



TO: **ALL MEMBERS OF THE COUNCIL**  
**(Copy to recipients of Council Papers)**

**Our reference** CS  
**Your reference** N/A  
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2 July 2015

Dear Councillor

**ST EDMUNDSBURY COUNCIL - TUESDAY 7 JULY 2015**

I am now able to enclose, for consideration at the Tuesday 7 July 2015 meeting of the St Edmundsbury Council, the following reports that were unavailable when the agenda was printed.

**Agenda  
No**      **Item**

5.      **Leader's Statement (Pages 1 - 2)**  
Report No. **COU/SE/15/020**
10.     **Revised constitutions update (Pages 3 - 6)**  
Appendix 1 to Report No: **COU/SE/15/023**

Yours sincerely

Claire Skoyles  
SEBC Cabinet Officer/Committee Administrator  
Legal and Democratic Services

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# Council



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Leader's Statement</b>	
<b>Report No:</b>	<b>COU/SE/15/020</b>	
<b>Report to and date:</b>	<b>Council</b>	<b>7 July 2015</b>

I won't repeat in detail the message I gave at the annual council meeting at the Apex, other than to say again how honoured I am to have been re-appointed as Leader and to reiterate my hope that all councillors can work together over the next four years to meet the challenges facing our community. I am enjoying getting to know the many new councillors who joined us in May, as well as being delighted to see so many familiar faces. We should also not forget the contribution of those councillors who left us at the last election.

This is not only my first leader's statement of the new council term, but also the first under our new joint constitution. It is a new system in many respects, and we will need to refine it through practice. There are many ways that councillors, and the public, can keep themselves informed of what is on the horizon, or decisions made. As well as the usual agendas, reports, decisions plans and notices, we now have an open forum at Cabinet meetings and portfolio holders are being invited individually by Overview and Scrutiny to report on their activities and invite questions.

I know from the special council meeting which considered the constitution in detail that there was a genuine wish from councillors to work differently. I have already seen that appetite in the Cabinet's early conversations with the two scrutiny committees about their work programmes and their wish to help Cabinet (as a critical friend) to deliver our strategic plan for West Suffolk.

The scale of that task was also evident in the long Cabinet agenda on 23 June, some of which has fed through to the agenda for this meeting too. We are trying to manage huge pressures for growth in our wonderful Borough to the benefit of our community and local businesses, and also to work more efficiently, commercially and innovatively ourselves as an organisation. While this is exactly what our electors expect us to do, it won't always be easy, or non-controversial, and we will need to continue to make the kinds of bold decisions we took over the previous four years. Our close partnership with Forest Heath will be a key part of that.

We saw from the numbers of people who came to our Cabinet meeting for the debate on the West Suffolk Operational Hub that proposals for change can cause anxiety in our communities too. For that reason, Cabinet was pleased to support more consultation and information gathering before any planning application is submitted.

Looking more widely across the whole of Suffolk, I am pleased that Suffolk is a leader in the field of getting more powers devolved to rural areas, not just the cities and metropolitans. Suffolk Public Sector Leaders have all signed up in principle to working together on solid proposals for devolution to the Government in September.

This isn't just about getting more powers for St Edmundsbury, or West Suffolk, it's about making sure decisions are made at the most appropriate level. Whether that's at regional, county, district, parish or even more local community levels we have to encourage Whitehall to devolve responsibilities – and the funding that goes with them – to the level where we can make the most of local opportunities. Local power means quicker responses, without waiting for so many different organisations to take decisions and juggle budgets.

Nobody will be surprised by the huge challenges ahead but I am confident that between us – West Suffolk's councillors and staff – we have the skills, and the will, to tackle them on behalf of our families and communities whom we all serve.

**Councillor John Griffiths**  
**Leader of the Council**

#### **4. EXEMPTIONS**

4.1 Where a proposed contract is likely to exceed the *EU Threshold* then there can be no exemption.

4.2 Below the *EU Threshold* exemptions must only be sought in exceptional circumstances and all exemptions, being a *Contracting Decision*, must be recorded.

~~4.3 Between £50,001 and the *EU Threshold* any exemption must be approved by the *Officer* and *Head of Service* in consultation with the *Head of Resources and Performance*. The *Officer* must produce evidence to support the request for any exemption. The *Head of Service* shall prepare a report for the next *Cabinet* to support the action taken. The exemption, being a *Contracting Decision*, the reason for it (together with support evidence) shall be forwarded to the *Head of Resources and Performance*.~~

4.3 revised – Between £50,001 and the *EU Threshold* any exemption must be approved by the *Officer* and *Head of Service* in consultation with the *Head of Resources and Performance*. The *Officer* must produce evidence to support the request for any exemption. The *Head of Service* shall prepare a report for the next *Cabinet* to support the action taken. The *Head of Service* shall keep records of all exemptions granted along with reasons and supporting evidence for such exemptions.

~~4.4 Below £50,000 any exemption must be approved by the *Officer* and *Head of Service*. The *Officer* must produce evidence to support the request for any exemption. There is no requirement to report but the exemption, being a *Contracting Decision*, the reason for it (together with support evidence) shall be forwarded to the *Head of Resources and Performance* .~~

4.4 revised – Below £50,000 any exemption must be approved by the *Officer* and *Head of Service*. The *Officer* must produce evidence to support the request for any exemption. There is no requirement to report. The *Head of Service* shall keep records of all exemptions granted along with reasons and supporting evidence for such exemptions.

~~4.5 Exemptions should only be considered in the following circumstances:-~~

4.5R Exemptions are likely only to be granted in the following circumstances:-

- An unforeseeable emergency involving immediate risk to persons or property, or serious disruption to council services.
- The goods or services are supplied at a fixed price or the prices are wholly controlled by trade organisations and the relevant Head of Service is satisfied that no satisfactory alternative is available.
- The works to be executed consist of repair or supply of parts of existing propriety machinery or plant.
- The items to be supplied consist of goods or services which are currently in use and are required for the purposes of standardisation.
- The specialised nature of the goods, services to be supplied or the works to be executed means that only one suitable supplier has been identified or is available.
- Emergency action is required and/or immediate repairs are required to buildings, structures and other assets damaged by fire, flood or vandalism.
- Unforeseen works where delay will adversely impact on the service delivery for the Council(s).
- For a 'pilot' scheme where goods and services are procured on an experimental basis and considered to be the most appropriate approach for a particular scenario, and where 'pilot' scheme is for a clearly defined period not exceeding 24months, and where agreed by relevant service manager and the procurement manager.

If an exemption is sought which is not for any of the above reasons, advice must first be obtained from the Monitoring Officer in order to determine whether such an exemption can be applied. Exemptions for reasons not listed above will be acceptable only in exceptional circumstances.

**9.4 FORMAL TENDER PROCEDURE (£50,001- EU Threshold)**

9.4.1 All procurement above £50,000 shall be conducted in accordance with advice from the *Procurement Manager* and shall be undertaken as an **Open Tender Procedure** using *e-procurement system*.

~~9.4.2 It is recommended that only an Open Procedure be used, but if the Officer is satisfied that there will be an excessive volume of responses then, following discussions with the Head of Legal and Democratic Services and seeking the assistance of the *Procurement Manager*, a Restricted Tendering Process may be used.~~

~~9.4.3 Other Procedures include the Negotiated Procedure, Competitive Dialogue and Innovation Partnerships. Advice must be sought from the *Procurement Manager* if any of these procedures are to be considered.~~

#### 9.4.2 OPEN TENDER PROCEDURE

9.4.2.1 The *Invitation to Tender* shall be issued through the *e-procurement* portal and shall specify the supplies, services or works that are required together with the appropriate terms and conditions of contract as agreed with the *Head of Legal and Democratic Services*. It will also state that no *Tender* will be considered unless it is submitted via the *e-procurement* portal.

9.4.2.2 All organisations invited to provide a *Tender* must be issued with the same information at the same time and subject to the same conditions. All dialogue with *Bidders* during the process must be dealt with using the *e-procurement* portal.

9.4.2.3 Utilising the standard template available in the *Procurement Toolkit*, all *Invitations to Tender* shall include a *Form of Tender*, and other documentation as advised by the *Head of Legal and Democratic Services* or the *Procurement Manager*.

9.4.2.4 Providing *clarification* of an *Invitation to Tender* to *Bidder* is permitted and is provided for within *e-procurement*.

9.4.2.5 For the receipt and opening of a *Tender* there must be strict compliance with the requirements of *e-procurement*.

9.4.2.6 The *Officer* must ensure that there is approval from the *Head of Service* before awarding any contract above the tender threshold.

#### 9.4.3 RESTRICTED TENDER PROCEDURE

~~9.4.3.1 The Restricted Tender Procedure is a two stage process whereby potential suppliers are invited to express an interest in bidding and are required to complete a pre-qualification questionnaire to show that they have sufficient experience and resources to meet the needs of the procurement opportunity. They are then shortlisted with those selected being invited to submit a *Tender*.~~

~~9.4.3.2 The invitation to express an interest shall be issued through the e-procurement portal and shall specify the details of the contract and invite persons or bodies interested to apply within a set period being not less than 10 working days (and in accordance with any relevant legislation) for permission to submit a Tender.~~

~~9.4.3.3 No person or body shall be shortlisted unless the Officer, in consultation with Head of Service responsible for the contract, have taken all reasonable steps to satisfy themselves as to the technical competence of the person or body to be invited. Advice must be sought from the Procurement Manager in these circumstances.~~

~~9.4.3.4 No person or body shall be shortlisted unless the Officer, in consultation with Head of Resources and Performance, have taken all reasonable steps to satisfy themselves as to the financial viability and competence of the person or body to be invited.~~

~~9.4.3.5 The subsequent Invitation to Tender must be sent to not less than 4 suppliers who have expressed an interest. If there are less than 4 then all must be invited, except those the Officer considers to be unsuitable. The Officer must maintain a record of this Contracting Decision.~~

**Note : If deletion of above section 9.4 is accepted, section/paragraph numbers need to be changed.**