

**Minutes of the Meeting of
Sandwell Metropolitan Borough Council**

18th October, 2016 at 6.00pm
at the Sandwell Council House, Oldbury

Present: The Deputy Mayor (Councillor Downing);

Councillors Ahmed, Allcock, Allen, Ashman, Bawa, Carmichael, Cherrington, Costigan, Crompton, S Crompton, Dr T Crompton, K Davies, P Davies, S Davies, Y Davies, Dhallu, Eaves, Edis, Edwards, Eling, Frear, Garrett, Gavan, E A Giles, E M Giles, Gill, Goult, Hackett, Hadley, Haque, Hartwell, Hevican, Hickey, L Horton, R Horton, D Hosell, S Hosell, P Hughes, Hussain, Dr Jaron, Jarvis, I Jones, O Jones, S Jones, Khatun, Lewis, Marshall, Melia, Millard, Moore, Phillips, Piper, Preece, B Price, R Price, Rouf, Sandars, Shackleton, Shaeen, Sidhu, Tagger, Taylor, Tranter, Trow, Underhill, White and Worsey.

Apologies: Councillors P M Hughes, Meehan and Webb.

81/16 **Minutes**

Resolved that the minutes of the meeting held on 19th July, 2016 be confirmed as a correct record.

82/16 **Ray Howes**

The Council stood in silent tribute to mark the passing of former Councillor Ray Howes.

Mr Howes was elected in June 2004, representing Princes End, and retired in May 2011. Mr Howes had served on General Purposes, Policy and Performance and Finance and Resources Committees, as well as being the Chair of Employment Appeals. In addition, Mr Howes was the Deputy Mayor of Sandwell in 1995/96.

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On behalf of the Council, Councillor R Horton paid tribute to Mr Howes.

Members joined the Deputy Mayor in extending their condolences to Mr Howes' family.

83/16 **Mayor's Announcements**

Details of Mayoral engagements since the last meeting of the Council had been circulated to members.

In particular, the Deputy Mayor made reference to the Town Twinning cheese and wine event taking place at Sandwell Council House on Friday 21st October, 2016.

84/16 **Questions Under Standing Order No. 6**

No questions were received under Standing Order No. 6.

85/16 **Review of the Member Code of Conduct**

On 24th May 2016, the Council approved the revised Member Code of Conduct. However, it had come to light that there was a need for the accountability provisions in the Code to be strengthened.

The Member Code of Conduct had, therefore, been revised in accordance with the Nolan principle of accountability which stated that holders of public office were accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Accountability was key to high ethical standards and where committees had the power to scrutinise decisions and maintain financial regulation, it was important that members were held to account, including when called to attend a committee, complying with the request without any undue delay.

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Resolved:-

- (1) that the revised Member Code of Conduct, as set out in Appendix 1, be approved;
- (2) that the Monitoring Officer makes arrangements to publish the revised Member Code of Conduct and revise the Constitution accordingly.

86/16

Annual Report of the Audit Committee 2015/16

The Chair of the Audit Committee, Councillor Sidhu, presented the annual report of the Audit Committee for the 2015/2016 municipal year.

The purpose of the Audit Committee was to provide independent assurance of the adequacy of the risk management framework and the internal control environment. It also provided independent review of the governance, risk management and control frameworks, overseeing the financial reporting and annual governance processes and overseeing internal audit and external audit, helping to ensure efficient and effective assurance arrangements were in place.

The key benefits of an Audit Committee were seen as:-

- increasing public confidence in the objectivity and fairness of financial and other reporting;
- reinforcing the importance and independence of internal and external audit and similar review processes;
- providing additional assurance through a process of independent review;
- raising awareness of the need for internal control and the implementation of audit recommendations.

The Committee was able to confirm:-

- that the system of internal control, governance and risk management in the Council was adequate in identifying risks and allowing the Council to understand the appropriate management of these risks;

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- that there were no areas of significant duplication or omission in the systems of internal control, governance and risk management that had come to the Committee's attention and had not been adequately resolved.

The Committee had provided additional assurance for the Council throughout the year by effective challenge and questioning of officers through the review of specific tasks and the use of the strategic risk register and assurance map in order to seek assurance that risks were being appropriately mitigated and improving its knowledge base through consideration of the Chartered Institute's regular audit committee updates. The Committee had also raised the profile of risk and internal control issues across the Council and the importance of implementing audit recommendations.

Resolved that the Annual Report of the Audit Committee for 2015/16 be received.

87/16

Annual Report of the Licensing (Miscellaneous) Committee for the 2015/16 Municipal Year

The Chair of the Licensing (Miscellaneous) Committee, Councillor Rouf, presented the annual report of the Licensing Miscellaneous Committee for the 2015/2016 municipal year.

The purpose of the Licensing (Miscellaneous) Committee was to determine matters in relation to a number of licensing functions, the majority of which were for applications or reviews of hackney carriage and private hire licences. The Committee worked in conjunction with the Taxi Licensing Office to ensure that all of the public safety duties and financial obligations of licence holders were complied with fully and within the parameters of the law.

The key benefits of the Committee were:-

- the protection of public health and safety;
- the establishment of professional and respected hackney carriage and private hire trades.

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During 2015/16, the Committee had dealt with 104 matters regarding private hire and hackney carriage licences.

There had been a significant change to the policy relating to the licensing of vehicles as hackney carriages and private hire vehicles, which became effective on 1st September, 2015.

Major changes in the policy included:-

- the removal of age restrictions for private hire vehicles;
- the removal of the colour policy for private hire vehicles;
- implementation of additional vehicle condition criteria for both hackney carriages and private hire vehicles;
- improved guidance for acceptable and non-acceptable criteria.

The Committee carried out its role with a view to ensuring that the public were kept safe from harm. In making its decisions, the Committee put this perspective at the forefront of its decision making.

In response to a question regarding child sexual exploitation, the Chair confirmed that licensing officers worked closely with the Police and shared intelligence. The Committee would also be looking to adopt a new policy whereby all drivers would have to undertake awareness training before they were granted a licence.

Resolved that the Annual Report of the Licensing (Miscellaneous) Committee for 2015/16 be received.

88/16

**Proposals to Depart from the Local Development Plan at
Vaughan Trading Estate, Sedgley Road West, Tipton, Thomas
Dudley Site, Tipton Road, Tipton and Unit 1 Wharfside,
Oldbury**

At the meeting of Planning Committee on 17th August 2016, consideration was given to two planning applications which required an exception to policy.

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Vaughan Trading Estate, Sedgley Road East, Tipton, Dudley Unit Trust – planning application DC/16/59292

Planning application DC/16/59292 sought approval for the proposed hybrid application of 46,901m² GEA floor area, comprising a full application for the demolition of existing buildings and construction of five units for flexible B1c (Business), B2 (General Industry), B8 (Storage or Distribution) use class (7,998.6m²), 132 parking spaces, modified vehicular access and associated development and an outline of application (all matters reserved) for the demolition of existing buildings and construction of B1c (Business), B2 (General Industry), B8 (Storage or Distribution) use class floor space and associated development, Vaughan Trading Estate, Sedgley Road East, Tipton, Dudley Unit Trust.

Thomas Dudley Site, Tipton Road, Tipton, DY4 7RT – planning application DC/16/59469

Planning application DC/16/59469 sought approval for the proposed demolition of existing building and construction of part two storey building to create an education and training establishment with associated offices, service yard, car parking and landscaping on the Thomas Dudley Site, Tipton Road, Tipton, DY4 7RT.

Unit 1, Wharfside, Oldbury, B69 2BU – planning application DC/16/59751

At the meeting of the Planning Committee held on 12th October, 2016 consideration was given to application DC/16/59751 which sought approval for the proposed change of use to a gymnastics club (Class D2), Unit 1, Wharfside, Oldbury, B69 2BU.

The Planning Committee was minded to approve the three applications, however, two sites (DC/16/59292 and DC/16/59469) were allocated for residential development and the remaining site (DC/16/59751) was allocated as Potential Strategic High Quality Employment Land in the Black Country Joint Core Strategy. It was therefore necessary for the Council to consider whether or not to grant an exception to its policy to allow the applications to proceed.

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In response to a question regarding the Thomas Dudley Site, the Cabinet Member for Regeneration and Economic Investment confirmed that the development was a two storey structure with the ground floor being used as offices and the upper floor being used as an educational facility. The facility would contain a sixteen seat classroom, a twenty seat technical classroom, a pattern shop with five machines and a large workshop area. Within the first five years, there would be approximately 60 apprentices working towards a level 2/3 NVQ qualification. The university would be delivering one day courses for industry to access. The facility would also accommodate employers sending staff for bespoke training. The Cabinet Member also advised that he would be happy to facilitate a visit to the site, once developed.

Resolved:-

- (1) that an exception to the Black Country Joint Core Strategy and the Site Allocations Delivery Development Plan Document be allowed in respect of planning application DC/16/59292 Hybrid application of 46,901m² GEA floor area, comprising a full application for the demolition of existing buildings and construction of five units for flexible B1c (Business), B2 (General Industry), B8 (Storage or Distribution) use class (7,998.6m²), 132 parking spaces, modified vehicular access and associated development; and an outline of application (all matters reserved) for the demolition of existing buildings and construction of B1c (Business), B2 (General Industry), B8 (Storage or Distribution) use class floor space and associated development, Vaughan Trading Estate, Sedgley Road East, Tipton, Dudley Unit Trust;
- (2) that an exception to the Black Country Joint Core Strategy and the Site Allocations and Delivery Development Plan Document be allowed in respect of planning application DC/16/59469 (Proposed demolition of existing building and construction of part two storey building to create an education and training establishment with associated offices, service yard, car parking and landscaping, Thomas Dudley Site, Tipton Road, Tipton, DY4 7RT);

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- (3) that an exception to the Black Country Core Strategy and the Site Allocations and Delivery Development Plan Document be allowed in respect of application DC/16/59751 proposed change of use to gymnastics club (Class D2), Unit 1, Wharfside, Oldbury, B69 2BU.

89/16

Report from the Lead Member on the West Midlands Fire and Rescue Authority

Councillor Edwards, the member nominated pursuant to Section 41 of the Local Government Act 1985 to report on the activities of the West Midlands Fire and Rescue Authority presented an update on the work of the Fire Authority. With the agreement of the Deputy Mayor, the Assistant Chief Fire Officer, Gary Taylor, was invited to attend and address Council.

Particular reference was made to the following:-

- West Midlands Fire and Rescue Authority had agreed a net revenue budget for 2016/17 of £97m, in the form of core funding from the Government (£59m) and precepts on District Councils collected through Council Tax (£38m). By 2019/20, core funding provided by the Government would have been reduced by 50% since the cuts began in 2011, totalling £38 million;
- in addition to the provisional settlement for 2016/17, the Government made an offer for a multi-year funding settlement. The provisional four year settlement offer would result in the following core funding reductions (a total reduction over the four year period of £9.644m (15.6% of the 2015/16 core funding)):-
 - 2016/17 £3.278m
 - 2017/18 £3.985m
 - 2018/19 £1.691m
 - 2019/20 £0.690m;

Any fire authority wishing to take up the four year funding settlement to 2019/20 was required to set out its proposals in an efficiency plan to qualify for the four year settlement from April 2016. West Midlands Fire and Rescue Authority had taken this option in the knowledge funding certainty and stability would be provided to enable more proactive planning of service delivery and to support strategic collaboration with local partners;

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- in order to continue to provide the current high level of service delivery the Fire Authority had approved a 1.99% or £1.09 per annum increase to its council tax precept for band D properties in 2016/17. Despite this increase, the Authority remained amongst the most cost-effective metropolitan authorities when comparing band D with peers;
- the Fire Authority had reviewed its rolling three-year corporate strategy and vision statement, annual priorities and outcomes which were enablers to achieving the vision of *Making West Midlands Safer*. The plan clearly demonstrated commitment to the delivery of integrated prevention, protection and response services. A significant element to the integration of services guided through the Plan focused on how the service continued to embed itself in the delivery of wider prevention and protection based services in order to improve health and wellbeing, which had a direct correlation to the risk of fire. The vision statement, priorities and outcomes had been aligned to more appropriately reflect ongoing ambition to support wider improved outcomes in other areas, in particular health and wellbeing. The vision statement had been revised to *Making the West Midlands Safer, Stronger and Healthier*;
- widening of services provided was reflected in current working with strategic local authority partners, blue light responders and care agencies to identify possible opportunities to be commissioned to provide care and wellbeing services on behalf of and/or in partnership with these public bodies. A number of emerging work-streams included:-
 - telecare/falls response service;
 - accident and emergency/hospital discharge follow up visits.

If commissioned, there was potential to reduce costs to the NHS and partner agencies associated with lack of movement, hospitalisation and reliance on social services. Undertaking this work would support the delivery of the Plan through helping the most vulnerable in the community. Firefighters were now responding to non-emergency calls to falls for the elderly and vulnerable in ground breaking partnership pilot schemes launched with Coventry and Wolverhampton City Councils in 2015 and 2016 respectively.

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Vulnerable and older members of the community prone to falls were provided with a community alarm to alert the Council's Telecare call centre. Being commissioned to provide this type of work provided a valuable opportunity to help the most vulnerable members of the community by allowing them to remain independent in their homes and to improve their health and wellbeing;

- the Fire Authority had extensively and constructively engaged with Trades Unions to achieve £4m in staffing savings to help meet the £10m deficit between 2016-2020. A new staffing model was developed and worked through to agreement reducing the number of firefighters from 1332 down to 1168;
- three business support vehicles had been added to the fleet and would enhance the Service Delivery Model and delivery of The Plan 2016-2019. The business support vehicles would focus on responding to automatic fire alarms caused by faults in systems and providing business safety advice to reduce calls and ensure that Pump Rescue Ladders were available for high risk incidents;
- under the governance of the West Midlands Fire and Rescue Authority, the Fire Service continued to provide an excellent service with the best response times in the country, despite the unprecedented reductions in government funding.

In response to a question regarding the continuation of the health and wellbeing priorities in light of further budget reductions, Councillor Edwards confirmed that the authority was progressing well with the wellbeing agenda and the work undertaken with the most vulnerable members of the community was a key prevention measure.

With regard to joint working with the ambulance service, Councillor Edwards confirmed that there was a good historic connection between the services, however, whilst it remained difficult to join up services, opportunities would be investigated if and when they arose.

The Assistant Chief Fire Officer confirmed that there was a duty for collaboration across blue light agencies and opportunities would always be considered to provide a better service to the public.

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In response to a question in relation to the health and wellbeing agenda and concerns regarding movement of funding rather than achievement of savings, Councillor Edwards confirmed that the authority would always be innovative and flexible in the way it worked. Reductions in the budget had been difficult and collaborative working had been identified as a way forward, however, the intention was not to displace people from jobs.

90/16

Report of the Lead Member for Transport

Councillor R Horton, the member nominated pursuant to Section 41 of the Local Government Act 1985 to report on the activities of the transport authority (Transport for West Midlands), presented an update on the work of the Authority.

Particular reference was made to:-

- **Bus Network**

One of the key deliverables of the West Midlands Bus Alliance was to deliver a series of Network Development Plans across the region. Work had commenced, in partnership with the Council, local operators and other key stakeholders on establishing the Plans for Sandwell. Working in partnership through the Alliance, National Express with Transport for the West Midlands had delivered £4 million of investment into the vehicle fleet on the 126 route supported by investment in the passenger waiting facilities along the route.

- **Park and Ride**

On 1st July 2016, new contracts were introduced to provide grounds maintenance and cleaning at park and ride locations.

From 1st November 2016, a new three year Considerate Parking contract would be in place providing parking enforcement at Park and Ride locations.

The Automatic Number Plate Recognition trial at Bescot Stadium had been a success and would be rolled out as part of a further trial at four new locations, including Rowley Regis.

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Planned maintenance work continued with further upgrades of CCTV, LED lighting and resurfacing work throughout the region.

The expansion of the Park and Ride network would continue through the development of a detailed multi-modal Park and Ride programme.

- **Swift Smart ticketing**

There were now over 75,000 Swift cards in circulation which supported the growth in usage to over 2.2m journeys per month. Swift PAYG was one of the most popular products with take up growing from 8,000 customers in January to 26,000 customers to date.

2016 had also seen the launch of a number of brand new ticket types such as the nBus Student and nBus off-peak which were only available on the Swift platform. Having delivered the majority of the adult product range onto the Swift platform, the focus was now on the delivery of the child range of tickets which it was planned to introduce for the 2017/18 Academic Year.

- **Smarter Network Smarter Choices**

The Local Sustainable Transport Funded *Smart Network, Smarter Choices* programme was a wide ranging project that aimed to tackle congestion, reduce carbon emissions and strengthen the economy by improving and promoting walking, cycling, public transport and car sharing options. The programme ran from 2012 to 2015 across ten congested corridors in the West Midlands and then successfully secured funding to continue in 2015/16, focusing on key areas of regeneration. A legacy programme had continued during 2016/17, providing support to key education and employment sites engaged during the 2012-16 period, along with travel support for the unemployed and a range of cycling offers to increase active travel.

The Bostin Bike Commuters Pilot had commenced in January 2016 and concluded in September 2016, offering 139 bikes to employees in a selection of Black Country businesses.

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Five Love Your Bike sessions had taken place since April 2016 in Sandwell. These award winning sessions enabled commuters to benefit from a free bike safety check, the opportunity to buy a discounted cycle lock to help reduce cycle crime, plus advice on free cycle training and cycle maintenance sessions in their local area.

Managing Short Trips was a £4.9m programme of infrastructure schemes that was delivering 24km of cycleway improvements to canal towpaths in the Black Country together with associated physical highway improvements. The programme was on schedule to deliver the £4.4m of improvements forecast for 2016/17, including 1.7km of canal towpath improvements along the Birmingham new mainline canal between Galton Bridge and Bridge Street.

- **High Speed 2 Connectivity Package**

Following submission of the HS2 Midlands Growth Strategy in April 2015, an agreement was reached within the West Midlands Combined Authority Devolution Deal to fund key proposals within the strategy. The HS2 Connectivity Package consisted of an integrated rail and rapid transit network which connected the region's main centres with quick and frequent services. Strategic partners across the region had worked together to identify a robust set of schemes aimed at delivering excellent local and sub-regional connectivity to HS2 stations.

- **Customer Services**

- a scheme to refurbish the bus station in Bearwood had been completed which included the installation of new shelters, real time information and tactile signage. Transport for West Midlands had also contributed to the provision of a new public toilet facility;
- the quality of electronic passenger information at West Bromwich and Wednesbury Bus Stations had been enhanced. New electronic passenger information screens had been installed providing high quality and reliable information. In addition, new summary screens had been installed at the main entrances summarising departures from each site;

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- the new Cradley Heath Bus and Rail Interchange had been accredited with the Secure Bus Station Award. The improved facility benefitted from improved passenger information, 24 hour CCTV and emergency help point monitoring.

- **Metro**

The Government had confirmed its support for the work of the Combined Authority Shadow Board to develop a delivery plan encompassing the Metro extension from Curzon to Interchange and from Wednesbury to Dudley and Brierley Hill, in order to realise the full benefits of HS2. Work on the business case for the Wednesbury to Brierley Hill extension was proceeding.

In response to a question regarding the connection between the bus station at Wednesbury and the Metro station in Great Western Street, Councillor R Horton confirmed that signage and lighting had been improved.

The Leader of the Council, Councillor Eling, advised that Cabinet had recently visited Wednesbury and was pleased with the welcome Cabinet had received. The Leader confirmed that a local company had expressed interest in a project involving a short connection between the Metro and the bus station and was hopeful that improvements would emerge in the future.

In response to a question regarding the reduction in ring and ride usage, Councillor R Horton confirmed that improvements were being made as part of a three year programme.

(Councillor R Horton declared a registerable interest with regard to ring and ride as he was a member of the Ring and Ride Board at West Midlands Special Needs Transport.)

91/16

Update from the Council's Representative on the West Midlands Police and Crime Panel

The Council's representative on the West Midlands Police and Crime Panel, Councillor Gill, Cabinet Member for Public Health and Protection, provided members with an update on the work undertaken by the West Midlands Police and Crime Panel.

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Particular reference was made to:-

- the Panel had a dual role to both support and scrutinise the work of the Police and Crime Commissioner;
- two independent members had been recruited to serve on the Panel from May 2016 to May 2020 to work alongside elected members;
- the Panel had met three times since February 2016 and undertook a number of statutory tasks:-
 - a review of the Police and Crime Commissioner's policing precept and budget for 2016/17;
 - comment on the Police and Crime Commissioner's Annual Report 2015/16;
 - a review of the Police and Crime Commissioner's draft Police and Crime Plan;
- in addition to its statutory duties, the Panel had agreed to examine matters relating to the budget, child sexual exploitation and the role of the Police and Crime Commissioner in the wider criminal justice system;
- question time with the Police and Crime Commissioner allowed the Panel to discuss the appointment of Assistant Police and Crime Commissioners and the role of the Strategic Police and Crime Board and the efforts being made to increase the diversity of the Police force;
- throughout the year, the Panel had also dealt with complaints about the conduct of the Police and Crime Commissioner and signposted a number of cases that fell beyond the Panel's remit onto the appropriate body.

The Cabinet Member also advised that the Police and Crime Commissioner had confirmed the recruitment of 800 police officers, 150 PCSOs and 200 other staff which was welcome news.

The West Midlands Police and Crime Panel was also open to members of the public to ask questions of the Panel at meetings and the Cabinet Member encouraged members of the public and elected members to attend.

(Councillor Preece declared a registerable interest as a member of the West Midlands Strategic Police and Crime Board.)

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92/16 **Minutes and Policy/Strategic Recommendations of the Cabinet**

The Council received the minutes of the meetings of the Cabinet held on 27th July, 31st August and 21st September, 2016.

The Council considered the recommendations of the Cabinet on the following matters of strategic significance:-

92/16(a) **Financial Regulations and Procurement and Contract Procedure Rules 2016/17 (Key Decision Ref. No. CCS12)**

Resolved that the revised Procurement and Contract Procedure Rules 2016/17 and the Disposal of Council-owned Land and Buildings Protocol, as set out in Appendix 2, be approved.

92/16(b) **Adoption of the Black Country Air Quality Supplementary Planning Document (Key Decision Ref. No. REI1036)**

Resolved that the Black Country Air Quality Supplementary Planning Document be approved and adopted.

In response to a question regarding the acquisition of 39 residential properties on Brindley 2 Redevelopment Site in Lewisham Road, Smethwick, the Leader confirmed that the decision demonstrated the Council's commitment in delivering decent quality and affordable housing. The Council had a proven track record of investment in refurbishment of housing stock and a lot of work had recently been undertaken on tower blocks. An important part of the housing strategy was new houses for rent.

In response to a question regarding unauthorised encampments, the Cabinet Member for Regeneration and Economic Investment confirmed that there had been an increase in the last eighteen months with unauthorised encampments which in turn had resulted in additional issues, such as flytipping and anti-social behaviour. The Cabinet Member advised that legal action would be taken and consultation would be undertaken on the revised policy which would enable incidences to be dealt with in an efficient manner.

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The Council was also leading on the production of a policy for the Black Country and guidance was available on how to report incidents of anti-social behaviour in the event of an incursion. The Council worked closely with the Police and shared intelligence, however, there was some inconsistency in how matters were dealt. A letter had been sent to local MPs and the relevant Minister to highlight gaps in the current legislation.

93/16

**Summary of Matters Considered at the Community Safety,
Highways and Environment Scrutiny Board**

The Chair of the Community Safety, Highways and Environment Scrutiny Board, Councillor Crompton, presented the summary of matters considered at the meeting of the Board held on 17th August, 2016.

No questions were asked of the Chair of the Board.

94/16

**Summary of Matters Considered at the Health and Adult Social
Care Scrutiny Board**

The Chair of the Health and Adult Social Care Scrutiny Board, Councillor Y Davies, presented the summary of matters considered at the meetings of the Board held on 14th July and 25th August, 2016.

No questions were asked of the Chair of the Board.

95/16

Summary of Matters Considered at the Housing Scrutiny Board

The Chair of the Housing Scrutiny Board, Councillor P Hughes, presented the summary of matters considered at the meeting of the Board held on 29th September, 2016.

No questions were asked of the Chair of the Board.

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96/16 **Summary of Matters Considered at the Jobs, Economy and Enterprise Scrutiny Board**

The Chair of the Jobs, Economy and Enterprise Scrutiny Board, Councillor S Jones, presented the summary of matters considered at the meeting of the Board held on 13th September, 2016.

No questions were asked of the Chair of the Board.

97/16 **Summary of Matters Considered at the Leisure, Culture and the Third Sector Scrutiny Board**

The Chair of the Leisure, Culture and the Third Sector Scrutiny Board, Councillor Ahmed, presented the summary of matters considered at the meeting of the Board held on 26th September, 2016.

No questions were asked of the Chair of the Board.

98/16 **Minutes of the Audit Committee**

The Chair of the Audit Committee, Councillor Sidhu, presented the minutes of the meetings of the Audit Committee held on 18th August and 29th September, 2016.

No questions were asked of the Chair.

99/16 **Minutes of the General Purposes and Arbitration Committee**

The Chair of the General Purposes and Arbitration Committee, Councillor Dhallu, presented the minutes of the meeting of the General Purposes and Arbitration Committee held on 19th September, 2016.

No questions were asked of the Chair.

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100/16 **Minutes of the Standards Committee**

The Chair of the Standards Committee, Councillor Lewis, presented the minutes of the meetings of the Standards Committee held on 29th July and 16th September, 2016.

No questions were asked of the Chair.

The Council considered the recommendation of the Committee on the following matters:-

100/16(a) **Appointment of Independent Person**

Resolved that the appointment of Ms Julie Williams to the role of Independent Person for Sandwell Metropolitan Borough Council, for the term of office expiring 31st July 2018, be endorsed.

100/16(b) **Social Media Policy**

Resolved that the revised Social Media Policy, as set out at Appendix 3, be approved.

101/16 **Key Decisions of the Chief Officer Terms and Conditions Committee**

The Leader presented the key decisions of the meeting of the Chief Officer Terms and Conditions Committee held on 12th October, 2016 at which approval was given for the Chief Executive, in consultation with the Leader of the Council and relevant Cabinet Member, to appoint a suitably qualified and experienced interim Director – Neighbourhoods and interim Monitoring Officer on six month contracts. Approval was also given to act-up the Senior Service Manager to Interim Director – Resources for a period of six months.

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The Council considered the recommendation of the Committee on the following matter:-

101/16(a) **Scheme of Delegations**

Resolved that, in order to allow for the effective conduct of the Council's business, the Leader of the Council, and the full Council respectively, give approval to:-

- (a) transfer the Executive and Non-Executive authority delegated to the post of Assistant Chief Executive within the Council's Scheme of Delegations to the post of Interim Director – Resources;
- (b) transfer the Executive and Non-Executive authority delegated to the post of Director – Governance within the Council's Scheme of Delegations to the posts of Interim Director – Resources and Monitoring Officer, as deemed necessary, following the appointment of a person to the role of Monitoring Officer.

102/16 **Appointments to Committees, Panels and Boards and Appointment of Representatives to Other Bodies**

At its meeting on 19th July 2016, Council gave consideration to the committees, boards and other fora for the 2016/17 Municipal Year and the appointment of members to those bodies and the positions to be held. Due to unresolvable diary commitments, it had become necessary to make changes to the membership of some committees/boards.

Health and Wellbeing Board

At its meeting on 1st September 2016, the Health and Wellbeing Board gave consideration to Fire Service representation on the Board. The Health and Wellbeing Board needed strategic engagement with the Fire Service and welcomed representation from West Midlands Fire Service.

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Other Bodies

The Council was approached, from time to time, to nominate a representative to serve as the Council's representative on various other bodies, not directly associated with the Council. Following receipt of resignations from members, the Council was asked to give consideration to the appointment of a representative to the Harborne Parish Lands Charity and to the Barlow Homes Committee of Management.

At the meeting of Council on 19th July 2016, the Leader was authorised to nominate an additional member to Corporate Parenting Board and the Council was asked to note the nomination.

Resolved:-

- (1) that the revisions to the appointments to the committees, boards and other fora established by the Council, as set out in Appendix 4, be approved;
- (2) that the establishment of the Sandwell Health and Wellbeing Board be revised, with immediate effect, to include a representative of West Midlands Fire Service;
- (3) that Councillor Dhallu be nominated as the Council's representative to the Harborne Parish Lands Charity, for the four year period ending 2020;
- (4) that Councillor E M Giles be nominated as the Council's representative to the Barlow Homes Committee of Management, for the period ending 2017;
- (5) that the nomination of Councillor P M Hughes to the Corporate Parenting Board, for the period ending 2017, be noted.

103/16

Petitions Under Standing Order No. 5

Councillor Dhallu presented a petition to Council, containing over 3,000 signatures, in support of a 24 hour hospice service, providing both inpatient and home support, in recognition of the importance of a dignified end to life. Councillor Dhallu also moved a motion on the same matter, as set out at Minute No. 104/16 below.

[ILO: UNCLASSIFIED]

Meeting of Sandwell Metropolitan Borough Council –
18th October, 2016

104/16

Notice of Motion received under Standing Order No. 7

The following motion was moved by Councillor Dhallu, and seconded by Councillor L Horton:-

“This matter to be considered without reference to a Committee, to the Cabinet or to a Cabinet Member:

This Council applauds the Clinical Commissioning Group (CCG) for its commitment to Hospice Respite Care within the borough and its consultation on improvement of the service, however, three days a week is not enough and we firmly believe that it is time that Sandwell had its own end of life hospice facility as do our neighbouring boroughs; Birmingham, Dudley, Walsall and Wolverhampton.

Sandwell has well over 300,000 people living here and is one of the country’s most deprived areas in England and as a consequence has one of the worst mortality rates, but should a resident fall ill with a life ending illness and need full time hospice care they have to go outside of the borough to find it. This puts enormous pressure on the patient and the family with both travel costs, health and wellbeing. Fewer families in Sandwell have private transport so the costs of public transport or taxis has a detrimental impact on finances, which are usually stretched to the limit anyway.

We ask that the CCG look urgently during the consultation at the possibility of providing a full time end of life care facility within the borough.”

The motion was unanimously agreed.

(The meeting ended at 7.45pm)

Contact Officer: Trisha Newton Democratic Services Unit 0121 569 3193

[ILO: UNCLASSIFIED]

Member Code of Conduct

Approved 18 October 2016

**The Code of Conduct
for Members and Co-Opted Members**

together with

**The Rules for
Registration of Interests
and
Conflicts of Interest**

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Members' Code of Conduct

FOR MEMBERS AND CO-OPTED MEMBERS OF THE AUTHORITY

PART I

Purpose of the Code

1. Sandwell Council (“The authority”) has adopted the following code dealing with the conduct that is expected of members and co-opted members of the authority (“members”) when they are acting in that capacity as required by section 27 of the Localism Act 2011 (“the Act”).
2. The authority has a statutory duty under the Act to promote and maintain high standards of conduct by members and the Code sets out the standards that the authority expects members to observe.
3. The Code is not intended to be an exhaustive list of all the obligations that are placed on members. It is the responsibility of individual members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time. Failure to do so may result in a sanction being applied by the authority. Failure to take appropriate action in respect of a disclosable pecuniary interest may result in a criminal conviction and a fine of any amount and/or disqualification from office for a period of up to 5 years.
4. The code is intended to be consistent with the seven principles as attached to this code at Appendix C and applies whenever a person is acting in his/her capacity as a member of the authority or co-opted member in the conduct of the authority’s business or acting as a representative of the authority.

Definitions

5. In this Code “meeting” means any formal meeting of— (a) the authority; (b) the executive of the authority; (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees. It also means any informal meeting, which is not a formal meeting under the Council’s constitution but which has been arranged in advance where authority business is being discussed between members or between members and officers.
6. In this Code a ‘member of your family’ includes the following relationships of the member, the member’s spouse or the member’s civil partner or any person with whom you are living as husband and wife or as if you were civil partners: a son/daughter (including a biological son/daughter, stepson/daughter, adopted son/daughter or male/female child for which the person has custodial responsibilities), mother, father, brother or sister, a niece, nephew, aunt, uncle, grandchild, grandparent
7. In this Code ‘a person with whom you have a close association’ means someone that you are in either regular contact with over a period of time or a significant contact who is more than an acquaintance or can be considered to be a friend, a colleague, a business associate or someone whom you know through general social contacts.

PART II

Rules of Conduct

1. Behaviour

- 1.1 You must act solely in the public interest and should never improperly seek to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a close associate, an employer or a business carried on by you.

- 1.2 You must not place yourself under a financial or other obligation to outside individuals or organisations that may influence you in the performance of your duties
- 1.3 You must not disclose any information given to you as a member in breach of any confidence.
- 1.4 You must not prevent another person from gaining access to information to which that person is entitled by law.
- 1.5 You must not bring your office or your authority into disrepute
- 1.6 You must treat others with respect and must promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability
- 1.7 You must not bully any person
- 1.8 You must not intimidate or attempt to intimidate any person who is or is likely to be -
 - (i) a complainant,
 - (ii) a witness, orinvolved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct;
- 1.9 You must respect the impartiality and integrity of the authority's statutory officers and its other employees.
- 1.10 When carrying out your public duties such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, you must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

- 1.11 You must only use the resources of the authority in accordance with its requirements. In particular you must ensure, when using or authorising the use by others of the resources of your authority, that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 1.12 You must promote and support high standards of conduct when serving in your office.
- 1.13 You must at all times facilitate and engage with the council and its committees on probity and ethical matters and submit yourself to the scrutiny necessary to ensure this without any undue delay.

2. Registration of interests

- 2.1 You must, within 28 days of taking office as a member or co-opted member, register with the Monitoring Officer the interests which fall within the categories set out in Appendices A (disclosable pecuniary interests) and B (other registerable interests).
- 2.2 You must, within 28 days of becoming aware of it, register with the Monitoring Officer any change to interests or new interests which fall within the categories set out in Appendices A and B.
- 2.3 You must, within 28 days of taking office as a member or co-opted member, register with the Monitoring Officer the names of any members of your family or close associates who either work for the Council or have a contractual relationship with the Council, within 28 days of becoming aware of it, register with the Monitoring Officer any changes to such interests or any new such interests.

3. Declaration of interests at meetings and when acting alone

- 3.1 Where a matter arises at a meeting which relates to an interest in Appendix A ('disclosable pecuniary interests') you must declare the existence and nature of the interest even where it has been entered in the authority's register, unless the matter is a 'sensitive interest' as described by the Localism Act 2011. Unless a dispensation has been granted, you must then leave the meeting room and may not participate in any discussion, vote on, or discharge any function related to the matter. Where the matter is a 'sensitive interest' you do not need to declare the nature of the interest but must still withdraw from the meeting without participating. When acting alone declare the interest and do not take any steps, or any further steps in relation to the matter.
- 3.2 Where a matter arises at a meeting which relates to or affects an interest in Appendix B ('other registerable interests') you must declare the existence and nature of the interest unless it is a sensitive interest. When acting alone declare the interest and do not take any steps, or any further steps in relation to the matter.
- 3.3 Where a matter arises at a meeting which relates to or affects either the employment with the Council or any contractual arrangement with the Council of a member of your family or close associate you must declare the existence and nature of the interest unless it is a sensitive interest. When acting alone declare the interest and do not take any steps, or any further steps in relation to the matter
- 3.4 Where a matter arises at a meeting or when acting alone which relates to or affects a financial interest of you, a family member or close associate (and it is not a disclosable pecuniary interest, other registerable interest or relating to or affecting a family member's or close associate's work for the Council or contractual

relationship with the Council) you must declare the existence and nature of the interest unless it is a sensitive interest

- 3.5 Where the matter relates to or affects the interest under paragraph 3.2 or 3.3 more than the majority of people in the area affected by the decision and a reasonable member of the public would think your view of the public interest would be so adversely affected, you must then leave the meeting room and may not vote on, or discharge any function related to the matter unless a dispensation has been granted. You may speak on the matter only if members of the public are also allowed to speak at the meeting. When acting alone declare the interest and do not take any steps, or any further steps in relation to the matter.

Appendix A – Disclosable Pecuniary Interests

A pecuniary interest is a “disclosable pecuniary interest” in relation to a member (“M”) if it is of a description specified in this Schedule and either—

(a) it is an interest of M’s, or

(b) it is an interest of—

- (i) M’s spouse or civil partner,
- (ii) a person with whom M is living as husband and wife, or
- (iii) a person with whom M is living as if they were civil partners,

And M is aware that that other person has the interest.

Each category of person referred to above is described as the ‘relevant person’.

The duties to register, disclose and not to participate in respect of any matter in which a member has a disclosable pecuniary interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M’s knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Appendix B – Other Registerable Interests

Other registerable interests are:

- a) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the authority.
- b) any body of which you are a member or in a position of general control or management and which
 - i) exercises functions of a public nature
 - ii) is directed to charitable purposes, or
 - iii) is a body which includes as one of its principal purposes influencing public opinion or policy (this includes political parties or trade unions).
- c) any person from whom you have received a gift or hospitality with an estimated value of at least £100 (you must register any gifts and hospitality worth over £100 that you receive personally in connection with your official duties).

Exactly as with a pecuniary interest “other registerable interest” applies in relation to a member (“M”) if it is of a description specified above and either—

(a) it is an interest of M’s, or

(b) it is an interest of—

- (i) M’s spouse or civil partner,
- (ii) a person with whom M is living as husband and wife, or
- (iii) a person with whom M is living as if they were civil partners,

And M is aware that that other person has the interest.

Appendix C – The Seven Principles of Public Life

The principles of public life apply to anyone who is elected or works as a public office-holder. All public office-holders are both servants of the public and stewards of public services. The principles are:

<i>Selflessness</i>	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	<p>Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work.</p> <p>They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends.</p> <p>They must declare and resolve any interests and relationships.</p>
<i>Objectivity</i>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<i>Accountability</i>	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
<i>Openness</i>	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<i>Honesty</i>	Holders of public office should be truthful.
<i>Leadership</i>	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

FINANCIAL REGULATIONS

APPENDIX 1 - THE DISPOSAL OF COUNCIL-OWNED LAND & BUILDINGS

1.0 INTRODUCTION

- 1.1 The purpose of this document is to set out the process governing the disposal of land and property owned by Sandwell MBC. It does not apply to the sale of residential properties as these are subject to a different legal framework.
- 1.2 A disposal of council-owned land and/or property includes the following:
- Freehold disposal by way of sale;
 - An exchange of council owned land or buildings.
- 1.3 The protocol applies to every Member and Officer of the Authority and anyone acting on its behalf. Any exemptions from this protocol will require approval from Cabinet.
- 1.4 The document complies with statutory duties and is in line with Government advice recommending that local authorities should have a document of this nature available for inspection and it is intended for use by Council Officers, Local Councillors, members of the public and developers.
- 1.5 It should be read in conjunction with the Council's Responsibility for Functions, the Scheme of Delegation to Officers, Standing Orders, Procurement and Contract Procedure rules and Financial Regulations.
- 1.6 Failure to adhere to this protocol may result in disciplinary action and / or a standards investigation.

2.0 LEGAL FRAMEWORK

- 2.1 Section 123 of the Local Government Act 1972 states that a "council may dispose of land held by them in any manner they wish" but that "except with the consent of the Secretary

of State, a council shall not dispose of land under this section for a consideration less than the best that can reasonably be obtained”.

- 2.2 Circular 06/03: “Local Government Act 1972 general disposal consent (England) 2003 disposal of land for less than the best consideration that can reasonably be obtained” provides further guidance. The Consent removes the requirement for authorities to seek specific consent from the Secretary of State for any disposal where the difference between the unrestricted value of the interest to be disposed of and the consideration accepted (“the undervalue”) is £2m or less.
- 2.3 It is Government policy that local authorities and other public bodies should dispose of surplus land wherever possible. Generally, it is expected that land should be sold for the best consideration reasonably obtainable. However, it is recognised that there may be circumstances where an authority considers it appropriate to dispose of land at an undervalue. Authorities should clearly not divest themselves of valuable public assets unless they are satisfied that the circumstances warrant such action. The Consent was issued to give local authorities autonomy to carry out their statutory duties and functions, and to fulfil such other objectives as they consider to be necessary or desirable. However, when disposing of land at an undervalue, authorities must remain aware of the need to fulfil their fiduciary duty in a way which is accountable to local people.
- 2.4 In determining whether or not to dispose of land for less than the best consideration reasonably obtainable, and whether or not any specific proposal to take such action falls within the terms of the Consent, the authority should ensure that it complies with normal and prudent commercial practices, including obtaining the view of a professionally qualified valuer as to the likely amount of the undervalue.
- 2.5 All disposals need to comply with the European Commission's State aid rules. The Commission's Communication on State aid elements in sales of land and buildings by public authorities (97/C 209/03) provides general

guidance on this issue. When disposing of land at less than best consideration authorities are providing a subsidy to the owner, developer and/or the occupier of the land and property, depending on the nature of the development. Where this occurs authorities must ensure that the nature and amount of subsidy complies with the State aid rules, particularly if there is no element of competition in the sale process. Failure to comply with the rules means that the aid is unlawful, and may result in the benefit being recovered with interest from the recipient.

- 2.6 Before disposing of any interest in land for a price which may be less than the best consideration reasonably obtainable, local authorities are strongly advised in all cases to ensure that they obtain a realistic valuation of that interest. This applies even for disposals by means of formal tender, sealed bids or auction. By following this advice, an authority will be able to demonstrate that it has adopted a consistent approach to decisions about land disposals by carrying out the same step by step valuation process on each occasion. Supporting documents should provide evidence that an authority has acted reasonably and with due regard to its fiduciary duty.

3.0 RESPONSIBILITIES

3.1 Council

The Full Council is responsible for:

- Adopting the Council's Constitution and Members Code of Conduct and for approving the policy framework, budget and borrowing within which the Cabinet operates;
- Approving and monitoring compliance with the Authority's overall framework of accountability as set out in its Constitution;
- Monitoring compliance with agreed policy and reporting decisions taken;
- Making or amending Procurement and Contract Procedure Rules and Financial Regulations, including this appendix to Financial Regulations.

3.2 Audit Committee

Audit Committee provides independent assurance to elected members of the adequacy of the risk management framework and the internal control environment. This appendix to Financial Regulations has been developed following a recommendation by Audit Committee and will be subject to regular monitoring by that committee.

3.3 Land and Asset Management Committee

The Land and Asset Management Committee provides the strategic direction for all matters relating to the effective use of land and property assets within the borough to maximise social and economic benefits and regeneration; and makes recommendations to Cabinet about the use of those assets.

3.4 Director – Regeneration & Economy (Chief Property Officer)

- To negotiate and agree terms for the disposal of land and property by the most appropriate method of sale and in accordance with such policy as may be determined by the Council. That the Monitoring Officer be consulted by the Director – Regeneration and Economy on terms for the disposal of land and property in the event that there is a potential conflict including where there is a relevant entry in the Members Register of Interests and the Employees Register of Interests.
- To negotiate and agree, terms for the disposal by the most appropriate method of sale of areas of land and premises up to a value of £100,000. That the Monitoring Officer be consulted by the Director – Regeneration and Economy to negotiate and agree, terms for the disposal by the most appropriate method of sale of areas of land and premises up to a value of £100,000 in the event that there is a potential conflict including where there is a relevant entry in the Members Register of Interests and the Employees Register of Interests.

- In consultation with the appropriate Director, to offer land and/or premises for disposal at auctions where the estimate of value does not exceed £100,000. That the Monitoring Officer be consulted by the Director – Regeneration and Economy on the offer land and/or premises for disposal at auctions where the estimate of value does not exceed £100,000 in the event that there is a potential conflict including where there is a relevant entry in the Members Register of Interests and the Employees Register of Interests.

3.5 Monitoring Officer

- To sign off and authorise on behalf of the Council any express or implied undertakings for the disposal and acquisition of land to be given by a Council officer.
- To acquire and dispose of land and property upon receipt of instructions from the Director - Regeneration and Economy, on terms to be agreed in accordance with authority delegated to him, and being satisfied that all necessary statutory or other authorities in connection with the acquisition or disposal have been agreed.
- To dispose of land and/or premises at auction where the Director – Regeneration and Economy estimates the value of the land/property being offered for sale is less than £100,000 but the bid price exceeds that amount.
- To dispose of land up to a value of £100,000 on terms agreed by the Director - Regeneration and Economy, in accordance with the authority delegated to him.

3.6 Chief Finance Officer (Section 151 Officer)

The Chief Finance Officer is responsible for maintaining a continuous review of Financial Regulations and Procedures, including this protocol, and submitting any additions or changes to the full council for approval. The Chief Finance

Officer is also responsible for reporting breaches of Financial Regulations and Procedures to the Council and/or to Cabinet Members.

3.7 Corporate Landlord (part of Assistant Chief Executive)

Corporate Landlord is responsible for the management of land and premises required for operational purposes. This includes:

- Ensuring that the council's operational property portfolio is fit for purpose, sustainable and in good repair;
- Identifying assets surplus to council requirements;
- The formulation of business cases relating to the rationalisation and continued improvement of the council's operational property portfolio.

3.8 Property Services (part of Regeneration & Economy)

Property Services is responsible for:

- The disposal of any parcel of land or property which is surplus to council requirements;
- The grant of leases to third parties and/or organisations; and
- The management of the council's commercial estate e.g. shops, industrial units, ground leases etc.

3.9 Legal Services (part of Assistant Chief Executive)

Legal Services is responsible for:

- Completion of all legal paperwork including contract documentation for the acquisition and/or disposal of land and/or property whether the transaction is on a freehold or leasehold basis.

3.10 Strategic Finance (part of Assistant Chief Executive)

Strategic Finance is responsible for:

- Ensuring transactions relating to the disposal of land and/or property are properly recorded in the financial records of the Council.

4.0 THE DISPOSAL PROCESS

4.1 Corporate Landlord is responsible for determining whether operational land or buildings are potentially surplus to requirements and for reporting their availability to the Land and Asset Management Officer Group. The report will include:

- An initial estimate of valuation
- Proof of Ownership
- Title issues
- Restrictive covenants
- Ransom strip issues
- Rights of way and other easements
- Retaining rights over adjoining land
- Potential for grant repayment
- The relevant entry in the asset management system
- The relevant entry in the asset register, including the valuation currently assigned to that asset.

4.2 The Land and Asset Management Officer Group will consider the report presented by Corporate Landlord and will make recommendations on all property transactions prior to disposal. The Group membership will include the following officers or their representatives:

- Director – Regeneration & Economy
- Corporate Landlord
- Monitoring Officer
- Section 151 Officer

4.3 The Land and Asset Management Officer Group will consider the report and determine whether or not the sale will proceed. If approval for disposal is given a valuation will be obtained.

4.4 All valuations will be in line with Royal Institute of Chartered Surveyors professional standards.

4.5 Internal valuations will be undertaken where:

- the value of the site does not exceed a de-minimis threshold that will initially be set at £50,000 that will be reviewed after 12 months of operation;
 - an open market sale is to be undertaken.
- 4.6 In those cases where a valuation is difficult but is anticipated to not exceed £100,000 the sale will be conducted in compliance with procurement and contract procedure rules with the bids received being used to set the market valuation.
- 4.7 External valuations will be obtained for all other land sales; sales to a council employee and/or local councillor; where a sale at less than best is being considered; or if the land is to be sold subject to a restrictive covenant affecting its value.
- 4.8 Where the valuation does not exceed £100,000 the Director – Regeneration & Economy will negotiate and agree terms for the disposal by the most appropriate method of sale. The Monitoring Officer will be consulted in the event that there is a conflict arising from a relevant entry in the Members Register of Interests and the Employees Register of Interests.
- 4.9 Where the value of the asset being considered for disposal exceeds £100,000 the matter will be submitted to the Land & Asset Management Committee and to Cabinet approval.
- 4.10 The Land & Asset Management Committee will consider the report prepared by the officer group and determine whether or not the sale will proceed. The report will include:
- The valuation;
 - Legislation and Secretary of State guidance governing the disposal process;
 - The proposed method of disposal and explanation as to why that option has been chosen;
 - General guidelines which are applicable, e.g. the Crichel Down rules which apply to most disposals by the Council of property acquired using compulsory purchase or under threat of compulsory purchase. Where the rules are applicable, there is an obligation to offer the property back to the original owner before it can be placed on the open market;

- Confirmation as to whether or not the transaction is caught by the public procurement rules;
- Confirmation as to whether or not the transaction is caught by the State Aid rules;
- An indicative location plan highlighting the land/property to be sold;
- Financial implications.

4.11 If the proposed sale price is less than the valuation, then Cabinet approval will be required.

4.12 In considering the legal and financial considerations of any disposal at an undervalue, there must be demonstrable evidence that the outcome will be equally beneficial as compared to a disposal at market value and will be for the well-being of the whole or part of the area. If possible, the social, economic or environmental benefits, which are argued to be the justification for a disposal at an undervalue, should be quantified in monetary terms.

4.13 In all cases, where a disposal is undertaken at less than best consideration, then to protect the Council's interest in the event of subsequent sales, it will include, where appropriate, an asset lock, clawback, overage or uplift clause, restrictive covenants, ransom strip retention, user rights, forfeiture or break clause or right of pre-emption. This is to ensure that the Council eventually obtains best value and a purchaser does not profit excessively at the expense of the Council.

4.14 Files will be maintained for every disposal by the Director – Regeneration & Economy (property file) and the Director – Governance (legal file) and these files will be accessible by Internal/External audit.

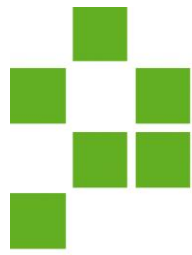
4.15 The property file will contain all correspondence to verify how the authority made the decision to dispose, including a copy of the appropriate minute authorising the sale or a signed delegation form, verification of value in the form of a formal written valuation in line with Royal Institute of Chartered Surveyors professional standards, signed instructions to Legal Services, completion statement and actions taken by the case officer in relation to the matter.

4.16 The legal file will contain a copy of the Legal Instructions (Legal Instructions should contain a surveyor certificate of best consideration, written valuation in line with Royal Institute of Chartered Surveyors professional standards, reason for any discrepancies in final sale price and valuation, the contract documentation, confirmation of all checks in relation to the title of the property, money laundering compliance, best value confirmation from the instructing officer and member involvement information); any correspondence in relation to the matter and a completion statement.

4.17 A completion statement will be passed to:

- Director – Regeneration & Economy
- Corporate Landlord
- Monitoring Officer
- Section 151 Officer

4.18 Receipts from the disposal of assets will be treated as a corporate resource.



Sandwell
Metropolitan Borough Council

PROCUREMENT

and

CONTRACT

PROCEDURE RULES

2016-2017

Reviewed: Autumn 2016

Procurement and Contract Procedure Rules 2016-2018

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1. Introduction

- 1.1. As a public body using public resources, Sandwell Council must set and follow the highest possible standards of financial control and stewardship. The council's Procurement and Contract Procedure Rules give elected members and employees procedures to follow which ensure the council's expected standards are met in terms of managing public money and assets.
- 1.2. These rules ensure that value for money is obtained, statutory requirements are met in terms of United Kingdom (UK) and European Union (EU) procurement law, and that the council's affairs are managed prudently and in an appropriately controlled manner. These rules will be subject to any relevant EU directives at the time being in force in the UK.
- 1.3. The council must ensure that all procurement activity is transparent and proportionate, and that all bidders are treated equally and without discrimination throughout its processes.
- 1.4. Non-compliance with these rules could result in a legal challenge to the council. Therefore, any incidence of non-compliance with these rules could constitute a disciplinary offence.
- 1.5. These rules should be read in conjunction with the following:
 - Financial Regulations
 - Scheme of Delegations
 - Member Code of Conduct
 - Officer Code of Conduct
 - Third Sector Grant Funding Guidance and Procedures
 - Social Value Act Guidance
- 1.6. All procurement activity and sales of council assets, excluding land and buildings, shall comply with these rules unless an exemption is approved under Rule 15. This includes where a partner or consultant has been instructed to invite tenders on behalf of the council.
- 1.7. Advice on any matter within these rules can be obtained from the Procurement Services Manager or the Legal Services Manager.
- 1.8. A glossary of terms is included at the end of this document.

2. Scope

- 2.1. These rules apply to all contracts with outside organisations or people, including agreements with or on behalf of other public sector organisations and partner agencies, where there is an agreement to supply materials, goods, services or works, in return for money or payments in kind, whether that agreement is formal or informal. This includes:
 - purchasing of all materials, goods, services or works; and
 - instruction of outside experts or consultants under contracts for services.

- 2.2. Where the council enters into a contract as an agent for another authority the agency agreement should specify which rules apply. Contracts let on behalf of a consortium, association, or similar body of which the council is a member, must follow the rules of that body.
- 2.3. However, these rules do not apply to the following areas:
- Expenditure funded by EU grants – European Procurement Rules must be complied with. Where use of the council's centrally arranged contracts is made then compliance with the European Procurement Rules will be achieved.
 - Grants that are made by the council to external organisations that do not constitute a contract for services – this expenditure is covered by the Third Sector Grant Funding Guidance and Procedures.
 - Locally maintained school expenditure operating under the scheme of the delegated budget.
 - Treasury management transactions, including leasing, exercising borrowing consents, cash management, investments and other transactions in accordance with the Treasury Management Policy.
 - Disposal, including sale, of council owned land and buildings – this is dealt with under the Sale of Land and Buildings Appendix to the Financial Regulations.
- 2.4. It should be noted that depending upon the terms and conditions, a Development Agreement entered into by the council may need to follow the Public Procurement Regulations. Prior advice must be sought from the Monitoring Officer/Chief Legal Officer before steps are taken to negotiate any Development Agreement.
- 2.5. Advice should be sought from the Procurement Services Manager or Legal Services Manager as to whether proposed activity is covered by the scope of these rules.

3. Roles and Responsibilities

- 3.1. All officers of the council must adhere to these rules. The rules also apply where consultants or third parties are employed to act on behalf of the council.
- 3.2. Before commencing any procurement activity, officers must ensure that they have appropriate authority and delegated approval to act. It is the responsibility of individual officers leading on a contract/procurement to ensure appropriate authority to act has been obtained and that any necessary budget is available. The officer should consult with Legal Services at the earliest opportunity regarding the proposed form of authority to ensure it is sufficient but the ultimate responsibility for obtaining appropriate authority rests with the officer. Failure to obtain an appropriate authority will cause delay to procurement activity and/or the award of a contract
- 3.3. Roles and responsibilities of members and officers across the council are set out below. Definitions of officers are as in the Scheme of Delegations.

Members

- Set the strategic direction of services, which informs the requirements from the market.
- Are not involved in the evaluation of quotations or tenders.
- Cabinet awards of all contracts with total value above the key decision threshold (£250,000).

Procurement and Contract Procedure Rules 2016-2018

- Cabinet approves exemptions from any part of these rules for contracts with a total value above the key decision threshold (£250,000).

Cabinet Member for Core Council Services

- Sets the procurement policy framework across the council.
- Approves any exemptions to these rules for contracts with a total value up to the key decision threshold (£250,000).

Chief Officer

- Ensure compliance with these rules across their service areas.
- Ensure all strategic procurement projects are properly resourced, and have financial, procurement, legal and (where necessary) HR input from the start.
- Ensure delegated authority is obtained as required.
- Ensure appropriate cabinet members are briefed on appropriate levels of procurement activity within their portfolios.
- Ensure officers are sufficiently trained, experienced and knowledgeable about these rules.
- Ensure resources are available to allow compliance with these rules.

Monitoring Officer / Chief Legal Officer

- Authorise the commissioning/procurement of legal services for all aspects of council business.
- Act as a compulsory consultee on procurement activity above £100,000 in value.
- Act as a compulsory consultee on any Development Agreement.
- Enter into contracts on behalf of the authority with delegated authority.

Chief Finance Officer

- Act as a compulsory consultee on procurement activity above £100,000 in value.
- Review all monetary limits shown in these rules annually and report any resulting amendments to the relevant Cabinet Member.
- Act as escalation point for any appeals or reviews made by bidders with regard to these rules.

Director of Regeneration & Economy

- Authorise the commissioning/procurement of advice relating to the valuation, sale or acquisition of land or property.

Service Manager – ICT

- Authorise the commissioning/procurement of ICT systems and support across the council.

All Officers of the council

- Comply with these rules, Financial Regulations, Employee Code of Conduct and with all UK and EU legislation.
- Make use of council-wide contracts and internal suppliers where available.
- Ensure they and any team members they are responsible for are suitably trained to carry out procurement activities.
- Consult with Legal Services in relation to obtaining authority to award of a contract at the earliest opportunity including obtaining advice from the lawyer who is assigned to the matter on the form and content of the authority whether in the form of a Cabinet report or delegated authority.

- Ensure procurement procedures are commenced as early as possible to ensure compliance with these rules.
- Ensure any agents, consultants and contractual partners acting on their behalf comply with these rules. Legal advice must be obtained by officers where any conflict of interest has potential to impact on a contractual relationship.
- Maintain an audit trail of all authorities given and decisions made to show how these rules have been complied with.
- Involve Procurement, Finance, Legal Services and (where necessary) HR at the earliest opportunity, and at all stages of a project.
- Store all documents electronically and in compliance with any document management and retention policies.
- Ensure that all opportunities are advertised as per procedures set out in this document to achieve value for money.
- Monitor contracts for which they are responsible, and manage issues arising to ensure optimum contract performance.

Third Parties commissioned to act on behalf of the council

- Must comply with these rules
- Must not carry out any procurement activity without prior consultation with the Procurement Services Manager
- Ensure any conflict of interest is avoided in the first instance, or declared to the appropriate Chief Officer/Service Manager as soon as possible. Legal advice must be obtained by officers where any conflict has potential to impact on a contractual relationship.

4. Conduct of Officers, Members and Suppliers

- 4.1. The council will adopt the necessary processes and procedures to be able to demonstrate a fair and transparent procurement process, providing auditable justification for all decisions made.
- 4.2. Where bidders canvass elected members or officers, bidders will be excluded from consideration for the procurement to which such canvassing or approaches relate. Where bidders attempt to influence the outcome of a procurement process other than through proper participation (e.g. by canvassing members), they will be excluded from the procurement process.
- 4.3. Every elected member and officer of the council shall declare any personal or prejudicial interest in any contract in accordance with the council's Code of Conduct for Councillors and Code of Conduct for Officers. Such interests should be recorded in the Members' or employee's Registers of Interest.
- 4.4. Any potential conflict of interest in relation to a procurement e.g. a relationship with a bidder or a company operating in the market, or a personal interest in the matter, must be identified and recorded at the earliest opportunity in order to ensure equal treatment of bidders and a fair and transparent procurement process. Advice should be sought from the Procurement Services Manager and such action should be taken to remove the conflict e.g. employee not taking part in the evaluation of the bid.
- 4.5. No Member or officer of the council shall in a personal capacity enter into any contract on behalf of the council.

5. Use of Council-Wide Contracts and Internal Providers

- 5.1. Where an internal service can provide the goods or service, this must be used in the first instance.
- 5.2. Where the council has corporately procured a contract or framework agreement these contracts should be used as the council will be obtaining value for money by procuring corporately. The requirements of these rules will have been addressed, value for money ensured, and standard terms and conditions used.
- 5.3. A list of all corporately procured contracts will be maintained by the Corporate Procurement Service and available on the council's intranet.
- 5.4. As per the Financial Regulations, purchase orders must be raised via the Oracle Financials system (SBS). Where possible, council-wide contracts should be available through catalogues via the Oracle Financials system (SBS).
- 5.5. Subject to any pre-existing exclusivity arrangements which oblige the council to use a pre-existing contract, where the appropriate Chief Officer (in consultation with the Procurement Services Manager) considers that there are specific advantages to be obtained by negotiating non-corporately procured contracts, then written approval must be sought from the Procurement Services Manager and retained on the appropriate contract file.
- 5.6. Failure to use existing corporately procured contracts where available can be viewed as a disciplinary offence, unless approval is given as per paragraph 5.5 above.
- 5.7. Where there are no existing contracts or internal suppliers in place, officers must follow the procedures set out in this document to identify external suppliers.

6. Contracts Relating to Assets

- 6.1. These rules do not apply to the sale or disposal of council owned land or buildings. Transactions of this nature must adhere to the Sale of Land and Buildings Protocol within the Financial Regulations.
- 6.2. Where the sale of land also specifies works or services to be carried out by the developer then advice should be sought from Legal Services as the land sale could constitute a public works contract or public services contract which would be subject to the public procurement rules as well as the Sale of Land and Buildings Protocol.
- 6.3. These rules do apply to the acquisitions, leases, licenses, agreements and other matters relating to land or property, except where they have been expressly varied. Any arrangements must adhere to the Financial Regulations.

7. Procurement Cards

- 7.1. Procurement cards can be used in the following circumstances:
 - Where there is a high volume of low value, one-off spend (including for travel or accommodation purposes) or where purchase orders cannot be used;
 - There is a requirement to respond to service users' requirements in an emergency or out of hours;
 - Procurement cards can replace the need for petty cash; or
 - Online procurement routes offer the only or the most value for money option.

- 7.2. Procurement cards will be issued subject to the Procurement Card Policy. Before a procurement card will be granted to a card holder, Internal Audit must confirm that there are no significant issues that would identify a high risk of inappropriate use by that individual or that service area.
- 7.3. Procurement cards will not be used where a corporately procured contract or internal provider exists, unless this is in the form of an embedded procurement card.
- 7.4. Use of procurement cards must be in accordance with the Procurement Card Policy and these rules, including the use of internal suppliers and corporate contracts (Rule 5) and advertising thresholds (Rules 8). Procurement cards can be used for higher value purchases in emergency situations only.
- 7.5. Failure to adhere to these procedures will constitute a disciplinary offence.
- 7.6. Where a procurement card is used, it is the responsibility of the card holder and their budget manager to ensure that value for money is obtained at all times.

8. Values and Thresholds

- 8.1. Values (or genuine pre-estimated values) used in the operation of these rules will normally be the total value of the contract over the whole of the contract term including any extension. The value will be net of VAT.
- 8.2. Where a series of purchases is made for the same or similar purposes, then the value will be the aggregated value of purchases made within any single contract or period of 12 consecutive months. Where a contract is required over a multiple year period, then the total value of that contract must be considered.
- 8.3. Orders or requirements should not be artificially divided to make two or more orders of a lower value to avoid the requirement to obtain quotations or tenders.
- 8.4. Advice should be sought from the Procurement Services Manager on calculating the estimated value. It may be appropriate to obtain an independently verified estimated before commencing the procurement activity. If an external expert is required, the appointment of that expert must be in line with these rules.
- 8.5. The value (or estimated) value will determine the procurement method used, as set out in Table 1 below. The value (or genuine pre-estimated value) of the contract will depend upon the specification of the goods, services or works required. Details of how estimated figures have been calculated must be kept on the relevant contract file.
- 8.6. Should the lowest quotation/bid received be above the estimated cost and the value dictates that an alternative procurement method should have been used, Chief Officer approval is required to accept the bids and award the contract after evaluation. Should the lowest tender received be above £250,000 in total value then Cabinet approval will be required to award the contract after evaluation.
- 8.7. Table 1 below sets out the procurement thresholds, minimum number of quotations/bids required and responsibility for obtaining those bids:

Procurement and Contract Procedure Rules 2016-2018

Table 1: Advertising Procurement Thresholds

Estimated value of goods, services or works	Minimum number of bid/s required	Method of obtaining bids	Responsibility for obtaining bids	Written Records required
£0-£5,000 To be treated as a one-off non-recurring requirement. Procurement Card can be used.	One quotation	Verbal enquiries, email confirmation required	Council officers; purchaser must ensure value for money is being obtained	Written quotation from supplier(s) – email acceptable
£5,001-£100,000	Three quotations to be obtained	Advertisement is required via e-Tendering portal. If over £25,000 must also be advertised on Contracts Finder Specification and selection/award criteria to be included in the invitation to quote (Rule 11).	Corporate Procurement Team (excluding Social Care and Public Health Requirements)	Invitation to Quote, specification documents, quotations and communications from suppliers
£100,001 and above	Four tenders to be obtained	Advertisement required via e-Tendering portal and Contracts Finder. Sealed or electronic bids	Corporate Procurement Team (excluding Social Care and Public Health Requirements)	Invitation to Tender, tender schedules, bids and communications from suppliers

- 8.8. The thresholds set out in Table 1 apply to all procurement activities carried out by Sandwell Council, including those for construction and works.
- 8.9. Where the value determines that a tender is required, advice must be sought from the Procurement Services Manager or Legal Services Manager on the most appropriate tendering procedure. Where requirements relate to social care or public health services, then advice must be sought from the delegated teams in those areas.

9. Advertising Requirements and Timescales

- 9.1. Unless making a call-off from a properly procured Framework Agreement to a single supplier or a direct award, all requirements above £5,000 in value must be advertised on the council's agreed portal. This ensures compliance with the government's Transparency Agenda
- 9.2. All adverts will be placed by Corporate Procurement Services who will ensure that the advert is also placed on Contract Finder, with the exception of social care or public health requirements. These will be advertised by the procurement teams in those service areas.
- 9.3. Time limits for the return of quotations/tenders will vary dependent upon the value and complexity of the requirements and the process in question. It is the responsibility of the procuring officer, following advice from the Procurement Services Manager, to decide the most appropriate timescale for the return of quotations/tenders. However, this must be set to attract the minimum number of quotations/tenders to ensure that suppliers have a sufficient but not disproportionate period to respond and that value for money has been achieved.
- 9.4. In all cases, opportunities must be advertised for a minimum of five working days via the council's e-Tendering Portal. In order to demonstrate value for money, a longer advertising period should be considered. Where the OJEU procedure is to be followed, prescribed timescales that must be adhered to.
- 9.5. Where variant bids will be accepted as part of tender submissions, this must be included in the advertisement and invitation to tender documentation.
- 9.6. No quotation/tender/bid received after the closing date/time shall be accepted or considered under any circumstances. Details of the closing date/time must be clearly stated within all invitation to quote/tender documentation.

10. Provisions Applicable to All Procurement Activity and Contracts

10.1. Specification

- Officers within the service area must develop a specification for the goods, services or works required prior to commencement of a procurement activity. The level of detail will depend upon the (estimated) value of goods, services or works required.
- Specification must include as a minimum:
 - Details of the goods, services or works required, including outcomes to be achieved;
 - Timescale for delivery/completion; and
 - Expected levels of performance or quality.

10.2. Pre-Market Consultation

- Market consultations may be conducted prior to commencing any procurement exercise, in order to ensure that the best possible outcome is achieved. This advice may be used in the planning and conduct of the procurement procedure, provided that this adheres to the council's procurement principles of transparency, equal treatment and non-discrimination of all bidders.

- Independent external organisations may be appointed to assist with this. However, it remains the council's responsibility to ensure that this does not result in distorted competition (e.g. through the sharing of all relevant information or the setting of adequate timescales for submission of bids).

10.3. Division into Lots

- Advice must be sought from the Procurement Services Manager where consideration is made to dividing contracts into separate lots, especially where the contract value is above the OJEU Threshold.
- Records of all discussions and decisions must be kept on the relevant contract file.
- The intention to award lots or to award to a single contractor must be specified in the advertisement and all procurement documentation.

10.4. Period of Contract

- No contract for the supply of goods, materials, services or works shall exceed four years, including any extension, without prior written approval from Cabinet or from the Procurement Services Manager. This also applies to a framework agreement unless in exceptional circumstances.
- Details of the total contract period, including any potential extensions, must be included in the initial advertisement and quotation/tender documentation. Allowance for extension of times to projects with defined Completion Dates must be included in the documentation.
- Prior to the extension of any contract, officers must ensure that the requirements of Rule 13 have been met.
- If an additional extension is required, advice must be sought from the Procurement Services Manager and Legal Services Manager, prior to the submission of an exemption request as per Rule 15.

10.5. Electronic Tendering, Communications and Opening of Tenders

- All tendering activity must be via the council's e-Tendering portal to ensure a fully compliant and auditable tendering process. This includes the opening of tenders submitted through the e-Tendering portal, which ensures sufficient reporting mechanisms and audit trails are in place.
- Any communication relating to procurement will be via the e-Tendering portal.
- This process will be managed by Corporate Procurement Services, with the exception of social care or public health requirements, which will be managed by those dedicated procurement teams.
- Where the council's e-Tendering portal is not used (i.e. for sale of land, assets or property), then tenders must be opened in the presence of a minimum of two officers, including a nominated officer of the Democratic Services Unit and an officer of the service area requesting the tender opening delegated this task by the relevant Chief Officer.
- A record shall be completed at the time of opening tenders detailing:
 - Nature of the goods/materials/services to be supplied or work to be executed, or the title of the land/asset to be disposed of;
 - Name of each person by on whose behalf the tender was submitted
 - Date and time of receipt of tender recorded on the envelope/electronic tender system;
 - Date and time of opening the tenders;
 - Names of all persons present at the opening of the tenders; and
 - Tender or offer figure (if practicable).

10.6. Risk Assessment

- Where a contract is awarded with a value in excess of £100,000 or relates to a business critical activity, a risk register should be drawn up for the letting, award and management of the contract in accordance with the [Corporate Risk Management Strategy](#).
- Further advice should be sought from the Procurement Services Manager, Risk & Insurance Manager and Legal Services Manager.

10.7. Business Continuity:

- Evidence of compliant business continuity plans are required for:
 - Any contract in excess of £100,000; or
 - For any contract identified by the relevant service manager as relating to a business critical activity.
- Specifications and contracts must include clauses requiring evidence of the contractor's business continuity plans and the council's right of an independent audit on any or all business continuity.

10.8. Freedom of Information Act 2000:

- All tender documents shall set out the council's statement, in a form approved by the Monitoring Officer, concerning the supplier's participating in the tender process and the council's intention to comply with the Freedom of Information Act 2000.

10.9. Public Services (Social Value) Act 2012

- Where the value of a contract is above the OJEU Threshold, it is mandatory to include social value in the award criteria.
- All other procurement activity carried out under these rules must consider the inclusion of appropriate social value award criteria.
- The Act requires these criteria to be relevant to the subject matter of the contract and proportionate to the value and potential impact that could be achieved.
- Further guidance: [Public Services \(Social Value\) Act Guidance Document](#).

11. Pre-Qualification, Contract Award Criteria and Evaluation

11.1. Use of Pre-Qualification Questionnaires / Selection Criteria

- Pre-Qualification Questionnaires must not be used for procurements below the OJEU Threshold for supplies and services, other than where deemed appropriate for construction related procurements.
- Where a Pre-Qualification Questionnaire is required, this must use the Cabinet Office standard documentation,
- Selection criteria must be considered prior to publication of quotation/tender and included in the documentation.

11.2. Contract Award Criteria

- Where a framework is used, any further competition procedures must adhere to the selection and award criteria set by the framework.
- All invitations for quotations or tenders must be in writing and specify whether a contract or offer is to be awarded on the basis of an offer which either:
 - Offers the lower price when purchasing goods/services/works, or the highest price when disposing of council assets/land/property; or
 - Is the most advantageous by reference to price and quality criteria. The criteria could include price, running costs, profitability, period for completion or delivery, technical merit, aesthetic and functional

characteristics, after sales service, technical assistance, outcomes for service users, social value impact, etc.

- All tenders above the OJEU threshold for supplies and services must include award criteria based on quality as well as price.
- Where bids are evaluated on price and quality, the quality element of the Award Criteria must not exceed 40% (unless Rule 18 applies).
- Where the quality element of the Award Criteria needs to be higher, agreement must be sought from the Procurement Service Manager and records kept on the relevant contract file.
- Details justifying all elements of the Award Criteria must be kept on the relevant contract file.
- Award Criteria must be set out in the quotation/tender documentation in descending order and must be adhered to without alteration throughout the process.

11.3. Evaluation of Quotations and Tenders

- All quotations or tenders submitted in response to an advertisement under Rule 9 must be evaluated in accordance with the principles of transparency equal treatment and non-discrimination as well as the selection and award criteria disclosed in the invitation as per Rule 11 (selection criteria and Award criteria). Advice must be sought from the Procurement Services Manager on the evaluation and moderation process.
- Officers must ensure that all evaluations are undertaken in compliance with the Public Contracts Regulations and EU Procurement Directives.
- Variable bids will not be accepted unless stated within the advertisement and invitation to tender documents.
- Where examination of quotations/tender submissions reveals an error or omission, the bidder shall be notified only that the submission contains an error or omission. The bidder shall be given the opportunity of either confirming or withdrawing the submission.

12. Construction and Engineering Contracts

12.1. Construction and engineering works valued below the OJEU threshold for Works must make use of Constructionline and contractors approved for health and safety by organisations list by Safety Schemes in Procurement (SSIP).

12.2. Instructions on how to access details of the lists of contractors contained within these databases can be obtained from Corporate Procurement Services.

12.3. Advertisements for these contracts must include:

- Scope of contract;
- Registration requirements with Constructionline and SSIP; and
- How shortlisting will take place

12.4. Advice must be sought from Corporate Procurement Services with regard to the need to assess successful contractors with regard to equalities.

12.5. If the successful company does not meet the required standard, then a suitable time period should be given to ensure compliance during the contract period.

13. Contract Extensions

- 13.1. Following compliance with instructions on permitted contracting periods for goods, services and works specified in Rule 10, negotiations may only be undertaken to extend contracts provided that the following requirements are met:
- provision was made in the original advertisement and documentation that it may be subject to an extension – this includes where more than one extension of the contract has been included in the original advertisement;
 - benchmarking with similar organizations has been undertaken to prove that the contract continues to provide value for money;
 - the contract has been monitored and no concerns have been raised with regard to the level of service/quality of goods supplied or sufficient mechanisms, such as a robust improvement plan, are in place that ensure that any identified issues will be resolved;
 - any price increases are in accordance with the relevant contractual provision (e.g. in line with an appropriate published index) and as permitted under EU Procurement Regulations;
 - The appropriate Chief Officer and the Procurement Services Manager are satisfied that no better terms could be obtained by competitive tendering or that the nature or urgency of the work make it desirable that the same Contractor is employed. Comments of the Chief Officer and the Procurement Services Manager are to be kept on the contract file;
 - The Legal Services Manager has been consulted to ensure that the extension does not result in a material change to the Contract; and
 - No variations are being made.
- 13.2. Evidence of these requirements being met must be recorded in report format. Where an extension to the contract means the total value is over £250,000 Cabinet authority is required to extend the contract.

14. Contract Variations

- 14.1. Any changes to an existing contract that materially affects the original requirements (whether financial and/or services, goods etc.) may effectively amount to the award of a new contract and so should be subject to a fresh procurement exercise.
- 14.2. There are six permitted circumstances where variations are permitted to existing contracts and frameworks. Advice should be sought from Legal Services on whether these circumstances apply:
- 14.2.1. Amendments that are clearly provided for in the original procurement and contract documents.
 - 14.2.2. Necessary amendments where a change of contractor cannot be made.
 - 14.2.3. Unforeseen circumstances have arisen which the authority acting “diligently” could not have foreseen.
 - 14.2.4. Amendments to deal with a new contractor replacing the original contractor and this is permitted in the contract or procurement documents.
 - 14.2.5. The amendments are “not substantial”.
 - 14.2.6. Low value amendments:
 - Falls below the procurement threshold for works and services; and

- Is less than 10% of the original contract value for supplies or services and 15% for a works contract; and
 - The amendment does not alter the overall nature of the contract.
- 14.3. The advice of the Legal Services Manager should be sought at an early stage and in any event prior to the submission of any report for an exemption to these rules when any changes to an existing contract are being considered.
- 14.4. For construction related contracts, paragraph 13.4 applies unless the terms and conditions of the contract entered into allows for Contract Variations.
- 14.5. Records of all decisions and supporting evidence must be kept on the contract file.
- 14.6. Where a variation to a contract increases the total value to £250,000 or above, Cabinet approval is required.

15. Exemptions to the Procurement and Contract Procedure Rules

- 15.1. An exemption to these rules are not an exemption from the legislative/directive requirements and cannot be granted where a breach of any UK or EU legislation would be incurred.
- 15.2. A formal request for an exemption must be made in a report format. The request report must specify the circumstances justifying the exemption, demonstrate how the action achieves best value for money, and indicate any remedial action that may be required.
- 15.3. Comments of the Procurement Services Manager must be included in the report. Where the contract is of £100,000 or more in value, Legal Services must be contacted at the earliest opportunity for advice on why an exemption is sought as well as the content of the report. The comments from Legal Services must also be included in the report.
- 15.4. Any exemption relating to ICT requirements must include comments from the ICT Service Manager.
- 15.5. An exemption request must be approved by the Section 151 Officer where they are independent from the original decision making process, confirming that they are satisfied that the exemption is justified by special circumstances. Where the exemption applies to a service that is the responsibility of the Section 151 Officer, the exemption must be approved by the Chief Executive.
- 15.6. Any exemption request must then be approved by the Cabinet Member for Core Council Services. The exemption must be sought within a timescale to allow for the possibility that the request may not be approved. The Procurement Services Manager will arrange for the exemption request report to be presented to the Cabinet Member for Core Council Services for approval.
- 15.7. Any exemption for contracts above £250,000 in value must be approved by Cabinet.

16. Contract Award and Contracting Procedures

16.1. Contract Award

- It is imperative to ensure that the appropriate council authority exists to enter into a contract. This may be formal authority granted by the Cabinet or other delegated authority given to Chief Officers a set out in the Scheme of Delegations to Officers
- Table 2 sets out the authority to award contracts and the records required:

Table 2: Contract Award Thresholders

Contract Value	Authority to Award Contract	Records Required
Up to £100,000	Chief Officer	The Chief Officer can delegate responsibility to award to budget holders in accordance to Financial Regulations. A record of all contracts awarded must be sent to the Procurement Services Manager for inclusion in the Contracts Register.
£100,000 - £249,999	Chief Officer, in consultation with the Assistant Chief Executive If an exemption to the Procurement & Contract Procedure Rules is required, separate approval must be acquired as per Rule 15.	Awarding of a contract must be in report format, setting out the procurement process followed, details of quotations/tenders received, the evaluation methodology and naming the supplier(s) who have made the most economic advantageous offer. Report must be signed by both the Chief Officer(s) set out in this table. Report will also be required in the event that prior authority has been given by Cabinet to a Chief Officer to award a contract above £250,000.
£250,000 (KEY DECISION)	Cabinet	Report to Cabinet including content above, including where any exemptions to these rules are required. Notice must be included in the Forward Plan within sufficient time to ensure necessary public notice of the decision.

16.2. Signing of Contracts

- The signing of contracts will be carried out as per the Article 14 of the council's Constitution (Finance, Contracts and Legal Matters).
- Contracts up to the value of £100,000 can be signed by the appropriate Chief Officer.
- Contracts of £100,000 or above must be in writing and be signed by the Chief Legal Officer or by the Chief Executive and a Legal Services Manager, or sealed with the common seal of the council.

16.3. Notification to Tenders

- Notifications to successful and unsuccessful tendered, including debriefing, must be in writing and adhere to the Public Contracts Regulations and EU Public Procurement Directive. Advice should be sought from the Procurement Services Manager.

- Notification of acceptance of a tender which requires a formal contract must be given in writing clearly marked 'subject to contract' and should advise that contract documents are to follow.
- All unsuccessful tenderers are to be notified in writing that they have been unsuccessful.

16.4. Standstill Period

- No formal contract or framework agreement shall be entered into before the end of the standstill period of a minimum of 10 days from the date of notification.

17. Contents of Contracts

17.1. Standard terms and conditions of contracts are available; however, each contract should be considered on its own merit. Advice from the Chief Legal Officer should be sought as to the terms and conditions that should be used.

17.2. The council shall avoid entering into contracts under a tenderer's/contractor's terms and conditions. However, contractor's own terms may be included in contracts where they are acceptable to the council

17.3. Contracts must include the following as a minimum:

- Specification of goods/services to be supplied or works to be executed or land/asset being disposed of, and the conditions that will apply.
- Price to be paid or the rates on which price is calculated, milestones for payments and a statement of discounts or other deductions. If the contract term exceeds 12 months, future pricing structure must be included. If a price fluctuation clause is to be included, then it must make reference to a published index.
- Contract period, delivery date or times within which outputs of the contract must be completed.
- Details of any extension period and basis upon which this will be agreed.
- Required performance levels and details of monitoring/governance arrangements.
- Details of any indemnities required and how any claims arising will be dealt with and by whom
- Provision for audit inspection
- Clauses requiring evidence of the contractor's business continuity plans and the council's right of an independent audit on any or all business continuity
- Compliance with Data Protection Act, Freedom of Information Act, Modern Slavery Act
- Contractor to comply with council's Confidential Reporting Code
- Termination of contract, other than through the expiration of the contract term.
- Insurance cover requirements

18. Reporting

18.1. Records of all activity and decisions must be retained by the client officer.

18.2. Details of all tendering activity must be forwarded to the Procurement Services Manager for inclusion in the Corporate Procurement Plan.

18.3. Details of all contracts awarded over £5,000 in value must be forwarded to Procurement Services Manager for inclusion in the contracts register.

- 18.4. All contracts awarded over £5,000 in value, and all spend via procurement cards, must be published on the council's internet. Publishing this information will be the responsibility of the Corporate Procurement Service.
- 19. Employment of Agency Staff, Consultants and Interim Managers and Use of Personal Service Companies**
- 19.1. All temporary or agency workers must be engaged through either the Templink service or the Resourcing team. Any agencies used must be included on the agreed framework; failure to comply with this requirement, without approval from the Chief Executive, will be treated as a disciplinary matter.
- 19.2. All temporary or agency worker engagements or extensions / redeployments of existing workers must be approved by HR, as delegated by the Chief Executive.
- 19.3. The likelihood of temporary or agency worker engagements being approved will be greatly increased where the following business case is provided, covering:
- a rational explanation as to why the engagement is required;
 - an explanation in regard of why a permanent appointment has not been made; and
 - what steps will be taken to ensure that the temporary or agency worker engagement is kept to a limited time period
- 19.4. Prior to seeking approval to engage temporary or agency workers, managers should liaise with HR Business Partners in regard of identifying/investigating alternative approaches that may be taken to address any resourcing gaps, thus negating the need to engage temporary or agency workers. Contact details for HR Business Partners are as follows:
- **Performance** - Alan Boxley 0121 569 3820
 - **Children's Services** - Louise Lawrence 0121 569 3845
 - **Adults Services and Public Health** - Jacquie Sergeant 0121 569 5483
 - **Place** – Debbie Sant 0121 569 2378 or Manjit Gill 0121 569 5422
- 19.5. The procurement method used, if not Templink or in accordance with the council's recruitment and selection procedures, for agency staff, consultants, interim managers and personal service companies shall comply with these rules as above.
- 19.6. Individuals contracted through the Templink service, the internal agency service or an external agency provider should be limited to a contract period of three months. Contracts for longer than three months are only allowed in exceptional circumstances that must be included in the report to HR.
- 19.7. Any agency staff, consultants, interim managers and personal service companies employed by the council shall comply with these rules as though he/she were an officer of the council.

20. Children/Young People Care, Adult Care and Public Health Contracts

- 20.1. Officers procuring care and public health contracts should follow these rules. The nature of the adult and children's social care and public health services market and commissioning arrangements may require the following exceptions. However, in all instances the procuring/commissioning officer should always ensure that value for money is obtained for both the council and clients.
- 20.2. Any Social Services and Public Health related contract, with the total value above the EU threshold for these contracts for must be procured using a procedure that is at least sufficient to ensure compliance with the principles of transparency, equal treatment and non-discrimination. An OJEU Notice (or a PIN) must be published.
- 20.3. Award criteria
- Due to the nature of the services being provided a maximum of 40% quality can be applied as part of the award criteria.
 - Where it can be justified to have a higher score for quality approval must be obtained from the Procurement Services Manager.
- 20.4. Residential and nursing care
- It shall not be necessary to obtain competitive tenders (consideration should be given to Rule 20.3) for the placement of individuals in residential or nursing care provided that the contract is let on the basis that the council pays a standard fee (set by the council) and the client decides which provider shall supply the service. Where there is no standard fee then the service needs to ensure that value for money is provided.
 - Where clients select accommodation costing in excess of the standard fee, placements can be made provided a third party is willing to pay the difference where the service is one where a third party contribution applies. Suitable records must be maintained demonstrating that the client was given a choice and that it was the client or their authorised representative who exercised that right.
 - Where a placement is to be made where it is not subject to a standard fee, it will not be necessary to obtain competitive quotations provided that the Client or his/her representative has chosen the home and/or the social work budget holder (or panel where it exists) has approved the placement. To ensure that value for money is obtained, the council's approved fee calculating mechanism will be used to determine the cost of the placement. If the fee is more than the fee calculated using the approved mechanism, then this must be justified and approved by an Operations Manager (or equivalent) independent from the original decision making process. Records must be kept of the circumstances justifying the placement.
 - Where residential placements are made for Public Health services, placement selection must be based on client needs and risk factors. Consideration of market rates for similar provision must also be made to ensure value for money.

20.5. Domiciliary Care

- It shall not be necessary to obtain competitive quotations for standard; non-specialist domiciliary care services commissioned on a spot contract basis (consideration should be given to Rule 20.3). This is provided the service is purchased at the standard rate (set by the council) from a provider which has been allocated a share of the spot domiciliary care market following the periodic tendering process undertaken in accordance with these rules.
- It will be necessary to obtain competitive quotations for domiciliary care or non-residential services where there is no standard rate set by the council. Three quotations should be sought and the cheapest provider should be used. Where the cheapest provider is not used, the package request must be approved by an Operations Manager (or equivalent) independent from the original decision making process confirming the package is justified by special circumstances. A record should be kept of the circumstances justifying the package of care.
- Where the client does not wish to receive a service from the provider deemed the cheapest through the competitive exercise, a direct payment should be offered to the client who will be able to procure the service directly his/herself subject to all of the identified needs being met.

20.6. Specialist Services

- In some cases, the specialist nature of the assessed service or temporary limitations in the availability of providers will limit the range of alternative suppliers. Where there are no alternative providers such services will be treated as an exception to these rules.
- It will be the responsibility of the appropriate Chief Officer and Commissioning Manager (or equivalent) to maintain suitable records to demonstrate the appropriateness of this approach and the involvement of more than one officer in the process.
- Where it is possible to obtain the service from more than one provider quotations/tenders must be obtained, in accordance with Rule 11 and the service commissioned in accordance with Rule 16.

20.7. Child Care Contracts

- Children's residential and specialist foster care placements are contracts for individual needs and shall therefore be arranged individually for each client.
- Where it is possible to place a child at more than one establishment the officer concerned should obtain quotations (in accordance with Rule 9) or undertake a price comparison using an appropriate database.
- If utilizing a database the quality elements have already been assessed therefore organizations should be chosen in order of price which will be dependent upon availability.
- Records showing the placement process must be kept on the contract file. However, where this is impractical the following Rule 20.9 must be complied with.

20.8. Public Health Contracts

- It will not be necessary to obtain competitive quotations/tenders where it can be clearly evidenced, to the Procurement Services Manager, that the provision of a public health service is part of a care pathway. Where associated clinical services are already provided by an NHS Provider records must be maintained, demonstrating the connection between the public health service and the associated clinical service(s) within the care pathway.

- Where the public health service is subject to patient choice from NHS providers and the selection of provider is determined by where patients elect to receive treatment records must be kept to evidence that patients have chosen their healthcare provider. If the expectation is that the provider will deliver services over £100,000 the council will aim to enter into a contract. Suitable evidence will be kept to substantiate this expectation. Where the council enters into a contract Rule 16.2 shall apply.
- Officers should ensure that, where national tariffs are not utilised, that negotiation has been undertaken with healthcare providers to ensure that value for money is achieved. As a minimum, officers should benchmark to give assurances that best value is obtained.

20.9. Sole Provider, Emergency Placements or Emergency Care

- In circumstances where specialist needs can only be met by one provider, or where an emergency placement has to be made, these placements shall be treated as an exemption from these rules, in accordance with Rule 15.
- It shall, however, be the responsibility of the appropriate Chief Officer and Commissioning Manager to regularly review the situation and, should any of the circumstances change, communicate any changes of placement or policy to all appropriate parties.
- In such cases it shall not be necessary to obtain tenders but the appropriate authorization shall be obtained in accordance with Rule 15.
- The decision process concerning where the adult or child is to be placed should involve more than one person and this process together with the names of the officers concerned should be evidenced in relevant directorate records.
- Specifications and agreements should include for exit clauses when it is assessed that the care requirements are no longer required.
- Agreements should be reviewed on a regular basis and reports placed on the contract file detailing the findings and required action.

21. Annex – Definitions

- Council - means the Sandwell Metropolitan Borough Council, the Executive, a Standing Body or person(s) acting in accordance with authority delegated by the council.
- Contract - means any agreement (Including Framework Agreements) between the council and a third party for the provision of any goods, materials, services or works for whatever value. All contract documentation shall be worded and in such form so as to protect the council's interests, in accordance with advice from the Chief Legal Officer and standard contract documentation.
- Contract price in relation to all contracts - means the aggregated cost (including fees) for the whole of the period of the contract. Where a Chief Officer knows that a similar service, supply or type of work is to be ordered during a twelve-month period, this should be taken into account and used for the purposes of the estimated contract price.
- Any transaction for the supply or disposal of goods or materials; provision of services or the execution of works which forms part of a larger transaction shall not be regarded as a separate contract but shall be included in the calculation of the contract price.
- Chief Officer - is defined as a Director and above as per the Scheme of Delegations.
- Chief Officer and appropriate Chief Officer – means a Chief Officer or any subordinate officer nominated by their Chief Officer, but the Chief Officer is at all times responsible for the actions undertaken by the subordinate officer.
- Chief Financial Officer - the title is used as a generic term for the officer with Section 151 responsibilities and is included in recognition that Section 151 responsibility may be undertaken by another Chief Officer who is a qualified accountant.
- Budget - means revenue budgets, capital budgets and other spending programmes approved by the council.
- Grant – Is the payment of money or some other thing, without the expectation of goods or services in return (this could include making a financial contribution to the independent work of the Voluntary or Community Organisation). A grant is usually provided subject to conditions that state how the grant can be used. The grant aided organisation may use or offer to use the grant to provide goods or services that meet their objectives.
- Programme - A set of component projects/work streams which have been brought together under one management process to achieve an overall strategic objective/beneficial change and ensure robust governance.
- Project - a component of a programme which has a predetermined outcome or result at a pre-specified time using predetermined resources.

SOCIAL MEDIA POLICY

1. Introduction

Social media enables members to readily engage with citizens, partners and stakeholders. It enables people to get involved in local decision making, encourages better engagement and feedback, and helps the authority to improve the services it provides.

For the purposes of this policy, the term 'social media' covers sites and applications including but not restricted to Facebook, Twitter, LinkedIn, Flickr, YouTube, blogs, discussion forums, wikis and any similar sites which may emerge after the creation of this policy.

2. Aims of this policy

The Council acknowledges social media as a useful tool and encourages members to use social media channels to communicate with the public, partners and stakeholders.

This policy is aimed at ensuring social media is used effectively and to ensure its use does not expose the members or the Council to security risks, legal or reputational damage or breach of the Data Protection Act 1998.

There are often risks associated with the use of social media, some have been identified below:

- Disclosure of confidential information
- Damage to the reputation of the Council
- Social engineering attacks (often conducted by individuals fraudulently claiming to be a business or client)
- Civil or Criminal action relating to breaches of legislation
- Breach of safeguarding (social media is often used by offenders)
- Virus or other malware (malicious software) infection from infected sites

In light of the risks, this policy aims to regulate the use of social media and provide guidance to members on how to successfully engage with social media.

3. Members' responsibilities

In their use of social media, members should ensure:

- They do not breach the Code of Conduct for Members.
- Council information remains secure and is not compromised through the use of social media.
- The Council's reputation is not damaged or adversely affected, or left open to action under criminal (for example, harassment) or civil law (for example, libel).
- That they are aware of safeguarding issues and report any concerns immediately.
- That members fully understand the risk associated with using social media.
- That social media is used in line with this policy.
- That members do not make any comments that could be seen to be predetermination of a matter.

When using social media members should note that in the event of a complaint, the first consideration will be whether the member has been acting in his or her official capacity. Social media should not contain content that holds the member out to be acting in his/her official capacity or give that impression unless this is intended or the site is specifically meant to be used in an official capacity.

Depending on the circumstances such communication might be regarded as conducting the business of the office of a member. Examples may include:

- Communication with constituents at large about issues of local political interest.
- Making reference to the Council e.g A Councillor who posted a comment saying that the town Councillors were "clearly corrupt and incompetent" under a news story about a controversial decision made by the Council, under a name that did not identify her as a Councillor, was found by the Council's Standards Committee to be acting in her official capacity as she was commenting on Council business
- Identifying issues discussed by the Council.
- Referring to identifiable persons in the Council.
- The link between the Councillor's office and the conduct should have a degree of formality

The above list is not exhaustive and care should be taken in this area.

4. Advice for members using social media

Members should be aware that they are personally responsible for any content they publish on any form of social media.

The authority reserves the right to request the removal of any content that is deemed to be in breach of this policy.

Social media sites are in the public domain and it is important to ensure that members are confident of the nature of the information they publish. Once published, content is almost impossible to control and may be manipulated without their consent, used in different contexts, or further distributed.

Members SHOULD:

- Make use of privacy settings - particularly if they do not want their social media to be accessed by the press or public. Read the terms of service of any social media site accessed and make sure they understand their confidentiality/privacy settings. Facebook, for example, has a Data Use Policy that includes privacy settings and much information on how information is shared and used.
- State, if appropriate, that their views are their own personal views and may not represent the views of the Council.
- Keep safeguarding in mind. Social media sites are often misused by offenders. Safeguarding is everyone's business – if members have any concerns about other site users, members have a responsibility to report these immediately.
- Observe copyright laws. Using images or text from a copyrighted source (e.g. extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything members are unsure about or seek permission from the copyright holder in advance.
- Report any threats, abuse or harassment via their use of social media to their political group leader, Members' Services and/or the police.

Members should NOT:

- Disclose others' personal details such as home addresses and telephone numbers – even inadvertently. Members should ensure that they handle any personal or sensitive information in line with the Council's Data Protection Policy.

- Publish or report on meetings which are private or internal (where no members of the public are present or where the information is of a confidential nature) or contain confidential information or matters which are exempt.
- Use the Council's logo on a personal social media account.
- Send or post inappropriate, abusive, bullying, racist or defamatory messages to members of the public, other councillors or officers either in or outside the work environment.

5. Principles when using social media

Members should follow the following five guiding principles for any social media activities:

Be respectful – set the tone for online conversations by being polite, open and respectful. Use familiar language, be cordial, honest and professional at all times. Respect people's confidentiality and not disclose private information or the personal information of others.

Be credible and consistent – be accurate, fair, thorough and transparent. Encourage debate and deliberation. Make sure that comments online are consistent with other communications.

Be honest about identity – it is important that any accounts or profiles that members set up are clearly and easily identifiable. Be clear about their own personal role.

Be responsive – make an effort to share information appropriately. Offer help and insights where appropriate and put people in touch with someone who can help if members cannot. Respond to questions and comments in a timely manner.

Be confident – do not be afraid of participating. Follow these rules and seek further guidance if needed.

6. Further information

If members have any queries about this policy, please contact the Monitoring Officer or, in their absence, the Deputy Monitoring Officer.

Revisions to Committees, Panels, Boards and Outside Bodies

Planning Committee

Standing down / vacancies	Replacement
S Melia (W Brom)	Liz Giles (W Brom)
L Hickey (W Brom)	J Taylor (W Brom)

Licensing Committee

Standing down / vacancies	Replacement
L Preece	S Eaves
Vacancy	P Davies

Licensing Miscellaneous Committee

Standing down / vacancies	Replacement
Pam Hughes	S Eaves
C White	D Millard

Jobs, Economy and Enterprise Scrutiny Board

Standing down / vacancies	Replacement
C Worsey	C Tranter

Health and Adult Social Care Scrutiny Board

Standing down / vacancies	Replacement
L Hickey	D Millard

Select Committee for Leisure Provision

Standing down / vacancies	Replacement
C Worsey	S Hartwell

Joint Consultative Panel

Standing down / vacancies	Replacement
Pete Hughes	Liz Giles

Harborne Parish Lands Charity

Standing down / vacancies	Replacement
Vacant	B Dhallu

Barlow Homes Committee of Management

Standing down / vacancies	Replacement
Vacant	Elaine Giles