Procurement [Team and Supply Assurance](#) for all Value Band ii) contract or above;
- 22.1.6 instruct the Legal Services Contracts Team in good time to prepare, or give advice on, all terms and conditions;
- 22.1.7 notify Democratic Services and write appropriate reports needed by the Executive and to submit these in time to meet deadlines in both the committee schedules and procurement timetable;
- 22.1.8 ensure resources are in place to manage the let contract;
- 22.1.9 ensure there is sufficient budget for the contract;
- 22.1.10 seek legal advice when terminating a contract and/or withholding payments;

- 22.1.11 ensure a minimum of one contract review per annum to ensure the quality of the service and to promote continuous improvement;
- 22.1.12 consider Data Protection and Cyber Security risks of the proposed procurement and following applicable advice from Digital Services, Information Governance and Legal Services on how personal data is appropriate, accessed and adequately secured;
- 22.1.13 undertake a Data Protection Impact Assessment when required, informing their Information Asset Owner and Information Leads of any procurement that will require processing of personal data.

### **23. Strategic Procurement and Supply Assurance Responsibilities**

23.1 Strategic Procurement and Supply Assurance shall:

- 23.1.1 review the Procurement Rules and associated policies and documentation;
- 23.1.2 maintain a repository of skills and expertise to provide procurement and supply advice;
- 23.1.3 support commissioning officers when going out to tender with an appropriate level of advisory support, examining options available to the commissioning officer in light of procurement best practice and legislation and to advise commissioning officers to liaise with Democratic Services regarding the council's decision making processes;
- 23.1.4 liaise with the Legal Services Contracts Team to assist in ensuring that all the advice provided and procedures being followed are legally compliant;
- 23.1.5 provide procurement and spend information for statistical purposes and return for the governmental organisations.

## D – Procurement Administrative Process

### 24. Quotations

- 24.1 All quotations for Value Band ii) and iii) must be received in a written format of formal letter quotation, facsimile, email or catalogue and based on a written statement of needs and have a written justification under value for money for selection of provider;
- 24.2 All quotations for Value Band ii) and above should have formal terms and conditions as prepared or agreed by the Legal Services Contracts Team, unless the Legal Services Contracts Team provides exemption to those conditions.

### 25. Selection Criteria

- 25.1 In accordance with the Regulations and with guidance from ~~the~~ Strategic Procurement and Supply Assurance, selection criteria may only relate to:
- 25.1.1 Exclusion grounds;
- 25.1.2 Suitability to pursue a professional activity;
- 25.1.3 economic and financial standing;
- 25.1.4 technical and professional ability.
- 25.2 The Council operates a selection questionnaire to ensure contractors meet these conditions where permitted by the Public Contract Regulations.
- 25.3 Any deviation from the council's standard selection questionnaire must be reported to the ~~Head of Service, Strategic Procurement and Supply Assurance~~Assistant Director, Procurement and Supply for approval and subsequent reporting by the ~~Head of Service, Strategic Procurement and Supply Assurance~~Assistant Director, Procurement and Supply to the Crown Commercial Service.
- 25.4 Organisations found guilty of conducting fraud, such as 'cover pricing', will not normally be considered. Organisations shall be required to make declarations in regards to professional and business conduct, including Blacklisting, to the satisfaction of the Council before being invited to tender or tenders assessed.

### 26. Award Criteria

- 26.1 All award criteria must be linked to the subject matter of the contract, ensure the possibility of effective competition and be accompanied by specifications. The award conditions should be documented in the procurement documents including any weighting to be applied. Contractors assessed against these criteria are entitled to have access to their results and feedback, records must be kept of these results in line with retention procedures held by Strategic Procurement and Supply Assurance for matters in relations to procurement.
- 26.2 Tenders can only be awarded against criteria in accordance with the Public Contract Regulations.

26.3 All award criteria should be published in the tender advert, unless otherwise specifically agreed by the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#). In all cases the award criteria shall be included within the procurement documents in accordance with the Regulations.

## 27. Invitations to Tender

27.1 All invitations to tender must include:

- 27.1.1 a description of the requirements with enough detail to allow the tenderer to make a competitive offer (a specification or term brief);
- 27.1.2 a requirement for tenderers to declare that they have not given the tender content and price to any other organisation (unless if necessary in confidence, such as the tenders' subcontractors, with prior authorisation);
- 27.1.3 a requirement for tenderers to fill in fully and sign all tender documents (electronically signed by return for e-tenders);
- 27.1.4 a statement that tenders are put forward at the tenderer's expense;
- 27.1.5 a list of the award criteria and the scoring/weighting system;
- 27.1.6 if the tender is being returned by post this must be agreed by the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) and a statement that no tender will be considered unless it is enclosed in a sealed envelope or container which has the word 'tender' followed by the contract name, but no other name or mark showing who sent it;
- 27.1.7 a statement that tenders sent by post or e-mail will only be considered and accepted by the Council with the authority of the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply \(or their representative\)](#);
- 27.1.8 how any pricing mistakes discovered in the tender will be dealt with;
- 27.1.9 statement that the Council can recover costs from the cancellation of any contract in the event the Contractor should offer, agree to offer or provide an officer, member or person associated with the Council, partner or its agent an inducement or reward in respect of a contract;
- 27.1.10 a statement that we do not have to accept the lowest tender, or indeed any tender.

## 28. Putting Tenders Forward

- 28.1 Officers should sufficiently prepare in advance for procurement processes to allow for advertising and other decision making timescales.
- 28.2 Tenders should normally be received through the Council's e-tendering portal. Posted and emailed tenders may only be used with the express consent of the [Head of](#)

~~Service, Strategic Procurement and Supply Assurance~~ Assistant Director, Procurement and Supply ~~(or their representative)~~. Faxed tenders will no longer be permitted.

- 28.3 All intentions to seek tenders must be notified to Strategic Procurement and Supply Assurance in writing including title, estimated annual value, contract length and commissioning officer (or responsible officer if different).
- 28.4 Mini-competitions from framework agreements are not tenders, but should be notified to Strategic Procurement and Supply Assurance whenever these are value band iv).
- 28.5 Mini-competitions in value band iv) from framework agreements should be conducted through the Council's e-tendering portal unless otherwise agreed by the ~~Head of Service, Strategic Procurement and Supply Assurance~~ Assistant Director, Procurement and Supply ~~(or their nominated representative)~~.
- 28.6 All procurement activity where a third party provider is running the process, regardless of value, should be notified to the ~~Head of Service, Strategic Procurement and Supply Assurance~~ Assistant Director, Procurement and Supply ~~(or their nominated representative)~~ to determine the appropriateness of the procurement process.
- 28.6 All mini-competitions from framework agreements where a third party provider is running the quotation process, regardless of value, should be notified to the ~~Head of Service, Strategic Procurement and Supply Assurance~~ Assistant Director, Procurement and Supply ~~(or their nominated representative)~~ to determine the appropriateness of the procurement process.
- 28.7 Copies of the assessment will be required to be supplied to the Council whenever a third party has conducted procurement on the Council's behalf.

## **29. Receiving and Opening tenders**

- 29.1 Tender should normally be received via the Council's e-tendering portal. Tenders via other portals may be required when using professional buying organisations, but only when agreed by the ~~Head of Service, Strategic Procurement and Supply Assurance~~ Assistant Director, Procurement and Supply ~~(or their nominated representative)~~. Each tender \_\_\_\_\_ received must be:
- 29.1.1 recorded with the date and time it was received;
- 29.1.2 kept in a safe place; and
- 29.1.3 reported to Strategic Procurement and Supply Assurance.
- 29.2 All tenders not conducted through the Council's e-tendering portal must be by agreement of the ~~Head of Service, Strategic Procurement and Supply Assurance~~ Assistant Director, Procurement and Supply and be opened in the presence of a Tender Opening Panel (TOP). The TOP must be made up of at least two officers, one of whom should be the commissioning client officer.
- 29.3 Contracts estimated over the thresholds mentioned in 2.2 must have a member of ~~the~~ Strategic Procurement and Supply Assurance on the TOP, unless specifically agreed

by the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) ~~(or their nominated representative)~~.

- 29.4 Tenders should be through the electronic e-tendering portal managed by Strategic Procurement and Supply Assurance when/wherever possible. When opening electronic tenders, all tenders must be opened at the same time.
- 29.5 Tenders received after the set time for receiving them, but before the TOP has begun opening them, may be opened and then considered only if agreed by the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) ~~(or their nominated representative)~~ agree that it is appropriate to do so.
- 29.6 Tenders received after the TOP has begun opening tenders “late tenders” will not be considered unless specifically agreed by the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) ~~(or their representative)~~ or are for land/building property purchases. This applies equally to tenders received through the Council’s e-tendering portal. Tenders received late and not to be considered will be returned or the relevant bidder written to as indicated by the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) ~~(or their representative)~~.
- 29.7 All tenders opened by the TOP will be evaluated in a timely manner against the advertised award conditions.
- 29.8 All extensions to tender return dates must be authorised by the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) ~~(or their representative)~~.
- 29.9 Errors or matters of ambiguity in tenders should be highlighted to the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) ~~(or their representative)~~ to decide whether an extension is appropriate for satisfactory return of bids.

### **30. Negotiation**

- 30.1 The negotiated procedure, either with or without competition, may be used in accordance with the provisions of the Regulations and only where agreed by the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) ~~(or their representative)~~ and Legal Services Contracts Team to ensure compliance with the Regulations.
- 30.2 A Corporate Director can decide in consultation with the [Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply](#) ~~(or their nominated representative)~~ that a contract should be awarded by post-tender negotiation (discussions after tenders have been received), subject to the Regulations.
- 30.3 Negotiations must be carried out by at least two (2) senior officers:
- 30.3.1 ~~at~~ least one of whom is a [Chief Officer that the](#) Corporate Director [has nominated as their representative and who is authorised to act in their name](#);

30.3.2 the second officer must be equivalent to principal officer grade PO5 or above (or equivalent, where not on a national joint council post grade).

30.3.3 -Corporate Directors are responsible for the actions of the people they have nominated

30.3.4 Officers taking part in a negotiation should discuss their strategy with the Assistant Director, Procurement and Supply.

30.4 Negotiations must be fully minuted and the actions agreed by both parties.

## **31. Awarding Tenders**

31.1 The commissioning officer must prepare a contract award report for any every contract which is in value band ii) or above and keep that report on the contract file. More guidance is available from Strategic Procurement and Supply Assurance but the report must normally include:

31.1.1 an introduction and summary of the requirement;

31.1.2 outcomes, efficiencies and savings as a consequence of award;

31.1.3 chosen procurement route and justified options discounted;

31.1.4 length of arrangement including any extension options;

31.1.5 criteria against which the contractor was selected and subsequently awarded;

31.1.6 the make up of the project team, noting any Member involvement;

31.1.7 the estimated value/actual value for the life of the contract;

31.1.8 dates and information regarding previous tendering in the case of a recurring procurement;

31.1.9 pre tender assessment information;

31.1.10 copies of any documentation required under Commissioning Officer Responsibilities within these Procurement Rules.

31.2 The Commissioning officer must write to the successful bidder telling them that the Council has accepted their offer and to the unsuccessful bidders telling them that the Council has not accepted their offers including in both cases their evaluation scores and the score of the winning tender(s) at the same time, published through the Council's e-tendering portal unless agreed by the Head of Service, Strategic Procurement and Supply Assurance Assistant Director, Procurement and Supply;

31.3 Tenders awarded in line with the Regulations must be notified that the Council will accept the successful tender as long as no objections are raised by any of the unsuccessful bidders during the ten (10) day appeal period where applicable;

31.4 The Contract must not be signed until the ten (10) day standstill period has passed without objection where applicable;

31.5 The successful Contractor must not commence work until the contract has been signed in line with Section A above.

## **32. Keeping records**

32.1 The Commissioning officer's department must keep:

32.1.1 successful contract files for twelve (12) years after the end of the contract for all sealed contracts;

32.1.2 successful contract files for six (6) years after the end of the contract for all other contracts;

32.1.3 unsuccessful contract files for two (2) years.

## **33. Contract Management**

33.1 A record of all contract amendments and variation orders (orders to amend contracts) must be issued in writing and sent electronically to Strategic Procurement and Supply Assurance;

33.2 Commissioning officers must file a copy of every variation order in the contract file highlighting any risk to their relevant manager and any other affected department.

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# PART 7

## MEMBERS' ALLOWANCES SCHEME

# 1. MEMBERS' ALLOWANCES SCHEME

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 require authorities to make a scheme for the payment of allowances to Councillors.

Before making, amending or reworking its allowances scheme, the Council is required by virtue of section 19 of the 2003 Regulations to have regard to the recommendations of an Independent Remuneration Panel. The Council is not, however, bound to adopt all or any of the Panel's recommendations provided it has given them due consideration and is satisfied that it has justifiable reasons for not doing so.

Government Regulations do not limit the amount that can be paid under allowances schemes. ~~This Council's total budget including on-costs for Members' Allowances for 2020-21 is £995,000.~~

Any Member may by notice in writing to the Chief Executive, elect to forego any part of entitlement to an allowance under the scheme.

- 1.2 It was agreed by Council on 16 September 2003 that the basic and special responsibility allowances are upgraded in line with the annual Local Government Pay settlement.
- 1.3 If there are substantial changes to the Scheme, other than in relation to any change as a result of the Local Government Pay settlement, it will be submitted to budget Council for approval.
- 1.4 The scheme as approved provides for the following:

(a) **Basic Allowance**

A Basic Allowance payable equally to each Member for the financial year 2022-23 is ~~£12,242.14~~~~10,997.14~~. (This is paid on a monthly basis rather than as a lump sum).

(b) **Special Responsibility Allowance**

Local authorities may make provision within the scheme for the payment of Special Responsibility Allowance and, if so, include a list of posts and the amount of SRA payable. This allowance is paid in addition to the Basic Allowance to those Members considered to bear additional responsibilities. Holders who are entitled to SRA for the period they hold the post must fall into one or more of the following groups.

- \* Acting as leader or deputy leader of a political group within the authority;
- \* Presiding at meetings of a committee or a sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee;
- \* Representing the authority at meetings of, or arranged by, any other body;
- \* Membership of a committee or a sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods;

- \* Acting as the spokesman of a political group on a committee or sub-committee of the authority;
- \* Such other activities in relation to the discharge of the authority's functions that require of the member an amount of time and effort equal to or greater than would be required by any one of the above activities.

Where an SRA is paid and Members of the authority are divided into at least two political groups, SRA will be paid to at least one Councillor who is not a member of the controlling group provided that Member has a special responsibility as defined above.

No Councillor may receive more than one SRA.

The list of Special Responsibility Allowances is set out in **Appendix A**.

Special Responsibility Allowance and Basic Allowance will be paid pro rata to Councillors whose term of office begins or ends part way through the financial year. Similarly, if the scheme is amended so as to affect entitlement, the Allowance will be paid pro rata.

(c) **Allowances for the Independent person, co-optees on the Standards Committee, Audit Committee, Children's Services Scrutiny Committee and the Pension Board Independent Member**

**Independent and Co-opted members:**

An allowance per meeting is payable to the Independent person appointed under the Localism Act 2011 and to the co-optees on the Standards Committee, the Audit Committee and to the Children's Services Scrutiny Committee and the Pension Board Independent Member. This is calculated on the number of meetings per year and at a standard rate as follows:

Standards Committee

Independent Person £~~131.27~~~~126.17~~ per meeting

Audit Committee and Children's Services Scrutiny Committee

Co-opted Members £~~131.27~~~~126.17~~ per meeting

Pension Board

Independent Member £~~131.27~~~~126.17~~ per meeting of the Pension Board and of the Pension Sub-Committee.

The Independent and Co-opted member allowances above, are paid by cheque at the end of each municipal year and it is the Independent Member's responsibility to declare this additional income. The Independent Person may also claim reasonable out of pocket expenses for tasks undertaken outside formal committee meetings. Any such claim shall be made to, and authorised by, the Director of Law and Governance.

(d) **Dependent Carers' Allowance**

A Dependent Carers' Allowance is payable to Councillors who, in order to undertake their duties as a Councillor, incur costs in arranging care for dependent relatives living with them. Dependent relatives are defined as children under the age of 15, elderly, disabled or unwell relatives who cannot be left alone (either temporarily or permanently). Payments will not normally be made to carers who are family members or persons resident at the Councillor's home.

The Carers' Allowance also includes costs associated with Councillors who themselves need the help of a carer in order for them to fulfil their duties as a Councillor.

The maximum rate for this allowance is £~~11.95~~~~11.05~~ per hour, based on the Living Wage Foundation's 'real living wage', to meet, or contribute towards the actual costs incurred in arranging care. The maximum period from which any one claim can be made is the duration of the meeting itself, plus £~~11.95~~~~11.05~~ as a contribution towards travelling time to and from the meeting venue.

## **2. TRAVELLING AND SUBSISTENCE ALLOWANCES**

- 2.1 Travel expenses can be claimed to cover the cost of travelling to and from approved duties/conferences **outside** the borough (or within the borough in the case of non-councillor members of the Housing Scrutiny Committee). The amount claimed depends on the means of travel i.e.

Public transport	-	actual fare
Own vehicle	-	the current advisory fuel and mileage rate published by HMRC

Members can claim receipted expenses, up to a maximum value to be agreed by the Chief Whip for meals for approved duties lasting 4 or more hours away from your home or usual place of work. Alternatively members can claim a meal allowance in accordance with HMRC's benchmark scale rates. Details are set out in **Appendix B**.

## **3. BROADBAND EXPENSES**

- 3.1 The Scheme provides for the payment of the one-off connection charge to Broadband plus the monthly broadband rental up to the value of £25 per month.

## **4. PAYMENTS FOR OTHER BODIES**

- 4.1 The Local Government Association have their own Members' Allowances Scheme payable to those Members' of Executive and Scrutiny bodies of the Association.

## **5. CLAIMING THE ALLOWANCES**

- 5.1 Basic and Special Responsibility Allowances are paid automatically, once bank details, National Insurance, date of birth and home address are forwarded to the Head of Democratic Services and Governance; all others are claimed by means of the appropriate forms, samples of which are attached at **Appendix C**.

- 5.2 Payments via the payroll system are made on a regular monthly cycle direct to your bank or building society account with a payslip being sent to you at the same time. Travel and Subsistence, if taxable, are paid through the payroll. Telephone and Dependent Carers' Allowances are paid through the payroll.
- 5.3 You should submit your claims for Travel, Subsistence and Dependent Carers' Allowance within **two** months of the duty undertaken. Broadband allowance payments need to be claimed either monthly or quarterly and should be accompanied by the relevant invoice.

Receipts **must** accompany all expenses claims, other than meal or mileage allowance claims.

## **6. RATES PAYABLE**

- 6.1 The rates for each allowance change from time to time, generally with effect from 1 April each year.

## **7. MATERNITY, PATERNITY AND SICKNESS LEAVE AND PAY**

### **7.1 Leave Periods**

- 7.1.1 Members giving birth are entitled to up to 6 months' maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.
- 7.1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.
- 7.1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.
- 7.1.4 Members shall be entitled to take a minimum of 2 weeks' paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).
- 7.1.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.
- 7.1.6 Where both parents are Members leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.
- 7.1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.
- 7.1.8 Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice

requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.

- 7.1.9 Any member taking maternity, paternity, shared parental, adoption or sickness leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

## **7.2 Basic Allowance**

- 7.2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity, adoption or sickness leave.

## **7.3 Special Responsibility Allowances**

- 7.3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental, adoption or sickness leave.
- 7.3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.
- 7.3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental, adoption or sickness leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for up to a further six month period
- 7.3.4 Should a Member appointed to replace the member on maternity, paternity, shared parental, adoption or sickness leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowance shall apply.
- 7.3.5 Unless the Member taking leave is removed from their post at an Annual Meeting of the Council whilst on leave, or unless the Group to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

## **7.4 Attendance, Resigning from Office and Elections**

- 7.4.1 During an agreed period of maternity or paternity leave, and during sickness leave, where the latter is confirmed by a doctor's certificate, Members will not be required to attend committee meetings and their absence will therefore not be recorded and the '6 month rule' in Section 85 of the Local Government Act 1972 will not apply.
- 7.4.2 If a Member decides not to return at the end of their maternity, paternity, shared parental, adoption or sickness leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.

7.4.2 If an election is held during the Member's maternity, paternity, shared parental, adoption or sickness leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the date that they leave office.

## **8. GENERAL**

A statutory register of all allowances paid to Members is open to inspection by any elector resident in the area. The Council are required to publish details of the Members' Allowances Scheme and of total payments made to each Member annually.

This is a general and by no means exhaustive statement of the law on these matters.

For any advice in relation to the Scheme please contact Democratic Services.

## APPENDIX A

### SPECIAL RESPONSIBILITY ALLOWANCES 2022-23

<u>Band 4</u>	<u>Amount £</u>
Leader of the Council	<del>47,599.51</del> 41,390.88
<u>Band 3</u>	
Executive Members	<del>37,165.52</del> 32,347.84
<u>Band 2</u>	
Leader of the Opposition	<del>15,175.00</del> 14,175.00
Chair of Policy and Performance Scrutiny Committee	<del>8,510.38</del> 13,042.32
Chief Whip	5,669.51
<u>Band 1(a)</u>	
Chairs of Scrutiny Committees	5,669.51
Chair of Licensing Committee	<del>5,669.51</del> 3,403.54
Chair of Planning Committee	<del>5,669.51</del> 3,403.54
<u>Band 1</u>	
Chair of Audit Committee	3,403.54
Chair of Planning Sub Committee A	3,403.54
Chair of Planning Sub Committee B	3,403.54
Chair of Personnel Sub Committee	3,403.54
<u>Chair of Licencing Sub Committee A</u>	<u>2,000.00</u>
<u>Chair of Licencing Sub Committee B</u>	<u>2,000.00</u>
<u>Chair of Licencing Sub Committee C</u>	<u>2,000.00</u>
<u>Chair of Licencing Sub Committee D</u>	<u>2,000.00</u>
Mayor	<del>5,946.47</del> 6,946.47
Deputy Mayor	<del>1,142.45</del> 42.45
Member of the Adoption and Fostering Panels	6,804.02

Councillors are only entitled to claim one Special Responsibility Allowance. Any allowances marked with an asterisk above are therefore unclaimed.

## APPENDIX C – PROPOSED AMENDMENTS TO THE CONSTITUTION

### (iii) Key Decision Criteria (Article 13 of the Constitution)

#### 13.03 Types of decision

##### (a) Decisions reserved to full Council

Decisions relating to the functions listed in the table at 7.1 in Part 3 will be made by the full Council and not delegated.

##### (b) Key decisions

(i) A key decision is an executive decision (other than a decision which relates to the placement of an individual, be that an adult or child) which in the view of the Proper Officer is likely:

(a) To be financially significant, and/or

(b) To be significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.

A decision is deemed to be financially significant if:

- it involves expenditure, income, or the making of savings of an amount in excess of £1m for capital ~~expenditure monies~~ or £500,000 for revenue ~~expenditure monies~~; or
- in respect of a disposal of land by the Council, the proposed receipt (or reasonable pre-sale estimate in the case of an auction sale) exceeds £1.5 million and the Executive has not already agreed in principle to disposal of the land;
- in respect of the acquisition of land or property, the proposed expenditure (or reasonable estimate prior to entering into the contract) exceeds £500,000.

(ii) A key decision must be included in the Forward Plan and a decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules and the Access to Information Rules set out in Part 4.

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## COUNCIL MEETING – 8 DECEMBER 2022

### REPORT OF THE CHIEF WHIP

#### 1. COMMITTEE APPOINTMENTS

- (i) To appoint Councillor Jackson as a substitute member of the Environment and Regeneration Scrutiny Committee;
- (ii) To appoint Councillors Staff and Weekes as substitute members of the Standards Committee.

#### RECOMMENDATION:

- (i) That Councillor Jackson be appointed as a substitute member of the Environment and Regeneration Scrutiny Committee for the remainder of the municipal year, or until a successor is appointed;
- (ii) That Councillors Staff and Weekes be appointed as substitute members of the Standards Committee for the remainder of the municipal year, or until successors are appointed.

#### 2. APPOINTMENTS TO OUTSIDE BODIES

To note that Councillor Spall has stepped down as the Council's representative to the Cripplegate Foundation and to appoint Councillor Pandor as her successor until September 2024, the remainder of the term, or until a successor is appointed.

#### RECOMMENDATION:

That Councillor Pandor be appointed to Cripplegate Foundation until September 2024, or until a successor is appointed.

#### 3. MONITORING OFFICER ARRANGEMENTS:

In the absence of the appointed Monitoring Officer, to note that Marie Rosenthal has been appointed as Interim Director of Law and Governance. Marie Rosenthal will act as the Council's Monitoring Officer until further notice.

#### RECOMMENDATION:

To note the appointment of Marie Rosenthal as Interim Director of Law and Governance and to approve her appointment as Acting Monitoring Officer, until further notice.

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## COUNCIL MEETING – 8 DECEMBER 2022

### PROPOSED AMENDMENTS AND ALTERATIONS TO MOTIONS

#### **Motion 1: Gambling Act Review**

Proposed by: Cllr Angelo Weekes

Seconded by: Cllr Joe Croft

#### ***Alteration to motion submitted in accordance with Procedure Rule 23.7***

#### **This Council notes:**

- The government has promised to deliver a Gambling Act Review white paper, which seeks to amend our gambling laws, so they are fit for a digital age.
- The Gambling Act review has been in motion since late 2020, however various delays by the Tories, the main being the changes in personnel, with five different ministers overseeing the legislation, has meant outdated and insufficient laws failing to protect vulnerable gamblers.
- The Tories also delayed reform to the £2 cap for bets placed on fixed-odds betting machines, which have been linked to crippling debt, marriage and family breakdown and serious mental health issues. Originally due to come into force in April 2019, it was delayed to October 2019; the extra 6 months of delay allowed bookmakers to collect £900m from gamblers.
- Since August 2020, 19 Conservative MPs have taken almost £225,000 in wages and freebies from the gambling industry, demonstrating the attempt by the industry to influence the outcome of the Gambling Act review to their own advantage.
- The House of Lords Gambling Industry Select Committee found 60% of the profits from online gambling are coming from the 5% of consumers experiencing harm, with around half of the more than £6 billion in online gambler losses attributable to slots.
- The significant harms associated with gambling, not least mental health issues arising from this health-harming addictive activity.
- The Public Health England evidence review of gambling-related harms in England found that gender and poor mental health were the strongest indicators of gambling related harm:
  - men were 4.2 times more likely than women to be gambling at levels of elevated risk of harm;
  - people identified as having some mental health issues were twice as likely to participate in harmful gambling than people with no mental health issues;

- those who indicated they had a mental health condition were 2.4 times more likely to be a gambler experiencing gambling-related harms
- [The Labour Mayor of London has called on TfL to bring forward plans to ban harmful gambling advertisements on its advertising network.](#)

**To ensure the government’s objectives are met, this Council formally support all of the following reforms:**

- The introduction of limits to stakes, prizes and speed of play online, as already exist for the same content found on venue-based machines. Online slots should be capped at £2 a spin, in line with Fixed Odds Betting Terminals in betting shops and machines found in other easily accessible gambling venues.
- A standardised threshold at which enhanced affordability checks take place for all licensed online gambling operators. We support the Social Market Foundation’s recommendation that these checks should take place when a person’s losses exceed £100 within a month.
- The introduction of a statutory levy on gambling operators for research, education and treatment that should be administered through an independent public body. This levy should initially be set at 1% of gross revenue but should be increased in line with need, in accordance with the ‘polluter pays’ principle.
- An end to gambling advertising, promotion, and sponsorship. Children should not be exposed to gambling advertising at all, and given the degree of harm which arises from online gambling, the sector should not be promoted in its current form. The government should emulate gambling advertising restrictions in Italy and Spain on public health grounds.
- The creation of a dedicated Gambling Ombudsman which would ensure consumers who have been treated unfairly by gambling operators are able to access a means for redress.
- Reform to the statutory ‘aim to permit’ so the local authorities have the power to reject premise license applications in the event that the licensing objectives of fair and open gambling, preventing gambling crime, and preventing gambling harm are less likely to be delivered with additional outlets.

**This Council resolves to:**

- Write to the Minister overseeing the Gambling Act Review, Paul Scully MP, informing him of our priorities for reform as reflected above and to ask the government to consider gambling a public health issue.
- [Subject to the Gambling Act Review, consider ~~commence~~](#) a proposal under the Sustainable Communities Act to push for legislative reform that will empower local authorities to better regulate gambling.
- Implement the reviewed and revised Gambling Premises Licensing Policy 2023-~~2025~~-2027 (pending adoption by this Council). This robust policy will ensure applicants and operators whose premises are used for gambling have taken stringent steps to prevent gambling being a source of crime and disorder and to protect people from gambling related harm.
- [Write to the Mayor of London to call on Transport for London to ban all gambling advertisements on London’s public transport.](#)

***The altered motion would read as follows:***

**Motion 1: Gambling Act Review**

Proposed by: Cllr Angelo Weekes

Seconded by: Cllr Joe Croft

**This Council notes:**

- The government has promised to deliver a Gambling Act Review white paper, which seeks to amend our gambling laws, so they are fit for a digital age.
- The Gambling Act review has been in motion since late 2020, however various delays by the Tories, the main being the changes in personnel, with five different ministers overseeing the legislation, has meant outdated and insufficient laws failing to protect vulnerable gamblers.
- The Tories also delayed reform to the £2 cap for bets placed on fixed-odds betting machines, which have been linked to crippling debt, marriage and family breakdown and serious mental health issues. Originally due to come into force in April 2019, it was delayed to October 2019; the extra 6 months of delay allowed bookmakers to collect £900m from gamblers.
- Since August 2020, 19 Conservative MPs have taken almost £225,000 in wages and freebies from the gambling industry, demonstrating the attempt by the industry to influence the outcome of the Gambling Act review to their own advantage.
- The House of Lords Gambling Industry Select Committee found 60% of the profits from online gambling are coming from the 5% of consumers experiencing harm, with around half of the more than £6 billion in online gambler losses attributable to slots.
- The significant harms associated with gambling, not least mental health issues arising from this health-harming addictive activity.
- The Public Health England evidence review of gambling-related harms in England found that gender and poor mental health were the strongest indicators of gambling related harm:
  - men were 4.2 times more likely than women to be gambling at levels of elevated risk of harm;
  - people identified as having some mental health issues were twice as likely to participate in harmful gambling than people with no mental health issues;
  - those who indicated they had a mental health condition were 2.4 times more likely to be a gambler experiencing gambling-related harms
- The Labour Mayor of London has called on TfL to bring forward plans to ban harmful gambling advertisements on its advertising network.

**To ensure the government's objectives are met, this Council formally support all of the following reforms:**

- The introduction of limits to stakes, prizes and speed of play online, as already exist for the same content found on venue-based machines. Online slots should be capped at £2 a spin, in line with Fixed Odds Betting Terminals in betting shops and machines found in other easily accessible gambling venues.

- A standardised threshold at which enhanced affordability checks take place for all licensed online gambling operators. We support the Social Market Foundation's recommendation that these checks should take place when a person's losses exceed £100 within a month.
- The introduction of a statutory levy on gambling operators for research, education and treatment that should be administered through an independent public body. This levy should initially be set at 1% of gross revenue but should be increased in line with need, in accordance with the 'polluter pays' principle.
- An end to gambling advertising, promotion, and sponsorship. Children should not be exposed to gambling advertising at all, and given the degree of harm which arises from online gambling, the sector should not be promoted in its current form. The government should emulate gambling advertising restrictions in Italy and Spain on public health grounds.
- The creation of a dedicated Gambling Ombudsman which would ensure consumers who have been treated unfairly by gambling operators are able to access a means for redress.
- Reform to the statutory 'aim to permit' so the local authorities have the power to reject premise license applications in the event that the licensing objectives of fair and open gambling, preventing gambling crime, and preventing gambling harm are less likely to be delivered with additional outlets.

**This Council resolves to:**

- Write to the Minister overseeing the Gambling Act Review, Paul Scully MP, informing him of our priorities for reform as reflected above and to ask the government to consider gambling a public health issue.
  - Subject to the Gambling Act Review, consider a proposal under the Sustainable Communities Act to push for legislative reform that will empower local authorities to better regulate gambling.
  - Implement the reviewed and revised Gambling Premises Licensing Policy 2023-2027 (pending adoption by this Council). This robust policy will ensure applicants and operators whose premises are used for gambling have taken stringent steps to prevent gambling being a source of crime and disorder and to protect people from gambling related harm.
  - Write to the Mayor of London to call on Transport for London to ban all gambling advertisements on London's public transport.
-

### **Motion 3: Solidarity with striking workers**

Proposer: Cllr Benali Hamdache

Seconder: Cllr Caroline Russell

Amendment submitted by: Cllr Phil Graham

#### **This Council notes:**

- The UK is facing a wave of industrial action in the wake of rising inflation, a cost-of-living crisis and paltry pay offers
- That the Royal College of Nurses has announced strikes for the 15<sup>th</sup> and 20<sup>th</sup> December
- The National Union of Rail, Maritime and Transport Workers has announced strikes on 13<sup>th</sup>, 14<sup>th</sup>, 16<sup>th</sup> and 17<sup>th</sup> December and on 3<sup>rd</sup>, 4<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> January
- Major education unions in England are balloting their members on possible strike action over pay
- Over 70,000 staff at 150 universities across the UK took three days of strike action over attacks on pay, working conditions and pensions
- That unions already only resort to strikes after negotiations are exhausted
- That under Article 11 of the European Convention on Human Rights, everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of their interests
- That the Conservative government has consistently failed to offer adequate pay offers to workers and has repeatedly undermined the right to strike

#### **This Council further notes:**

- [Islington Council's 'Join a Union' campaign in 2020 where the council became the first local authority to join forces with the TUC to promote a safe return to work by joining a union as the UK emerged from lockdown](#)
- [Initial discussions are taking place with the Communication Workers' Union regarding working together on the Community Wealth Building initiative](#)
- Islington Council has committed to supporting trade unions and trade union membership, promoting the value of unionisation across the borough
- That all over the country, workers are winning pay disputes and improved wages through the power of collective action
- [The motion proposed by Cllr Ozdemir at Council in June 2022 which resolved to: "Support the RMT union and all other trade unions taking action this year to protect workers' pensions and conditions, oppose job cuts and call for a proper pay rise"](#)
- The Conservative government is trying to undermine the right to strike by allowing agency workers to become strike-breakers
- That decades of anti-union laws have given us the tightest regulations on strikes in the advanced industrial world

#### **This Council resolves to:**

- [Send full solidarity to all those striking across the country for fair pay, terms and conditions from their employer](#)

- Continue promoting union membership to Islington's residents and to work collaboratively with the unions representing the Council's workers
- Support the attendance of Islington's two MPs [and councillors](#) at picket lines in solidarity with striking workers
- Write to the Secretary of State for Business, Energy and Industrial Strategy in opposition to anti-trade union laws, like the banning of online ballots and strikebreaking agency workers
- Write to the Secretary of State for Justice in opposition to the proposed British Bill of Rights, that threatens the right of workers to organise collective action, [and call for the repeal of all anti-trade union legislation which aims to undermine workers rights.](#)

***The amended motion would read as follows:***

**Motion 3: Solidarity with striking workers**

Proposer: Cllr Benali Hamdache

Seconder: Cllr Caroline Russell

Amended by: Cllr Phil Graham

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**This Council resolves to:**

- Send full solidarity to all those striking across the country for fair pay, terms and conditions from their employer
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  - Support the attendance of Islington's two MPs and councillors at picket lines in solidarity with striking workers
  - Write to the Secretary of State for Business, Energy and Industrial Strategy in opposition to anti-trade union laws, like the banning of online ballots and strikebreaking agency workers
  - Write to the Secretary of State for Justice in opposition to the proposed British Bill of Rights, that threatens the right of workers to organise collective action, and call for the repeal of all anti-trade union legislation which aims to undermine workers rights.
-

## **Motion 4: Gypsy, Roma and Traveller Accommodation Needs**

Proposer Cllr Jegorovas-Armstrong  
Seconder Cllr Caroline Russell

Amendment submitted by: Cllr Janet Burgess

### **This Council notes:**

- In January 2019 the London Borough of Islington commissioned consultants to undertake a Gypsy, Roma and Traveller Accommodation Needs Assessment study (GTAA) for the period 2020-2035.
- Consultations with Gypsy, Roma and Traveller households took place between February and April 2019. Households spoke about wanting to stay in Islington or nearby, whether on a site or in housing.
- There are no residential caravan sites occupied by members of the settled community or Travelling Showpeople located within Islington.
- The consultation concluded that ten Gypsy, Roma and Traveller permanent accommodation pitches are required in the borough.
- Policy H14 of the London Plan requires boroughs to meet the identified need for permanent Gypsy, Roma and Traveller pitches and include ten-year pitch targets in their Local Plans.
- The provision for permanent Gypsy and Traveller pitches is included in the latest Islington Local Plan (February 2020).
- The site search process has been initiated as part of the council's ongoing housebuilding programme.
- The London Plan highlights that around 85% of Gypsy, Roma and Traveller families in London have been forced to live in housing, or on roadside encampments due to overcrowding, or an unsuitability, or lack of availability of, pitches.
- The lack of legal permanent sites makes accessing key services and facilities much harder.
- Gypsy, Roma and Traveller families must be granted the right to a decent home that meets their needs, which for them entails sites to accommodate caravans.
- For many Gypsies, Roma and Travellers, living in a caravan is an essential part of their ethnic identity. Romany Gypsies and Irish Travellers are covered by the protected characteristic of race under the Equality Act 2010.

### **This Council further notes:**

- [Islington Labour's manifesto for the 2022 Local Elections, 'Fairer, safer, greener together: Building a more equal Islington', committed to "we will work with our community to provide new sites for Gypsy and Roma Traveller local people."](#)
- Gypsy, Roma and Traveller people have the worst outcomes of any ethnic group across a huge range of areas including access to suitable accommodation, healthcare, education, employment, financial services, policing, justice and probation.
- National and local policymakers have not provided for the services to support the needs of Gypsy, Roma and Traveller people.
- A study carried out by The Traveller Movement (2017) found that 91% of Gypsy, Roma and Traveller people had experienced discrimination because of their ethnicity and 77% had been victims of hate speech or a hate crime.

- The most common forms of hate speech and crime experienced include exclusion and discrimination from and within services, e.g., health, education (experienced by 94%), reinforcement of negative stereotypes (89%), social media abuse (87%) and media incitement to racial hatred (82%).
- Hate incidents begin early in life, with school children reporting feeling that they must hide that they are Gypsy, Roma or Traveller.
- Islington Council marks Gypsy, Roma and Traveller History Month during the month of June.

**This Council resolves to:**

- Continue to mark Gypsy, Roma and Traveller History Month every year to raise awareness of the prejudice faced by the Gypsy, Roma and Traveller community.
- Use this month to amplify the voices of the Gypsy, Roma and Traveller community and raise awareness amongst Islington's residents about their unique history, culture and heritage.
- Share resources from, and promote the campaigns of, groups such as the Friends, Families and Travellers organisation, London Gypsies and Travellers, and The Traveller Movement.
- Address the inequalities that the Gypsy, Roma and Traveller community face.
- Ensure that Gypsies, Roma and Travellers experience an inclusive, fair and understanding community in Islington.
- Actively nurture harmonious relations between the settled community and the residents of any future Gypsy, Roma and Traveller site in Islington.
- Provide sustainable, green and biodiverse sites with facilities that are well insulated, well ventilated and affordable to heat in winter.
- Provide effective site management for Gypsy, Roma and Traveller sites in the borough.
- Provide training to key staff in Islington schools around successful practice working with families from Gypsy, Roma and Traveller backgrounds, including raising awareness around the culture and history of the Gypsy, Roma and Traveller community.
- Encourage and support Islington schools in signing The Gypsy, Traveller, Roma, Showmen and Boaters' Pledge for Schools.
- Improve data collection around the experiences of the Gypsy, Roma and Traveller community, in order to improve their outcomes across key social and economic indicators.

***The amended motion would read as follows:***

**Motion 4: Gypsy, Roma and Traveller Accommodation Needs**

Proposer Cllr Jegorovas-Armstrong  
Seconder Cllr Caroline Russell  
Amended by: Cllr Janet Burgess

**This Council notes:**

- In January 2019 the London Borough of Islington commissioned consultants to undertake a Gypsy, Roma and Traveller Accommodation Needs Assessment study (GTAA) for the period 2020-2035.
- Consultations with Gypsy, Roma and Traveller households took place between February and April 2019. Households spoke about wanting to stay in Islington or nearby, whether on a site or in housing.
- There are no residential caravan sites occupied by members of the settled community or Travelling Showpeople located within Islington.
- The consultation concluded that ten Gypsy, Roma and Traveller permanent accommodation pitches are required in the borough.
- Policy H14 of the London Plan requires boroughs to meet the identified need for permanent Gypsy, Roma and Traveller pitches and include ten-year pitch targets in their Local Plans.
- The provision for permanent Gypsy and Traveller pitches is included in the latest Islington Local Plan (February 2020).
- The site search process has been initiated as part of the council's ongoing housebuilding programme.
- The London Plan highlights that around 85% of Gypsy, Roma and Traveller families in London have been forced to live in housing, or on roadside encampments due to overcrowding, or an unsuitability, or lack of availability of, pitches.
- The lack of legal permanent sites makes accessing key services and facilities much harder.
- Gypsy, Roma and Traveller families must be granted the right to a decent home that meets their needs, which for them entails sites to accommodate caravans.
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**This Council further notes:**

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- National and local policymakers have not provided for the services to support the needs of Gypsy, Roma and Traveller people.

- A study carried out by The Traveller Movement (2017) found that 91% of Gypsy, Roma and Traveller people had experienced discrimination because of their ethnicity and 77% had been victims of hate speech or a hate crime.
- The most common forms of hate speech and crime experienced include exclusion and discrimination from and within services, e.g., health, education (experienced by 94%), reinforcement of negative stereotypes (89%), social media abuse (87%) and media incitement to racial hatred (82%).
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