

Summons to attend meeting of Full Council



Date: Monday, 15 January 2018
Time: 2.00 pm
Venue: Council Chamber, City Hall

To: All Members of Council

Members of the public attending meetings or taking part in Public forum are advised that all Full Council are now filmed for live or subsequent broadcast via the council's [webcasting pages](#). The whole of the meeting is filmed (except where there are confidential or exempt items) and the footage will be available for two years. If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.

Issued by: Ian Hird, Democratic Services
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Date: Friday, 5 January 2018



Agenda

1. Welcome and safety information

Members of the public intending to attend the meeting are asked to please note that, in the interests of health, safety and security, bags may be searched on entry to the building. Everyone attending this meeting is also asked please to behave with due courtesy and to conduct themselves in a reasonable way.

Please note: if the alarm sounds during the meeting, everyone should please exit the building via the way they came in, via the main entrance lobby area, and then the front ramp. Please then assemble on the paved area between the side entrance of the cathedral and the roundabout at the Deanery Road end of the building.

If the front entrance cannot be used, alternative exits are available via staircases 2 and 3 to the left and right of the Council Chamber. These exit to the rear of the building. The lifts are not to be used. Then please make your way to the assembly point at the front of the building. Please do not return to the building until instructed to do so by the fire warden(s).

2. Apologies for absence

3. Minutes of previous meeting - 12 December 2017

To be confirmed as a correct record.

(Pages 15 - 25)

4. Declarations of interest

To note any declarations of interest from the Mayor and councillors. They are asked to indicate the relevant agenda item, the nature of the interest and in particular whether it is a disclosable pecuniary interest.

Any declaration of interest made at the meeting which is not on the register of interests should be notified to the Monitoring Officer for inclusion.

5. Lord Mayors' business



6. Public forum (public petitions, statements and questions)

Please note: Up to 30 minutes is allowed for this item. Public forum items should be e-mailed to democratic.services@bristol.gov.uk

Public forum items can be about any matter the Council is responsible for or which directly affects the city.

Please note that the following deadlines apply to this meeting:

a. Public petitions and statements: Petitions and written statements must be received by 12 noon on Friday 12 January 2018 at latest. One written statement per member of the public is permitted.

b. Public questions: Written public questions must be received by 5.00 pm on Tuesday 9 January 2018 at latest. A maximum of 2 questions per member of the public is permitted.

7. Petitions notified by councillors

Please note: Up to 10 minutes is allowed for this item.

Petitions notified by councillors can be about any matter the Council is responsible for or which directly affects the city.

The deadline for the notification of petitions to this meeting is 12 noon on Friday 12 January 2018 at latest.

8. Collection Fund - Estimated Council Tax and Business Rates surplus/deficit report 2017-18

(Pages 26 - 35)

9. Approval of Council Tax Base 2018-19

(Pages 36 - 45)

10. Review of the Constitution - Human Resources matters

(Pages 46 - 62)

11. Review of the procurement rules

(Pages 63 - 89)

12. Licensing Committee membership change

(Pages 90 - 91)



13. Motions

Note:

Under the Council’s constitution, 30 minutes are available for the consideration of motions. In practice, this realistically means that there is usually only time for one, or possibly two motions to be considered. With the agreement of the Lord Mayor, motion 1 below will be considered at this meeting, and motion 2 is likely to be considered, subject to time. Details of other motions submitted, (which, due to time constraints, are very unlikely to be considered at this meeting) are also set out for information.

Motion 1 - Planned Bristol Metro

Motion to be moved by: Cllr Mark Weston, Conservative, Henbury & Brentry ward

“This Council acknowledges the ambition behind the recently announced plan for Bristol to have its own underground metro system but is concerned over the lack of detail on how this idea is to be delivered, particularly around its price and build window.

Council notes that included in the Mayor’s manifesto he gave a commitment to achieving greater accountability and transparency in the priorities for capital spending of the West of England Joint Transport Board. Yet, to date, he has not been forthcoming in sharing information around this proposed major infrastructure project.

As a result, Members and the public are being asked to blindly support a scheme upon which they have no basis to judge whether this idea is a realistic proposition or a political flight of fancy.

Accordingly, Council calls on the Mayor to provide members of the public and this Council, via the Overview & Scrutiny Committee, with a report containing the following information:

- The results of the geological survey that apparently concluded widespread tunnelling was possible.
- How the price estimates have been arrived at including why the cost has already risen from £2.5bn to £4.5bn.
- How the proposed passenger numbers have been calculated.
- The results of discussion that must have been had with neighbouring



authorities on this project since the Mayor’s plans clearly show the routes and stations reaching beyond our boundaries.

- Explanation of how the proposed three routes were determined.
- A detailed account (including dates/minutes) of any meeting(s) held with key stakeholders in any such project, particularly local authority leaders in the West of England Partnership.
- What the actual time frame for delivery is and how this has been estimated, and
- What expressions of interest the Mayor has received so far in financing this project.

Unfortunately, without this information, Council cannot reasonably be expected to support such a large capital spend.”

Motion 2 - Safer Bristol Partnership multi-agency learning review

Motion to be moved by: Cllr Mark Brain, Labour, Hartcliffe & Withywood ward

“This council is shocked and appalled that the Safer Bristol Partnership report into the 2013 murder of Bijan Ebrahimi found that, using the definition set out in the Macpherson Report into the 1999 murder of Stephen Lawrence, there was 'evidence of both discriminatory behaviour and institutional racism on the part of Bristol City Council and Avon and Somerset Constabulary.'

The murder itself was ghastly and council is pleased that the murderer was caught and is now serving a life prison sentence. Another neighbour, who assisted the offender, was given a four-year custodial sentence. Whilst most of the blame for the murder lies with the murderer that does not excuse employees of both Avon and Somerset Police and Bristol City Council from their share of responsibility.

Following the report of the Independent Police Complaints Commission two PCSOs and two police officers were dismissed by Avon and Somerset Police and two were jailed, one for four months and one for ten months for misconduct in public office.

By contrast no action has been taken against any Bristol City Council employee despite the fact that:

- He made 44 allegations to the police that he had been a victim of crime.
- This included 5 allegations of harassment, 5 allegations of criminal damage, 17 allegations of assault, and 7 death threats.
- Boiling water was thrown over his head.
- Council officers regularly sided with Mr Ebrahimi's abusers.
- Mr Ebrahimi was arrested repeatedly and council officers obtained an ASBO against him, rather than his persecutors.



- Authorities took no action to dispel the rumours that he was a paedophile leaving his persecutors to believe the rumours were true.

The Multi-Agency Learning Review judged there to have been a ‘collective failure of both Avon and Somerset Constabulary and Bristol City Council to provide an appropriate and professional service to Bijan Ebrahimi’ while also reporting that ‘[n]o evidence has been provided to this review that any individual representative of either agency intentionally behaved in a racist manner’ and that ‘[t]here is nothing racist in the intentions or established policies and procedures of either organisation.’

Actions taken by Bristol City Council officers at the time were considered but they did not identify any issues that warranted any internal disciplinary action.

This council rejects the idea that no council officer was intentionally racist towards Bijan when four employees of Avon and Somerset Constabulary have already been dismissed for that very thing. It calls upon the Mayor to ensure there is a rigorous investigation of the behaviour of individual council officers involved in this case and that disciplinary action is taken where appropriate and training be given to all officers employed in those and similar roles.”

Details of other motions submitted (which, due to time constraints, are very unlikely to be considered at this meeting) are set out below for information:

Motion 3 - Expansion of Bristol International Airport and climate change

Motion submitted by: Cllr Charlie Bolton, Green, Southville ward

“Full Council notes:

1. The consultation being run by Bristol Airport over the preparation of a new master plan which could cover the period up to the mid-2040s.
2. The master plan could result in a more-than-doubling of passenger numbers from the current figure of 8 million to 20 million.
3. That air travel remains the most climate-damaging form of travel, and significant expansion of air travel will therefore have a significant climate impact.
4. That such an increase will lead to an enormous increase in the number of journeys to get to the airport to meet the increased usage – a fact which in itself will lead to significant issues around congestion, pollution and infrastructure.



5. The commitment – in Bristol – to be carbon-neutral by 2050, and the Climate Change Act which requires an 80% cut in emissions across the UK.
6. The Joint Spatial Plan – which includes North Somerset and the geographical area covered by the airport– contains an explicit commitment to making a 50% cut in emissions by 2036.

Full Council believes that:

1. The airport must conform to the commitment contained in the Joint Spatial Plan, and such a commitment should include emissions from the aircraft using it

Full Council resolves to call on the Mayor to:

1. Pass on these views to the airport, North Somerset Council, WECA, the Joint Committee; and
2. Respond directly to the consultation making the points above.”

Motion 4 - Supporting the Financial Transactions Tax (FTT) (also known as the Robin Hood Tax)

Motion submitted by: Cllr Carla Denyer, Green, Clifton Down ward

“Full Council notes that:

1. According to the Institute for Fiscal Studies, English councils have had their revenue budgets cut by £15bn (in today’s prices) between 2009-10 and 2016-17;¹
2. According to the Local Government Association, English local government still faces a challenging overall funding gap of £5.8 billion by 2019/20.²
3. In introducing a Robin Hood Tax/FTT - by closing much-abused loopholes around the existing Stamp Duty on share transactions, and modernising it to include other, more speculative transactions (such as derivatives) - the Treasury could raise more than £5bn of additional revenue in the UK every year;³
4. At least 10 European nations including France, Germany, Italy and Spain are moving ahead with FTTs on shares, bonds and derivatives estimated to raise £19bn a year.

Full Council believes that:

1. By 2020, local government will have seen a 7% decrease in government grant funding every year for a decade;⁴
2. Local government deserves to receive a significant proportion of FTT revenues, making an important contribution to both capital and revenue expenditure such as reversing cuts to adult social care;
3. Whilst an FTT might have a negligible effect on jobs in the City of London, investing FTT revenues in a smart and progressive way would see a significant increase in employment levels in other



sectors.

Full Council resolves that:

1. The UK government should extend the current FTT on shares to other asset classes, such as bonds and derivatives.

Full Council further resolves to ask the Mayor to:

1. Write to the Prime Minister, Deputy Prime Minister, Leader of the Opposition, Chancellor and Shadow Chancellor of the Exchequer, and Secretary of State for Communities and Local Government stating this council’s support for extending FTTs;
2. Write to all local MPs outlining the Council’s position;
3. Support or host a meeting to discuss the ways of supporting this proposal.”

Notes:

1. <https://www.ifs.org.uk/uploads/Presentations/British%20Local%20Government%20Finance%20in%20the%202010s%2C%20David%20Phillip.pdf>
2. https://www.local.gov.uk/sites/default/files/documents/5.20%20budget%20submission_06.pdf
3. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2908464
4. <https://www.nao.org.uk/wp-content/uploads/2016/11/Overview-Local-government.pdf>

Background:

In a nutshell, the big idea behind the Robin Hood Tax is to generate billions of pounds – hopefully even hundreds of billions of pounds. That money will fight poverty in the UK and overseas. It will tackle climate change. And it will come from fairer taxation of the financial sector.

The Financial Transactions Tax –also known as the ‘Robin Hood’ or ‘Tobin’ Tax – would roll out the current tax on the purchase of shares to other financial assets, such as bonds and derivatives. This could raise £25 billion of additional revenue every five year parliament, potentially providing a new source of funding for local councils.

The FTT would also help encourage traditional longer term approaches to investment as opposed to extremely short-term, speculative behaviour that characterised the conditions that led to the financial crisis. Changing such behaviour is necessary to create a more responsible and stable financial system going forward. The UK already has an FTT on share sales, but loopholes mean a large portion of this is lost.

Extending the FTT would not require an entirely new system to be introduced.



Motion 5 - Closing the cold homes loophole

Motion submitted by: Cllr Martin Fodor, Green, Redland ward

“Full Council notes:

1. The private rented sector is a major source of housing for families in the city, with many living in fuel poverty due to poor energy efficiency standards. Fuel poverty is defined by having to spend at least 10% of income after housing costs on fuel bills. For many it means a choice of ‘heat or eat’. An estimated 25,000 people in Bristol are classed as being in fuel poverty, many in the private rental sector.
2. After many years of delay, Government regulations will now require landlords of poorly insulated properties to upgrade them in order to make life more comfortable for their tenants and to cut carbon emissions. Homes rated in energy bands F and G (e.g. the coldest) must be brought up to band E.
3. However, an exemption exists allowing landlords to not undertake this work if it will cost them money - which it almost certainly will since government energy efficiency schemes that they could have applied to have mostly closed or been significantly scaled down. As long as this loophole is open, the hardest to heat homes in the city will be left uninsulated.
4. Living in a cold home is bad for your physical and mental health; it damages children's educational development and affects many families in the city as well as many older people who then risk hypothermia.
5. The Mayor has done commendable work so far in bringing together Fuel Poverty stakeholders and with winter approaching more must now be done.

Full Council believes:

1. With colder weather on the way, the campaign to close the loophole that allows private rented sector landlords to duck their obligations to make their homes warmer is very timely.
2. There should be a replacement for the Green Deal Finance scheme which enabled investment to be made to upgrade homes at no upfront cost to the landlord or owner (with financing costs being paid for out of savings gained for the occupier from improved energy efficiency and lower bills – this is known as a Pay As You Save Scheme).

Full Council resolves to call on the Mayor to:

1. Support a national campaign by climate change charity 10:10 which is campaigning to close the loophole.
2. Write to all the local MPs and ask them to press the government to remove the exemption and provide a source of finance for landlords to upgrade their homes as required by the legislation.
3. Look into what the Council can do to further alleviate fuel poverty



- and encourage insulation through the Private Housing team.
4. Support Warm Up Bristol to play a role in this.”

Motion 6 - Action on residents parking

Motion submitted by: Cllr Stephen Clarke, Green, Southville ward

“Full Council notes:

1. That the Mayor has recently refused to allow an extension of the Southville RPS scheme across to the South side of North St in Southville to include a small number of roads with terraced houses such as Friezwood Rd, Carrington Rd and Truro Rd.
2. This refusal is despite many requests that local councillors have received from residents in these roads to protect them from overspill from the Southville RPS schemes and traffic from the football and rugby crowds at Ashton Gate.
3. The recent consultation on changes to the Southville RPS also demonstrated strong support from the residents of these roads to an RPS extension to cover their area.
4. The problem is exacerbated by the fact that these few roads are squeezed between the Southville RPS scheme and newer housing that has off street parking.

Full Council believes that:

1. When residents of a specific area ask for help from the council in this way they should be listened to, otherwise they will perceive the whole process of consultation as being a meaningless tick-box exercise.
2. Inevitably there is going to be spillover problems from many existing RPS schemes but this is a specific area of only a few streets where intense problems have been caused by a council decision regarding parking. At very little expense this could now be solved by the council listening to the residents’ request.
3. If a change is not made now it will probably not be made for many years.

Full Council resolves to call on the Mayor to:

1. Carry out a swift review of the situation in this specific area.
2. Depending on the results of that review, implement a strictly limited extension to the Southville RPS to cover the relevant roads.
3. Explain to the local residents what is happening and why such a clear request from residents and local councillors (who are supposed to be in charge of the process) has been ignored for so long.”



Motion 7 - Bristol's housing shortage: providing key worker homes

Motion submitted by: Cllr Mark Weston, Conservative, Henbury and Brentry ward

“This Council welcomes the moves made by the Chancellor to support the Housing market in the Autumn Statement whilst, at the same time, maintaining fiscal discipline aimed at reducing the budget deficit to 1.5% of national income by 2020-21.

Council has previously endorsed the region's ambitious house building target of 105,500 new dwellings in the Joint Spatial Plan. Whilst supportive of the Mayor's pledge to supply 2,000 homes a year (800 affordable) by 2020, and the steps taken through the housing delivery company, Council believes much more needs to be done to meet the accommodation needs of the relatively low paid.

Bristol is now one of the least affordable cities in the UK, with the cost of buying a home requiring an income multiplier of ten times the national average wage.

Accordingly, Council calls on the Mayor to conduct an audit of the Authority's property portfolio, with a view to identifying those buildings – classed as brownfield or previously developed sites – which could be converted for the exclusive or predominant purpose of providing 'key worker' homes.

Two possible candidates for such conversion would be the two historic ('A' and 'B') bonded warehouses near to the Cumberland Basin. These huge structures have enormous potential to create hundreds of units for rent or affordable purchase and are ideally located near to the city centre. The feasibility of this proposal should be fully explored. Council considers such a change-of-use would help to alleviate a chronic housing shortage and recognise the vital contribution that professionals such as nurses, teachers and the police etc., make to the continuing success of the Bristol economy.”

Motion 8 - Getting waste back on track

Motion submitted by: Cllr Gary Hopkins, Liberal Democrat, Knowle ward

“Council notes with concern the declining environmental performance of Bristol City Council on waste over recent years. Whilst it is undoubtedly true that since 2015 British central government has placed less emphasis on recycling rates, that is not an excuse for the poor recycling rates which have declined rapidly since the 50% peak some 5 years ago.



<https://www.bristol.gov.uk/documents/20182/33395/Towards+a+Zero+Waste+Bristol+-+Waste+and+Resource+Management+Strategy/102e90cb-f503-48c2-9c54-689683df6903>

This Council had a policy, which is no longer adhered to, of refusing to use mass burn incineration for waste disposal and there is now a dangerous drift to increasing our dependence on incineration.

There are a number of reasons for the decline in performance and it is a matter of concern that some of these are now hidden from most Councillors and the public under the guise of confidentiality.

Council regrets that as an example, of a matter of concern, the waste calendar which provided great information as well as collection days and was on display in so many kitchens has been withdrawn without information or proper discussion.

Council calls for the Mayor to come forward with a clear plan and strategy for reinvigorating performance, including the opening date of the South Bristol recycling centre, to be discussed by Full Council.”

Motion 9 - Building an Arena in Bristol

Motion submitted by: Cllr Charlie Bolton, Green, Southville ward

“Full Council notes:

1. That Bristol is the only one of the UK’s major Core Cities to have no city centre arena.
2. That approximately £10 million of Council funds have already been invested into the development of a site near Bristol Temple Meads for a Bristol arena, and any alternative site would require significant preparatory work as a minimum with WECA and arena management companies before a site could be decided on. It would therefore result in further significant delays before Bristol has an arena.

Full Council believes there are three major benefits to building an arena on 'arena island' in the heart of Bristol City Centre:

1. The ease of access by public transport, for both visitors and locals from across the city, due to the proximity to Bristol Temple Meads Station and key bus routes.
2. Increased numbers of visitors to Bristol, as well as the likelihood that visitors will take advantage of the other city-centre attractions, therefore further contributing to the local economy and generating further revenue for the Council itself.



3. The potential for an arena at this site to unlock further sustainable and balanced regeneration in this part of the city.

Concerning a possible move to Filton, Full Council notes:

1. That moving the arena to Filton could generate millions of additional car journeys to an already heavily congested area.
2. That current public transport arrangements at Filton are significantly worse than at Temple Meads.

Council therefore believes that:

The current proposed location of the arena at Temple Meads is the best site, and should be retained unless it can conclusively be shown to be unaffordable or that arguments for alternative sites are overwhelming. That means that they are better for access, sustainable travel, local business, and meet the Mayor's 'Good growth' goals.”

Motion 10 - National Joint Council pay and conditions and the public sector pay freeze

Motion submitted by: Cllr Mark Brain, Labour, Hartcliffe & Withywood ward

“Full Council notes that:

1. For most workers in local government and schools, pay and other terms and conditions are determined by the National Joint Council (NJC) for local government services.
2. On average, across the country, NJC basic pay has fallen by 21% in real terms since 2010.
3. NJC workers had a three-year pay freeze from 2010-2012 and have received only 1% pay increase annually since then.
4. NJC pay is the lowest in the public sector.
5. Differentials in pay grades are being squeezed and distorted by bottom-loaded NJC pay settlements needed to reflect the increased Statutory National Living Wage.
6. The likelihood of rising inflation following the vote to leave the European Union will worsen the current public sector pay inequality.
7. The drastic ongoing cuts to local government funding and calls on the Government to provide all additional resources to ensure local authorities can fund a decent pay rise for NJC employees and the pay spine review.

Full Council believes:

1. That the NJC pay claim for 2018, submitted by Unite, UNISON and the GMB on behalf of council and school workers should be supported and calls for the immediate end of public sector pay restraint. NJC pay cannot be allowed to fall further behind other parts of the public sector.
2. That the joint review of the NJC pay spine to remedy the turbulence



caused by bottom-loaded pay settlements is welcome.

Full Council resolves:

1. To call on the Mayor to write to the LGA asking it to make urgent representations to Government to fund the NJC claim and the pay spine review.
2. To write to the Prime Minister and Chancellor supporting the NJC pay claim and seeking the additional resources needed to fund a decent pay rise and the pay spine review.
3. To write to local NJC union representatives to convey support for the pay claim and the pay spine review."

Signed



Proper Officer
Friday, 5 January 2018



Bristol City Council Minutes of the Full Council

12 December 2017 at 2.00 pm



Present:

Lesley Alexander, Lord Mayor; Marvin Rees, Mayor of Bristol

Councillors: Donald Alexander, Lesley Alexander, Nicola Beech, Harriet Bradley, Mark Bradshaw, Mark Brain, Charlie Bolton, Fabian Breckels, Tom Brook, Clare Campion-Smith, Tony Carey, Craig Cheney, Barry Clark, Jos Clark, Stephen Clarke, Harriet Clough, Eleanor Combley, Asher Craig, Chris Davies, Mike Davies, Carla Denyer, Kye Dudd, Jude English, Martin Fodor, Helen Godwin, Paul Goggin, Geoff Gollop, John Goulandris, Fi Hance, Margaret Hickman, Claire Hiscott, Helen Holland, Gary Hopkins, Chris Jackson, Carole Johnson, Steve Jones, Anna Keen, Tim Kent, Sultan Khan, Gill Kirk, Cleo Lake, Mike Langley, Jeff Lovell, Brenda Massey, Olly Mead, Matt Melias, Graham Morris, Anthony Negus, Paula O'Rourke, Steve Pearce, Celia Phipps, Ruth Pickersgill, Jo Sergeant, Afzal Shah, Paul Smith, Clive Stevens, Jerome Thomas, Mhairi Threlfall, Estella Tincknell, Jon Wellington, Mark Weston, Lucy Whittle, Chris Windows and Mark Wright

Aldermen/women: A Massey, J McLaren, B Price, J Smith

1. Welcome and safety information

The Lord Mayor welcomed all attendees to the meeting, and made a safety announcement in relation to the fire/emergency evacuation procedure.

2. Apologies for absence

Apologies for absence were received from Cllrs Bowden-Jones, Eddy, Radford and Quartley. (Note: later in the meeting, Cllr Combley left the meeting during the refreshment break and submitted apologies for absence in respect of agenda items 8 and 9).

3. Minutes of previous meeting - 14 November 2017

On the motion of the Lord Mayor, seconded by Cllr Denyer, it was



RESOLVED:

That the minutes of the meeting of the Full Council held on 14 November 2017 be confirmed as a correct record and signed by the Lord Mayor.

4. Declarations of interest

None.

5. Lord Mayor's business

None.

6. Public forum (public petitions, statements and questions)

Public petitions:

The Full Council received and noted the following petition:

Petition PP 01 – “Petition against the installation of bike hangars on Somerset Road, Knowle”

Petition organiser – Rachel Heaton

Public statements:

The Full Council received and noted the following statements (which were also referred to the Mayor for his consideration/information):

PS 01 - Viran Patel - Council's budget

PS 02 - David Redgewell - Rail/transport issues

PS 03 - Jane Phillips, Richmond Area Residents Association - University expansion

PS 04 - John and Martha - Bus stops in the centre

PS 05 - Lynda Hay - University expansion

PS 06 - Will Pooley, Highbury Residents Association - University expansion

PS 07 - Sally Paynter, Clifton Down Community Association - University expansion

PS 08 - Richard Barnes, Oakfield Residents Association - University expansion

PS 09 - Graham Coburn - Reduction of plastic use in Bristol

PS 10 - Eleanor Breed, Chandos Neighbourhood Association - University expansion

PS 11 - Mike Baker, Living Easton Heritage & Environmental Group - New community toilets

PS 12 - Kevin Gummatt - Canford Lane crossing

PS 13 - Daniel Cleary - Fiddlers - “Agent of change”

PS 14 - Rob Harris - University expansion

PS 15 - Caroline Stevenson - Save nightlife

PS 16 - Aumairah Hassan - Easton Safer Streets Initiative



PS 17 - Kay Galpin - Living on the edge of a RPZ

PS 18 - Ornella Saibene - Council's budget

Within the time available, statements were presented by individuals present at the meeting.

(Note: with the permission of the Lord Mayor, Cllr Stevens presented statement PS 04 on behalf of the individuals who had submitted this statement.)

Public questions:

The Full Council noted that the following questions had been submitted:

PQ 01 - Local Plan revision - Question from Robbie Gillett

PQ 02 - Fly-tipping - fines - Question from Michael Owen

PQ 03 - Cumberland Basin junction/bridge - Question from Michael Owen

PQ 04 - Fishponds Road/Hockeys Lane junction - Question from Grant Hudson

PQ 05 - Canford Lane crossing - Question from Graham Donald

PQ 06 - Motion on mitigation of university expansion - Question from Dr Patricia Smith

PQ 07 - Residential roads - traffic/parking interventions - Question from Katharine Gale

PQ 08 - Residents parking - Question from Kay Galpin

PQ 09 - Bush residential respite centre - Question from Caroline Stevenson

PQ 10 - Elton Road (Bishopston) and North Road (St Andrews) - extension of residential parking zones to these two streets - Question from John Owen

PQ 11 - Council budget - Question from Viran Patel

PQ 12 - Easton Voice campaign - Question from Edward Bowditch

PQ 13 - 10 year plan for road safety - Question from Deborah Doyle

Within the time available, the Mayor responded verbally to questions PQ 01, PQ 05, PQ 06, PQ 07, PQ 08, PQ 09, PQ 10 and PQ 13, also responding to supplementary questions.

7. Petitions notified by councillors

None notified for this meeting.

ADJOURNMENT – At this point the Lord Mayor advised that the Full Council meeting would adjourn for a 20 minute refreshment break.

8. Information item - Treasury Management mid-year report 2017-18

The Full Council considered the Treasury Management mid-year report 2017-18

Cllr Cheney, Deputy Mayor for Finance, Governance and Performance introduced the report.



Following debate, it was:

RESOLVED:

That the report be noted.

9. Motions

Motion 1 - Austerity has failed: Bristol needs more money and more powers

Cllr Mike Davies moved the following motion:

“Full Council notes:

1. The Budget announced by the Conservative chancellor, Philip Hammond, on Tuesday 22 November.
2. Unprecedented pressure on adult social care, children’s social services, and the illogic of cutting support only to increase costs down the line; increasing deficits in Bristol’s schools and sixth forms, despite funds being found for new free schools in areas where there are already a surplus of places; and Avon & Somerset Police’s belief that they are at ‘tipping point’, having already been forced to make £65 million of cuts since 2010, including a reduction of 655 police officers, with another £17 million of cuts demanded by 2021/22.
3. The £108 million budget gap which Bristol faces over the next five years and the multi-billion-pound budget gap faced by local councils across the country.
4. That Bristol is the only city in the country other than London to make a net contribution to the Treasury, thanks to the ingenuity of local businesses small and large.
5. Growing local economies drives our national prosperity; investment in people, services, and key infrastructure creates opportunities for everyone to do well.
6. The Green Paper taken to Westminster by the Mayor, Marvin Rees, and leaders of the UK’s other Core Cities; Bristol’s backing for it in September; and the hard work of our city’s four Labour MPs to hold the Government to account for its austerity programme.

Full Council believes:

1. That Bristol deserves more money and the Chancellor’s budget missed a chance to provide local government with much-needed investment.
2. Austerity, voted through Tory and Lib Dem coalition and continued by the Tory government, has made life worse for ordinary Bristolians. It has failed.
3. That Bristol’s former Lib Dem and Tory MPs voted to abolish Bristol City Council’s Revenue Support Grant, worth £110 million as recently as 2014/15.
4. Some of the Chancellor’s announcements were welcome, including new investment in house-building and infrastructure – both of which are core challenges for our city and the country.
5. Bristol’s Mayor, in conjunction with the West of England Combined Authority (WECA), has submitted an ambitious bid to the Housing Infrastructure Fund to unlock more than 4,000 new homes near Bristol Temple Meads.



6. Cities face challenges which national governments do not, and need more powers and flexibility than they currently have in order to succeed.
7. Bristol needs more powers to achieve its full potential, and a shift towards cities will help create more and better-paying jobs for Bristolians.

Full Council resolves:

1. To back the Mayor's and WECA's Housing Infrastructure Fund bid and welcome figures which show that Bristol's numbers of new homes are on the up – including affordable ones and a generation of new council houses.
2. To continue to back calls for investment in Bristol, more power for cities, and an end to austerity."

Cllr Brain seconded the motion.

Cllr Denyer then moved the following amendment:

'That the motion be amended to read as follows:

"Full Council notes:

1. *The Budget announced by the Conservative chancellor, Philip Hammond, on Tuesday 22 November.*
2. *Unprecedented pressure on adult social care, children's social services, and the illogic of cutting support only to increase costs down the line; increasing deficits in Bristol's schools and sixth forms, despite funds being found for new free schools in areas where there are already a surplus of places; and Avon & Somerset Police's belief that they are at 'tipping point', having already been forced to make £65 million of cuts since 2010, including a reduction of 655 police officers, with another £17 million of cuts demanded by 2021/22.*
3. *The £108 million budget gap which Bristol faces over the next five years and the multi-billion-pound budget gap faced by local councils across the country.*
4. *That Bristol is the only city in the country other than London to make a net contribution to the Treasury, thanks to the ingenuity of local businesses small and large.*
5. *Growing local economies drives our national prosperity; investment in people, services, and key infrastructure creates opportunities for everyone to do well.*
6. *The Green Paper taken to Westminster by the Mayor, Marvin Rees, and leaders of the UK's other Core Cities which was ignored by Central Government; Bristol's rally against cuts in September; and the hard work of our city's four Labour MPs to hold the Government to account for its austerity programme.*

Full Council believes:

1. *That Bristol deserves more money and the Chancellor's budget missed a chance to provide local government with much-needed investment.*
2. *Austerity, voted through Tory and Lib Dem coalition and continued by the Tory government, has made life worse for ordinary Bristolians. It has failed.*



3. *That Bristol's former Lib Dem and Tory MPs voted to abolish Bristol City Council's Revenue Support Grant, worth £110 million as recently as 2014/15.*
4. *Some of the Chancellor's announcements were welcome, including new investment in house-building and infrastructure – both of which are core challenges for our city and the country.*
5. *Bristol's Mayor, in conjunction with the West of England Combined Authority (WECA), has submitted an ambitious bid to the Housing Infrastructure Fund to unlock more than 4,000 new homes near Bristol Temple Meads.*
6. *Cities face challenges which national governments do not, and need more powers and flexibility than they currently have in order to succeed.*
7. *Bristol needs more powers to achieve its full potential, and a shift towards cities will help create more and better-paying jobs for Bristolians.*

Full Council resolves:

1. *To back the Mayor's and WECA's Housing Infrastructure Fund bid and welcome figures which show that Bristol's numbers of new homes are on the up – including affordable ones and a generation of new council houses.*
2. *To continue to back calls for investment in Bristol, more power for cities, and an end to austerity.*
3. *Given that the previous lobby of Westminster, which was based on 'sensible' requests for more funding pots and devolution, was ignored by Central Government, to ask the Mayor to work with the other core cities to loudly and actively resist austerity through non-cooperation, including by threatening non-payment of Business Rates, as has been done by his Labour colleagues who are in a cross-party co-operation agreement with Greens and Lib Dems on Stroud District Council.*
4. *To ask the Mayor to seriously consider amendments from other political groups to his budget, rather than voting them down on blanket party lines. Given the tough choices the Council has to make at present it is more important than ever that a broad range of views and expertise is drawn upon in the budget process." '*

The amendment was seconded by Cllr English.

The amendment was then debated. Following the debate, upon being put to the vote, the amendment was LOST (18 members voting in favour, 43 against, with 1 abstention).

At this point in the meeting, on the motion of the Lord Mayor, it was agreed that standing orders be suspended to allow the consideration of motions to continue for a further 10 minutes.

Cllr Hopkins then moved the following amendment:

'That the motion be amended to read as follows:

"Full Council notes:

1. *The Budget announced by the Conservative chancellor, Philip Hammond, on Tuesday 22 November.*



2. *Unprecedented pressure on adult social care, children's social services, and the illogic of cutting support only to increase costs down the line; increasing deficits in Bristol's schools and sixth forms, despite funds being found for new free schools in areas where there are already a surplus of places; and Avon & Somerset Police's belief that they are at 'tipping point', having already been forced to make £65 million of cuts since 2010, including a reduction of 655 police officers, with another £17 million of cuts demanded by 2021/22.*
3. *The £108 million budget gap which Bristol faces over the next five years and the multi-billion-pound budget gap faced by local councils across the country.*
4. *That Bristol is the only city in the country other than London to make a net contribution to the Treasury, thanks to the ingenuity of local businesses small and large.*
5. *Growing local economies drives our national prosperity; investment in people, services, and key infrastructure creates opportunities for everyone to do well.*

Full Council believes:

1. *That Bristol deserves more money and the Chancellor's budget missed a chance to provide local government with much-needed investment.*
2. *The cutting back on expenditure (dubbed austerity) that first started in 2008 under the Labour government and was continued through the Tory and Lib Dem coalition and continued by the Tory government, was initially very necessary given the annual budget deficit worse than that of Greece but is now having perverse and damaging results. The deficit was reduced by 2/3 by the 2015 election but the reduced growth due partly to Brexit and general lack of investment means that we are now having the pain without the gain. We need to support productive investment but continue the war on waste.*
3. *That the option given to Bristol to retain 100% of business rates, offered by government in 2014 – 2015 was taken up by the present Mayor in October 2016.*
4. *Some of the Chancellor's announcements were welcome, including new investment in house-building and infrastructure – both of which are core challenges for our city and the country.*
5. *Bristol's Mayor, in conjunction with the West of England Combined Authority (WECA), has submitted an ambitious bid to the Housing Infrastructure Fund to unlock more than 4,000 new homes near Bristol Temple Meads.*
6. *Cities face challenges which national governments do not, and need more powers and flexibility than they currently have in order to succeed.*
7. *Bristol needs more powers to achieve its full potential, and a shift towards cities will help create more and better-paying jobs for Bristolians. Bristol looks forward to the mayor coming up with a coherent list and plan for how powers could be used and sharing these with the Council and the Bristol public.*

Full Council resolves:

1. *To back a growth in new building and notes the recovery in housing delivery after the disastrous performance of the last Mayor.*
2. *To continue to back calls for investment in Bristol, more power for cities and an end to austerity."*

The amendment was seconded by Cllr Wright.



The amendment was then debated.

Prior to the vote being taken at the end of the debate, on the motion of the Lord Mayor, it was agreed that standing orders be suspended to allow the consideration of motions to continue for a further 10 minutes.

Upon being put to the vote, the amendment was LOST (8 members voting in favour, 54 against, with 1 abstention).

The original motion, as moved by Cllr Mike Davies and seconded by Cllr Brain was then put to the vote. The motion was CARRIED (44 members voting in favour, 9 against, with 9 abstentions), and it was then

RESOLVED:

Full Council notes:

- 1. The Budget announced by the Conservative chancellor, Philip Hammond, on Tuesday 22 November.**
- 2. Unprecedented pressure on adult social care, children's social services, and the illogic of cutting support only to increase costs down the line; increasing deficits in Bristol's schools and sixth forms, despite funds being found for new free schools in areas where there are already a surplus of places; and Avon & Somerset Police's belief that they are at 'tipping point', having already been forced to make £65 million of cuts since 2010, including a reduction of 655 police officers, with another £17 million of cuts demanded by 2021/22.**
- 3. The £108 million budget gap which Bristol faces over the next five years and the multi-billion-pound budget gap faced by local councils across the country.**
- 4. That Bristol is the only city in the country other than London to make a net contribution to the Treasury, thanks to the ingenuity of local businesses small and large.**
- 5. Growing local economies drives our national prosperity; investment in people, services, and key infrastructure creates opportunities for everyone to do well.**
- 6. The Green Paper taken to Westminster by the Mayor, Marvin Rees, and leaders of the UK's other Core Cities; Bristol's backing for it in September; and the hard work of our city's four Labour MPs to hold the Government to account for its austerity programme.**

Full Council believes:

- 1. That Bristol deserves more money and the Chancellor's budget missed a chance to provide local government with much-needed investment.**
- 2. Austerity, voted through Tory and Lib Dem coalition and continued by the Tory government, has made life worse for ordinary Bristolians. It has failed.**
- 3. That Bristol's former Lib Dem and Tory MPs voted to abolish Bristol City Council's Revenue Support Grant, worth £110 million as recently as 2014/15.**



4. **Some of the Chancellor’s announcements were welcome, including new investment in house-building and infrastructure – both of which are core challenges for our city and the country.**
5. **Bristol’s Mayor, in conjunction with the West of England Combined Authority (WECA), has submitted an ambitious bid to the Housing Infrastructure Fund to unlock more than 4,000 new homes near Bristol Temple Meads.**
6. **Cities face challenges which national governments do not, and need more powers and flexibility than they currently have in order to succeed.**
7. **Bristol needs more powers to achieve its full potential, and a shift towards cities will help create more and better-paying jobs for Bristolians.**

Full Council resolves:

1. **To back the Mayor’s and WECA’s Housing Infrastructure Fund bid and welcome figures which show that Bristol’s numbers of new homes are on the up – including affordable ones and a generation of new council houses.**
2. **To continue to back calls for investment in Bristol, more power for cities, and an end to austerity.**

Altered Motion 2 - Coffee cups cost the earth

Cllr Campion-Smith moved the following altered motion:

“Council notes growing concern about ‘single use’ drinking cups and the effect on the environment.

Concerns are based on the following:

- To make takeaway coffee cups waterproof, the card is fused with polyethylene. This material cannot be separated out again at a standard recycling plant.
- There are only 2 highly specialised recycling facilities in the UK that are able to recycle such coffee cups.
- UK throws away 2.5 billion coffee cups a year, creating approximately 25,000 tonnes of waste.
- Only 0.25% of the 7 million coffee cups thrown away every day in the UK are recycled.
- Over 6.98 million coffee cups thrown away each day go to landfill or end up in the environment.
- Paper or cardboard coffee cups which are properly recyclable in the public waste disposal system do exist.

Council believes:

- We can set a better example in Bristol City Council.
- Practical solutions exist which can be implemented with minimal delay.

Council therefore calls on the Mayor:

- To request the government to legislate for a small charge to be levied on such cups noting the success of the plastic bag charge in increasing the use of ‘bags for life’ and reducing plastic.



- To require a small charge to be levied on the cups in use in City Hall and other venues controlled by the Council to initiate a change in habits for consumers and purveyors. This sum should be used for in-house environmental initiatives.
- To ensure all outlets offer reusable cups for sale.
- To require all contractors working for the Council to switch to fully recyclable cups.
- To ensure all recyclable cups are issued with non-black lids, as black plastic cannot in practice be recycled.

To achieve the above effectively, Council will work with current contractors to review existing agreements and will consult with local stakeholders including MPs Kerry McCarthy and Thangam Debbonaire, who have led a campaign in Bristol and in parliament against single use plastics and the resultant pollution in our oceans.”

Sources:

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/environmental-audit-committee/news-parliament-2015/disposable-packaging-coffee-cups-plastic-bottles-inquiry-launch-16-17/>

<http://www.bbc.co.uk/news/business-40951041>

<http://www.bbc.co.uk/news/magazine-36882799>

<https://www.theguardian.com/environment/2017/mar/30/reusable-incentives-could-slash-disposable-coffee-cup-waste>

Cllr Clough seconded the altered motion.

Following debate, upon being put to the vote, the altered motion was CARRIED (60 members voting in favour, 1 against, with 1 abstention), and it was then

RESOLVED:

Council notes growing concern about ‘single use’ drinking cups and the effect on the environment.

Concerns are based on the following:

- **To make takeaway coffee cups waterproof, the card is fused with polyethylene. This material cannot be separated out again at a standard recycling plant.**
- **There are only 2 highly specialised recycling facilities in the UK that are able to recycle such coffee cups.**
- **UK throws away 2.5 billion coffee cups a year, creating approximately 25,000 tonnes of waste.**
- **Only 0.25% of the 7 million coffee cups thrown away every day in the UK are recycled.**
- **Over 6.98 million coffee cups thrown away each day go to landfill or end up in the environment.**
- **Paper or cardboard coffee cups which are properly recyclable in the public waste disposal system do exist.**

Council believes:

- **We can set a better example in Bristol City Council.**



- **Practical solutions exist which can be implemented with minimal delay.**

Council therefore calls on the Mayor:

- **To request the government to legislate for a small charge to be levied on such cups noting the success of the plastic bag charge in increasing the use of ‘bags for life’ and reducing plastic.**
- **To require a small charge to be levied on the cups in use in City Hall and other venues controlled by the Council to initiate a change in habits for consumers and purveyors. This sum should be used for in-house environmental initiatives.**
- **To ensure all outlets offer reusable cups for sale.**
- **To require all contractors working for the Council to switch to fully recyclable cups.**
- **To ensure all recyclable cups are issued with non-black lids, as black plastic cannot in practice be recycled.**

To achieve the above effectively, Council will work with current contractors to review existing agreements and will consult with local stakeholders including MPs Kerry McCarthy and Thangam Debbonaire, who have led a campaign in Bristol and in parliament against single use plastics and the resultant pollution in our oceans.

The meeting ended at 4.17 pm

LORD MAYOR _____



Full Council

15 January 2018



Note: this report is also being submitted to the Cabinet on 9 January 2018

Report Title: Collection Fund – Estimated Council Tax and Business Rates Surplus/Deficit 2017/18

Ward: Citywide

Report Author: Director of Finance

Member presenting report: Councillor Craig Cheney, Cabinet Member for Finance, Performance and Governance

Purpose of the report:

To determine the estimated Collection Fund surplus/deficit as at 31 March 2018

Recommendation for the Full Council's approval:

1. That an estimated deficit at 31 March 2018 on the Council Tax element of the Collection Fund of £37k be declared for 2017/18 and shared between this Council, the Police and Crime Commissioner for Avon and Somerset and the Avon Fire and Rescue Service in proportion to their 2017/18 precepts on the Collection Fund.
2. That an estimated deficit at 31 March 2018 on the Non-Domestic Rates (NDR) element of the Collection Fund of £13.976m be declared for 2017/18 and shared between this Council, the Secretary of State, Avon Fire and Rescue Service and the West of England Combined Authority (WECA) in proportion to the appropriate year demands (For 2017/18: Bristol 94%, WECA 4%, Avon Fire and Rescue Service 1%. For prior years, Bristol 49%, Secretary of State 50%, Avon Fire and Rescue Service 1%).



The proposal:

1. The Local Government Finance Act 1992 (as amended) requires the Council to determine the estimated surplus or deficit on the Collection Fund in respect of Council Tax by 15 January. This will enable the precepting authorities (the Police and Crime Commissioner for Avon and Somerset and Avon Fire and Rescue) to take into account their share of any surplus or deficit before finalising their precepts for 2017/18.
Similarly, following the introduction of the Business Rates Retention Scheme from April 2013, in accordance with the Non-Domestic Rating (Rates Retention) Regulations 2013, the Council must determine the estimated surplus or deficit on the Collection Fund in respect of Business Rates prior to 31 January.
2. Income from Council Tax and Business Rates are fixed at the start of each financial year. Any variations from this are realised through the Collection Fund and are distributed in the following two financial years (based on estimated in the following year and actuals in the subsequent year.) The Council is required by statute to maintain a Collection Fund separate from the General Fund. The Collection Fund accounts independently for:
 - Income into the Fund: the Fund is credited with the amount of receipts of Council Tax and (Non Domestic Rates) NDR it collects.
 - Payments out of the Fund: in relation to Council Tax payments that are made to the Council and the two major precepting authorities (Avon and Somerset Police and Crime Commissioner and Avon Fire and Rescue). In relation to NDR payments that are made to the Council, the Secretary of State, Avon Fire and Rescue Service and WECA.

2017/18 Estimated Deficit for Council Tax

3. The forecast of the Council Tax Collection Fund Balance for the year ending 31 March 2018 is an estimated deficit of £37k. This is comprised of an in year (17/18) estimated deficit of £194k and an adjustment for the previous year surplus not distributed of £157k.
4. The estimated deficit, although very small, is due to a combination of factors. Although there remains buoyancy in the market there has also been a greater than anticipated increase in the number of exemptions and discounts, primarily in respect of student occupancy and single person discounts.
5. Since calculating the Council Tax Base for 17/18 (in October 2016), 2,122 Band D equivalent new residential properties have come on to the market in Bristol (to November 2017). As this is phased throughout the year the estimated increase in yield is £1.7m
6. In addition, the value of benefits awarded through the Council Tax Support Scheme has continued to fall from an estimate of £39.420m at the beginning of the year to an anticipated outturn position of £38.000m. This is following a trend identified over the last few years. The table shows the split between the budgeted and likely actual cost of the scheme split between working age and pensioner claimants. This results in a reduction of approximately £1.4m.

	Value of benefits claimed		
	Working Age	Pensioner	Total
	£m	£m	£m
Council Tax Base Estimate for 2017/18	25,623	13,794	39,417
Estimated Outturn 2017/18	25,023	12,977	38,000
Difference	600	817	1,417
Percentage Reduction	2.34%	5.92%	

7. The table below shows the number of pensioner and working age claimants recorded each year on the CTB return since October 2013 (Band D equivalents.)

	October 2013	October 2014	October 2015	October 2016	October 2017
Pensioners	11,831	11,663	11,019	10,054	9,594
Working Age	21,526	20,949	20,163	19,447	19,100
Total	33,347	32,612	31,182	29,501	28,694

8. The table above shows that the reduction in tax base due to pensioner claimants has fallen by 2,237 band D equivalents, or 18.91% since 2013, primarily because pensioner benefit income is rising more quickly than the cost of living (“triple lock”), while the number of working age claimants has reduced by 2,426 or 11.27% over the same period of time. This is in line with previously reported trends and therefore has been reflected in the calculation of the Tax Base.
9. Conversely, in line with a growing tax base, discounts and exemptions have also increased by over £3.2m since the original tax base estimate in October 2016. Student exemptions are estimated to have increased by £2m and single person occupancy discounts by £1.2m over the original budgeted for 2017/18. . The Revenues team are currently going through a tendering exercise for a fully managed council tax single person discount review to be undertaken later in 2017/18. This will help to ensure that the Council Tax Base going forward properly reflects entitlements to this discount.
10. The estimated deficit is distributed to the major precepting authorities in proportion to the current year’s demands and precepts on the Collection Fund. A detailed determination of the estimated Council Tax Collection Fund deficit for 2017/18 is shown in Appendix A and the allocation of the estimated deficit to each of the major precepting authorities is summarised below:

	£'000
Bristol City Council	32
Avon and Somerset Police and Crime Commissioner	4
Avon Fire and Rescue	1
	37

2017/18 Estimated Deficit for Non-Domestic Rates (NDR)

11. The Government introduced the first 100% pilot schemes in 2017/18. Only authorities with signed devolution deals were eligible to participate in a pilot: the pilot for the WoE therefore includes Bath & North East Somerset Council (B&NES), Bristol City Council (BCC), South Gloucestershire Council (SGC) and the West of England Combined Authority (WECA). The 100% pilot gives the WoE the opportunity to retain 100% of any business rates growth over the next two to three years. It also gives the WoE the opportunity to help shape the national scheme.
12. In line with the Government's stated intention for the reforms to the Business Rate Retention system, authorities participating in a pilot will not have to pay a Levy on growth above their Retained Income target and will retain an increased Local Share of Non-Domestic Rating Income and sums due from Government paid via Section 31 grant, to compensate Local Authorities for the cost of changes made to the Business Rates system announced in the 2013, 2014 and 2015 Autumn Statements. Various grants, including Revenue Support Grant are 'rolled in' to the pilot, with the funding source being switched from grant to the Business Rates retained under the pilot. Through a system of tariffs and top-ups the creation of the pilot is fiscally neutral at baseline but authorities gain from retaining 100% of any above baseline growth.
13. As any surplus or deficit distribution through the collection fund covers two financial years, the distribution of any balances brought forward prior to 2017/18 will be distributed under the Business Rates Retention Scheme from 2013, so 49% Bristol City Council, 50% Secretary of State and 1% Avon Fire and Rescue. Any in-year estimated surplus/deficit is distributed in accordance with the 100% Business Rates Retention Pilot Agreement between the West of England authorities, so 94% Bristol City Council, 4% WECA and 1% Avon Fire and Rescue. The forecast of the Non-Domestic Rates Collection Fund Balance for the year ending 31 March 2018 is an estimated deficit of £13.976m.
14. The detailed determination of the estimated NDR Collection Fund deficit for 2017/18 is shown in Appendix B and the allocation of the estimated deficit to the Secretary of State and the relevant precepting authorities is summarised in the table below.

	£'000
Bristol City Council	6,721
Central Government	7,130
Avon Fire And Rescue	140
WECA	(15)
	13,976

This is split between current and prior years in the table below

Accumulated (surplus)/deficit brought forward	1,086
Distribution of prior years estimated surplus	13,173
Estimated in-year (surplus)/deficit	(283)
	13,976

15. The business rates income which each billing authority collects is determined by reference to

local rating lists maintained by the Valuation Office Agency. These lists are subject to variation between revaluations as a result of physical changes (either to the property or the locality) and appeals. The amount of business rates income collected by billing authorities therefore varies year on year. The major factors giving rise to changes include:

- Reductions to the rateable value of business properties arising from appeals. Once settled the appeal may be backdated resulting in the Council having to refund several years rates from a single year's income.
- Changes in the rateable values of very large business properties such as power stations or hospitals can have a material effect.
- Business properties switching between rating lists. Large business properties which cross boundaries, such as ports, appear in the list which contains the largest area. Changes in these properties could lead to large amounts of rateable value switching from one list to another. Similarly locally rated business with infrastructure covering large areas of the Country, for example telecommunication companies, may apply to switch to the national list.

- 16.** Although there is an estimated in-year surplus of £283k reported for 2017/18, the estimated overall deficit of £13.976m for distribution in 2018/19 is principally due to the volatility around Business Rates appeals.
- 17.** In March 2016, after declaration of the estimated collection fund position for 2016/17, the Council received notification of a successful appeal by a local Power Station. This resulted in a total refund of £3.9m to the power station and a further repayment to the Government of £6.3m of previously awarded transitional protection payments.
- 18.** Properties facing large rating increases are entitled to transitional relief to phase in these increases over a number of years. This relief is fully funded by the Government. In the event of a successful appeal resulting in a significant RV reduction, the transitional relief awarded is clawed back by netting off the refund. The relief is then paid back to the Government at the end of the financial year via the NNDR3 return.
- 19.** As at the 1 April 2016 the total provision for appeals stood at £14m. We estimated a further £7m would need adding to this at the end of 2016/17. During the year a total of £13m of appeals were settled and charged to the provision. This included the full effect of the power station. At the end of 2016/17 we estimated that we would require a provision of £22m to cover future liabilities. A £7m contribution had been budgeted, but the additional uplift was a call on the collection fund creating a significant deficit, impacting on the general fund in 2018/19.
- 20.** As these issues occurred in 2016/17, prior to the 100% business rates pilot, Central Government will fund 50% of the deficit. Going forward the risk to the Council of these large appeals is 94% of the loss.
- 21.** The Council is required to provide for potential appeals from its business rates income. Calculations for the provision are based upon the Valuation Office Agency 'Settled and Outstanding' proposals at end March reports. These reports show all appeals that have been lodged for each authority against the 2017 valuation listing along with remaining appeals

outstanding on the 2010 list, including those which were agreed, dismissed, withdrawn or are still outstanding. This list is analysed into “types” of appeal. The average success rate and the percentage reduction in rateable value for those appeals which were successful is considered along with the potential for the backdating of any appeals decisions and the estimated annual cost was then adjusted by the ratings multiplier for the relevant year. Local intelligence is used alongside statistical modelling to inform decision making.

As the amounts involved can be significant the Council takes a very prudent approach when calculating any likely impact of an appeal. As at the end of 2016/17 the appeals provision stood at £22.7m. Officers have determined that an estimated additional contribution to the provision of £9.3m will be required at the end of 2017/18. This is in line with Government recommendations and has been built into the estimates in this report. The provision is reviewed against valuation lists on a quarterly basis and is compared to that of both our nearest neighbours and similar sized authorities nationally.

20. It should be noted that volatility in Appeals outcomes is an on-going risk of the business rates retention system which does introduce uncertainty in forecasting Collection Fund performance. However, the most significant risk that remains to the generation of gains under the pilot is the NHS/Foundation Trust applications for Charitable Relief. The estimated cost to BCC if successful, including backdated awards, is of the order of £34.4m. The overall exposure for the WoE authorities is £48.8m.

Consultation and scrutiny input:

- a. **Internal consultation:**
Revenues Manager, Neighbourhoods
Overview and Scrutiny Management Board
- b. **External consultation:**
Not Applicable

Other options considered:

None

Risk management / assessment:

There are a number of risks associated with estimating the amount of Council Tax and Business Rates collected during the year. These include;

- Reductions to the rateable value of business properties arising from appeals. Once settled the Council may have to settle several years business rates from a single year's income. This is a significant financial risk as the Council is now required to fund 94% of any award. Furthermore the Government have yet to set out clear proposals as to how the appeals process will be dealt with going forward.
- Changes to the rateable values of very large business properties such as power stations or hospitals can have a material effect on business rate collection.

- Business Properties switching between rating lists. This can include large cross boundary properties switching from one list to another or joining the central list.
- Difficulty in estimating Council Tax discounts and exemptions, including the take-up of the Council Tax Support Scheme.
- Effect of Brexit on the current buoyant property market in Bristol

Public sector equality duties:

There are no proposals in this report which require either a statement as to the relevance of public sector equality duties or an Equalities Impact Assessment.

Eco impact assessment

Not applicable

Resource and legal implications:

Finance

a. Financial (revenue) implications:

The estimated surplus/deficit on the Collection Fund for 2017/18 directly influences the resources available to the fund the revenue budget in 2018/19 due to be considered by Full Council on 21 February 2018.

Advice given by **Tony Whitlock (Finance Manager – Corporate Finance)**
Date **November 2017**

b. Financial (capital) implications:

Not applicable

Advice given by **Tony Whitlock (Finance Manager – Corporate Finance)**
Date **Not applicable**

Comments from the Corporate Capital Programme Board:

Not applicable

c. Legal implications:

The Local Government Finance Act 1992(as amended) requires the Council to determine the estimated surplus or deficit on the Collection Fund in respect of Council Tax prior to 15 January in order that the precepting authorities (the Police and Crime Commissioner for Avon and Somerset and Avon Fire and Rescue) to take into account their share of any surplus or deficit before finalising their precepts for 2018/19.

The Non-Domestic Rating (Rates Retention) Regulations 2013, the Council must determine the estimated surplus or deficit on the Collection Fund in respect of Business Rates prior to 31 January.

Advice given by **Shahzia Daya – Service Director Legal and Democratic Services**
Date **November 2017**

d. Land / property implications:

Not applicable

e. Human resources implications:

Not applicable

Appendices:

Appendix A – Estimated Council Tax Collection Fund Account 2017/18

Appendix B – Estimated Non-Domestic Rates Collection Fund Account 2017/18

Council Tax Collection Fund Adjustment Account

APPENDIX A

2015/16		2016/17	2016/17	2017/18
Actual		Estimate as per	Actual	Estimated
£'000		Feb '17 Budget	£'000	Outturn
		Report		£'000
		£'000		
	Income			
(202,668)	Council Tax Income	(215,032)	(214,094)	(226,521)
	Expenditure			
	Precepts			
169,026	Bristol City Council	178,403	178,403	192,162
20,819	Police	21,560	21,560	22,559
7,933	Fire	8,216	8,216	8,596
	Bad and Doubtful Debts			
2,081	Write Offs	3,224	2,132	3,398
199,859	Total Expenditure	211,403	210,311	226,715
(2,809)	(Surplus)/Deficit for the year	(3,629)	(3,783)	194
(7,266)	Accumulated (surplus)/deficit Bfwd	(5,406)	(5,409)	(4,761)
4,669	Distribution of prior years estimated surplus	4,429	4,431	4,604
(2,809)	(Surplus)/Deficit for the year	(3,627)	(3,783)	194
(5,406)		(4,604)	(4,761)	37
	Distribution of estimated Collection Fund deficit:			
(4,624)	Bristol City Council	(3,945)	(4,077)	32
(570)	Police	(477)	(495)	4
(212)	Fire	(182)	(189)	1
(5,406)		(4,604)	(4,761)	37

Business Rates Collection Fund Adjustment Account

APPENDIX B

2015/16		2016/17	2016/17	2017/18
Actual £'000		Estimate as per Feb '16 Budget Report £'000	Actual £'000	Estimated Outturn £'000
	Income			
(210,975)	Business rates income	(224,748)	(219,806)	(227,718)
	Transitional Surcharge		6,546	6,410
	Expenditure			
	Payments to Preceptors			
103,677	Central Government	108,137	108,137	0
101,604	Bristol City Council	105,974	105,974	192,396
2,074	Avon Fire	2,163	2,163	2,047
0	WECA			10,234
0	Disregarded amounts	4,094	5,348	4,432
721	Cost of collection allowance	722	722	716
	Bad and Doubtful debts			
1,775	Write offs	1,900	2,509	1,900
	Appeals losses and provision			
(2,916)	Increase/(decrease) in appeals provision	7,100	8,008	9,300
206,935	Total Expenditure	230,090	232,861	221,025
(4,040)	(Surplus)/Deficit for the year	5,342	19,601	(283)
	Accumulated (surplus)/deficit			
9,476	Accumulated (surplus)/deficit BFwd	(2,586)	(2,586)	1,086
(8,022)	Distribution of prior year estimated deficit	(15,929)	(15,929)	13,173
(4,040)	(Surplus)/deficit for the year	5,342	19,601	(283)
(2,586)		(13,173)	1,086	13,976
	Distribution of estimated collection fund deficit			
(1,293)	Central Government	(6,587)	543	7,130
(1,267)	Bristol City Council	(6,455)	532	6,721
(26)	Avon Fire and Rescue	(132)	11	140
0	WECA	0	0	(15)
(2,586)		(13,173)	1,086	13,976



Full Council

15 January 2018

Note: this report is also being submitted to the Cabinet on 9 January 2018

Report of: Director of Finance

Title: Approval of Council Tax Base 2018/19

Ward: Citywide

Member presenting report: Councillor Craig Cheney, Cabinet Member for Finance, Performance and Governance

Recommendation

1. Agree, in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, the amount calculated by Bristol City Council as its Council Tax base for the financial year 2018/19 shall be 125,798

Summary

The Local Government Finance Act 1992 (as amended) requires the Council as the Billing Authority to calculate a Council Tax Collection Fund estimate by 31 January each year.

The significant issues in the report are:

The number of Band D equivalent properties, net of exemptions, reductions and discounts, in the Tax Base for 18/19 is 125,798 an increase of 1,715 (1.38%) Band D equivalent properties since October 2016.

Policy

Bristol City Council has the power in statute to raise a tax on households in its area to pay for the provision of local services. It is designated as the Billing Authority for the area. This means that it is responsible for levying a council tax to meet its own demands and to meet the precepts of other authorities in the area. The major precepting bodies are Avon Police and Crime Commissioner and Avon Fire Authority.

2. Consultation

i. Internal

Revenues Manager – Neighbourhoods
Overview and Scrutiny Management Board

ii. External

Not Applicable

3. Context

- i. Section 67 of the Local Government Finance Act 1992 (as amended) requires the Council to determine its tax base for council tax purposes each year. Properties are recorded in eight national bands by value (A to H) as determined the Valuation Office agency. Band H taxpayers pay twice as much as those in Band D and three times as much as those in Band A. The number of properties is expressed as a number of Band D equivalent properties.
- ii. In accordance with Regulations the Authority must set a tax base for council tax purposes and notify major precepting bodies by 31 January each year.

4. Calculation of council tax base

- i. The calculation has been prepared in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 2012 which came into force on 30 November 2012. In October each year DCLG requires a snapshot, which is based on the number of properties, of the Tax Base at a specified date in September, net of exemptions, reductions and discounts. This is known as the CTB1 return. A copy of the return for October 2017 is attached as Appendix B to this report. This calculates the number of chargeable properties in the City. Adjustments are then made for discounts and exemptions including those for the Council Tax Support Scheme. The adjusted numbers of properties in each of the eight valuation bands A to H are expressed as numbers of band D equivalents so they may be added together to produce a single figure. The table below shows the tax base and associated year on year percentage increase since 2013/14.

Year	Tax Base (Budget Report)	Percentage Increase
2013/14	113,099	
2014/15	115,008	1.69%
2015/16	119,116	3.57%
2016/17	120,946	1.54%

2017/18	124,083	2.59%
2018/19	125,798	1.38%

- ii. The significant factors required to be taken into account in calculating the Tax Base are as follows:

5. Local Council Tax Reduction Scheme

- i. From 1 April 2013 local council tax support schemes replaced council tax benefit in England. Under these local schemes reductions are part of the council tax system rather than a welfare benefit. Bristol City Council introduced a localised scheme that provided a full set of discounts that replicated the previously existing national Council Tax benefit scheme. At the Cabinet meeting on 7 November 2017 it was agreed there would be no change to this arrangement for 2018/19
- ii. The table below shows the number of pensioner and working age claimants recorded each year on the CTB return since October 2013 (Band D equivalents)

	October 2013	October 2014	October 2015	October 2016	October 2017
Pensioners	11,831	11,663	11,019	10,054	9,594
Working Age	21,526	20,949	20,163	19,447	19,100
Total	33,347	32,612	31,182	29,501	28,694

- iii. The table shows that the reduction in tax base due to pensioner claimants has fallen by 2,237 band D equivalents, or 18.91% since 2013, primarily because pensioner benefit income is rising more quickly than the cost of living (“triple lock”), while the number of working age claimants has reduced by 2,426 or 11.27% over the same period of time. This is in line with previously reported trends and therefore has been reflected in the calculation of the Tax Base.

6. Unoccupied Properties

- i. Unoccupied Furnished Properties – the Council has discretion to set the level of discount for properties which are substantially furnished but are not anyone’s sole or main residence (often referred to as “second homes”) The Council has determined this level of discount will remain at 0% and this is reflected in the proposed Tax Base.
- ii. Vacant Properties – The Council has discretion to determine the discount, if any, to be awarded in respect of vacant dwellings (that is dwellings that are unoccupied and substantially unfurnished). From 1 April 2017 the Council has determined that empty properties that are unfurnished are no longer entitled to a discount. The full council tax charge therefore applies.
- iii. Long Term Empty Properties – There is a discretionary power for the Council to impose a premium of up to 50% in respect of properties that have remained vacant for at least two years. The proposed Tax Base incorporates a premium of 50% charged in respect of properties that have been empty for at least two years in accordance with the Council’s previous determination that a premium of 50% should apply to this category of dwellings.

7. Single Person Discounts

- i. Regular reviews have significantly reduced the number of properties attracting single person discounts. Currently 29.84% of domestic properties are claiming single person discount. The Revenues team are currently going through a tendering exercise for a fully managed council tax single person discount review to be undertaken later in 2017/18. This will help to ensure that the Council Tax Base properly reflects entitlements to this discount.

8. Student Discounts

- i. Students are entitled to an exemption from paying Council Tax if everyone in the property is a full time student. Alternatively they may be entitled to a discount if some of the people occupying a property are full time students. Bristol has a large student population, and as at the end of October all student lists have not been made available to the Council. It is therefore necessary to estimate the number of additional students likely to be eligible for exemptions. Any estimate to be included in the Tax Base will also take account of any known student related property developments. The adjustment of 1,153 Band D equivalents in the table below comprises of an estimated increase in student exemptions of 969 Band D equivalents due to existing students yet to register and an additional 184 Band D equivalent student properties new to the rating list in 2017/18.
- ii. Student accommodation can take the form of either private housing or halls of residence. The table below sets out both the actual number of properties (houses and halls of residents) receiving student exemptions since 2013 along with an estimate to the end of this financial year and a projection of Band D equivalent exemptions for 2018/19. For 2017/18 the City Council's share of reduced Council Tax income as a result of student exemptions is estimated to be £13.2m. This is greater than expected in the tax base for 2017/18, primarily due to an increase in new developments but also an increasing trend to switch existing privately let accommodation to student lets.

Student Exemptions

Year	Property Numbers	
	Actual Student Exemptions	Band D Equivalents
2014/15	5,980	5,425
2015/16	6,500	5,851
2016/17	7,357	6,506
2017/18		7,207
2018/19		7,777

9. Growth

- i. In determining the Tax Base for the forthcoming year the Council is able to take into account any increase in Tax Base that may arise from the completion of new properties. Given the amount of property development across the City and, in view of this continuing trend, it is

considered reasonable to allow for an element of growth in the Tax Base due to the anticipated completion of new properties in respect of known major developments. In estimating the effect on the Tax Base of new properties it is prudent to assume the majority of new properties will be in lower valuation Bands. Allowances must also be made for discounts that will apply in respect of new properties, including Council Tax Support discounts, and for the fact that Council Tax will only be payable for new properties from the date of completion rather than for a full financial year.

- ii. The 2018/19 estimate for growth uses information provided by the Council’s Valuation and Inspection team and is based on the number of new developments in the City where work has commenced. Assumptions are then made as to whether these properties will be banded by the end of the financial year, the actual date during the year they may be banded and the number of exemptions, discounts and Council Tax Support they might attract.

Valuation & Inspection information has identified that there are potentially 5,236 additional domestic assessments where work has commenced, plus an additional 294 properties completed but not yet banded. It is assumed all of the 294 properties will have been banded by 1 April 2018. Allowing for losses and a proportion of lower banded properties this is equivalent to 165 band D properties.

- iii. Of the 5,236 additional assessments, the estimate of properties likely to be banded during 2017/18 is anticipated to be around 75%, resulting in a figure of 3,927. A further reduction of 50% is made to take account of the fact that all of these properties will not have been banded on 1 April 2018. The resulting figure is 1,963 and a 25% reduction has been factored in for loss in revenue due to exemptions, discounts and Council Tax Support. The final figure of 1,472 is assumed to be lower banded properties so this figure has been converted into the Band “D” equivalent of 1,144.
- iv. Additionally, since the completion of CTB1 a further 180 band D properties have been added to the rating list, bringing the total estimated growth to 1,489 band D equivalents.

	Total Dwellings	Band D Equivalents
Identified new dwellings under construction not complete	5,236	
Reduction by 25% for sites not completed during 18/19	3,927	
Reduction by 50%, to take into account sites will be completed through-out the year so won't be eligible for Council Tax until complete.	1,963	
Reduction by 25% to take into account any discounts, exemptions and Council Tax Support Scheme on new properties	1,475	1,144
Add: 294 properties already complete and being banded	294	165
Add: 180 band D properties added to the rating list since completion of CTB1		180
Total Growth		1,489

10. Losses on Collection

- i. In estimating the provision for losses on collection the Council makes an estimate of debts which, after full recovery measures have been affected will be uncollectable and therefore recommended for write-off. Losses on collection for 2018/19, after adjusting for the continued collection of prior years' arrears, is estimated to be 1.5%

11. Calculation of the 2018/19 Council Tax Base

	2018/19 Band D Equivalent Properties	2017/18 Band D Equivalent Properties	Difference
Tax Base as per attached CTB 1 Return	127,376	125,773	1,603
Adjustment due to anticipated growth	1,489	1,450	39
Reduction due to additional student discounts	-1,153	1,250	97
Adjusted Tax Base	127,712	125,973	1,739
LESS losses on collection of 1.5%	-1,914	1,890	24
Recommended Tax Base	125,798	124,083	1,715

- i. This is an increase of 1,715 (1.38%) Band D equivalent properties since the last Tax Base calculation in November 2016. This is primarily due to an increase in the number of chargeable dwellings (all bands) of 2,248 and the continued reduction in the number of benefit recipients receiving council tax reductions. However this growth in the tax base is below the MTFP assumed annual growth in the Tax Base of 1.5%. This anticipates further growth of 471 band D properties. The primary reason for the lower than anticipated growth in the tax base is due to the increasing number of properties, both new developments and existing privately let accommodation now being, or anticipated to be, occupied by students and receiving student exemption.
- ii. To ensure the estimate of overall growth in the Tax Base is prudent officers have carried out a trend analysis of both growth in the local housing market, growth in student occupancy numbers and the reduction in the number of benefit recipients receiving council tax reductions over the last five years.
- iii. The Council Tax collection Fund account for the last three financial years including the estimated surplus for 2018/19 is shown at Appendix B.

12. Other Options Considered

- i. Not applicable

13. Risk Assessment

- i. There are a number of risks associated with estimating the amount of Council Tax collected during the year. These include;
 - Difficulty in estimating Council Tax discounts and exemptions, including the take-up of the Council Tax Support Scheme.

14. Public Sector Equality Duties

- i. There are no proposals in this report which require either a statement as to the relevance of public sector equality duties or an Equalities Impact Assessment.

15. Legal and Resource Implications

- i. **Legal**

The tax base calculations for a particular financial year must comply with the Local Authorities (Calculation of Council tax base) Regulations 2012, and be determined by no later than 31st January in the preceding financial year. These regulations have been made under the Local Government Finance Act 1992, as amended (LGFA 1992).

(Legal advice provided by Shahzia Daya – Service Director: Legal and Democratic Services)

- ii. **Financial**

- (a) Revenue**

The council tax base directly influences the resources available to the fund the revenue budget due to be considered by Full Council on 21 February 2018. The growth in the tax base of 1.38% is less than the 1.5% assumed in the MTFP. This is the equivalent of 471 band D properties and represents a shortfall of £766k. This is net of previously reported savings in reliefs and discounts of £420k, so the gross budget pressure is therefore £1.186m.

- (b) Capital**

Not Applicable

(Financial advice provided by Tony Whitlock – Finance Manager, Corporate Finance)

- iii. **Land**

Not Applicable

- iv. **Personnel**

Not Applicable

Appendices:

Appendix A – Copy of the CTB report submitted to the DCLG October 2017

CTB(October 2017)

Calculation of Council Tax Base

Please e-mail to : ctb.statistics@communities.gsi.gov.uk

Please enter your details after checking that you have selected the correct local authority name

Ver 1.0

Please select your local authority's name from this list

- Braintree
- Breckland
- Brent
- Brentwood
- Brighton & Hove
- Bristol

Check that this is your authority :

E-code :

Local authority contact name :

Local authority contact telephone number :

Local authority contact e-mail address :

CTB(October 2017) form for Bristol

Completed forms should be received by DCLG by Friday 13 October 2017

Dwellings shown on the Valuation List for the authority on Monday 11 September 2017

Band A entitled to disabled relief reduction
COLUMN 1

Band A COLUMN 2

Band B COLUMN 3

Band C COLUMN 4

Band D COLUMN 5

Band E COLUMN 6

Band F COLUMN 7

Band G COLUMN 8

Band H COLUMN 9

TOTAL COLUMN 10

	Band A entitled to disabled relief reduction COLUMN 1	Band A COLUMN 2	Band B COLUMN 3	Band C COLUMN 4	Band D COLUMN 5	Band E COLUMN 6	Band F COLUMN 7	Band G COLUMN 8	Band H COLUMN 9	TOTAL COLUMN 10
Part 1										
1. Total number of dwellings on the Valuation List		51,725	72,992	38,772	18,122	9,643	4,759	2,846	338	199,197.0
2. Number of dwellings on valuation list exempt on 2 October 2017 (Class B & D to W exemptions)		2,472	1,381	1,294	1,215	1,049	164	39	13	7,627.0
3. Number of demolished dwellings and dwellings outside area of authority on 2 October 2017 (please see notes)		1	2	0	0	0	0	0	0	3.0
4. Number of chargeable dwellings on 2 October 2017 (treating demolished dwellings etc as exempt) (lines 1-2-3)		49,252	71,609	37,478	16,907	8,594	4,595	2,807	325	191,567.0
5. Number of chargeable dwellings in line 4 subject to disabled reduction on 2 October 2017		30	189	152	90	54	31	29	30	605.0
6. Number of dwellings effectively subject to council tax for this band by virtue of disabled relief (line 5 after reduction)	30	189	152	90	54	31	29	30		605.0
7. Number of chargeable dwellings adjusted in accordance with lines 5 and 6 (lines 4-5+6 or in the case of column 1, line 6)	30	49,411	71,572	37,416	16,871	8,571	4,593	2,808	295	191,567.0
8. Number of dwellings in line 7 entitled to a single adult household 25% discount on 2 October 2017	9	22,160	21,051	9,714	3,789	1,722	677	339	26	59,487.0
9. Number of dwellings in line 7 entitled to a 25% discount on 2 October 2017 due to all but one resident being disregarded for council tax purposes	0	475	760	413	204	95	21	15	3	1,986.0
10. Number of dwellings in line 7 entitled to a 50% discount on 2 October 2017 due to all residents being disregarded for council tax purposes	1	38	72	55	32	30	30	40	23	321.0
11. Number of dwellings in line 7 classed as second homes on 2 October 2017 (b/fwd from Flex Empty tab)		681	607	408	242	102	44	21	8	2,113.0
12. Number of dwellings in line 7 classed as empty and receiving a zero% discount on 2 October 2017 (b/fwd from Flex Empty tab)		1,150	1,051	476	247	105	44	29	5	3,107.0
13. Number of dwellings in line 7 classed as empty and receiving a discount on 2 October 2017 and not shown in line 12 (b/fwd from Flex Empty tab)		61	56	32	23	15	7	6	1	201.0
14. Number of dwellings in line 7 classed as empty and being charged the Empty Homes Premium on 2 October 2017 (b/fwd from Flex Empty tab)		106	96	42	16	9	13	5	0	287.0
15. Total number of dwellings in line 7 classed as empty on 2 October 2017 (lines 12, 13 & 14).		1,317	1,203	550	286	129	64	40	6	3,595.0
16. Number of dwellings that are classed as empty on 2 October 2017 and have been for more than 6 months. NB These properties should have already been included in line 15 above.		272	313	136	67	41	19	16	4	868.0
16a. The number of dwellings included in line 16 above which are empty on 2 October 2017 because of the flooding that occurred between 1 December 2013 and 31 March 2014 and are only empty because of the flooding.		0	0	0	0	0	0	0	0	0.0
16b. The number of dwellings included in line 16 above which are empty on 2 October 2017 because of the flooding that occurred between 1 December 2015 and 31 March 2016 and are only empty because of the flooding.		0	0	0	0	0	0	0	0	0.0
17. Number of dwellings that are classed as empty on 2 October 2017 and have been for more than 6 months and fall to be treated under empty homes discount class D (formerly Class A exemptions). NB These properties should have already been included in line 15 above. Do NOT include any dwellings included in line 16a and 16b above.		33	33	20	14	10	4	3	1	118.0
18 Line 16 - line 16a - line 16b - line 17. This is the equivalent of line 18 on the CTB(October 2016) and will be used in the calculation of the New Homes Bonus.		239	280	116	53	31	15	13	3	750.0
19. Number of dwellings in line 7 where there is liability to pay 100% council tax before Family Annexe discount	20	26,571	49,537	27,158	12,806	6,700	3,844	2,403	242	129,281.0

CTB(October 2017)

Calculation of Council Tax BasePlease e-mail to : ctb.statistics@communities.gsi.gov.uk

Please enter your details after checking that you have selected the correct local authority name

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20. Number of dwellings in line 7 that are assumed to be subject to a discount or a premium before Family Annexe discount	10	22,840	22,035	10,258	4,065	1,871	749	405	53	62,286.0
21. Reduction in taxbase as a result of the Family Annexe discount (b/fwd from Family Annexe tab)	0.0	5.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	5.3
22. Number of dwellings equivalents after applying discounts and premiums to calculate taxbase	27.3	43,720.0	66,075.3	34,844.8	15,841.3	8,091.3	4,402.5	2,696.0	275.3	175,973.5
23. Ratio to band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
24. Total number of band D equivalents (to 1 decimal place) (line 22 x line 23)	15.1	29,146.7	51,391.9	30,973.1	15,841.3	9,889.3	6,359.2	4,493.3	550.5	148,660.4
25. Number of band D equivalents of contributions in lieu (in respect of Class O exempt dwellings) in 2017-18 (to 1 decimal place)										16.1
26. Tax base (to 1 decimal place) (line 24 col 10 + line 25)										148,676.5

CTB(October 2017)

Calculation of Council Tax BasePlease e-mail to : ctb.statistics@communities.gsi.gov.uk

Please enter your details after checking that you have selected the correct local authority name

Ver 1.0

Part 2

27. Number of dwellings equivalents after applying discounts and premiums to calculate tax base (Line 22)	27.25	43,720.00	66,075.25	34,844.75	15,841.25	8,091.25	4,402.50	2,696.00	275.25	175,973.5
28.Reduction in taxbase as a result of local council tax support (b/fwd from CT Support tab)	9.65	14,077.45	10,962.10	2,866.31	576.83	150.62	39.98	10.37	0.00	28,693.3
29. Number of dwellings equivalents after applying discounts, premiums and local tax support to calculate taxbase	17.6	29,642.6	55,113.2	31,978.4	15,264.4	7,940.6	4,362.5	2,685.6	275.3	147,280.2
30. Ratio to band D	5/9	6/9	7/9	8/9	9/9	11/9	13/9	15/9	18/9	
31. Total number of band D equivalents after allowance for council tax support (to 1 decimal place) (line 29 x line 30)	9.8	19,761.7	42,865.8	28,425.3	15,264.4	9,705.2	6,301.4	4,476.1	550.5	127,360.2
32. Number of band D equivalents of contributions in lieu (in respect of Class O exempt dwellings) in 2017-18 (to 1 decimal place)(line 25)										16.1
33. Tax base after allowance for council tax support (to 1 decimal place) (line 31 col 10 + line 32)										127,376.3

Certificate of Chief Financial Officer

I certify that the information provided on this form is based on the dwellings shown in the Valuation List for my authority on 11 September 2017 and that it accurately reflects information available to me about exemptions, demolished dwellings, disabled relief, discounts and premiums applicable on 2 October 2017 and, where appropriate, has been completed in a manner consistent with the form for 2016.



12th October 2017

Chief Financial Officer :

Date :



Full Council

15 January 2018

Report of:	Human Resources Committee
Title:	Review of the Constitution – HR matters
Ward:	N/A
Councillor Presenting Report:	Councillor Kye Dudd (Chair, HR Committee)
Contact Telephone Number:	(0117) 92 22000

Recommendation

That full Council adopts the proposed changes to the Constitution in respect of HR matters.

Summary

This report seeks the approval of full Council to proposed changes to the Constitution in respect of HR matters relating to those employed on JNC for Chief Officers terms and conditions.

The significant issues in the report are:

- There are some procedural gaps in the current Constitution and the amendments proposed by this report aim to ensure that the majority of situations are properly provided for.
- The proposed merger of the HR Committee with the Selection Committee to form an Employment and Remuneration Committee aims to bring together all experience and knowledge of HR matters into one place (except for appeals, which are necessarily a separate 3-member non-partisan panel). The new committee would have an increased focus on remuneration, and would have access to independent advice in discharging those duties.
- It is proposed that a member of the Executive becomes a non-voting, ex officio member of the Employment and Remuneration Committee, except when the Committee is undertaking appointment, discipline and dismissal functions in relation to those employed on JNC for Chief Officers terms and conditions, in which case at least one member of the Executive must be a full voting member of the Committee (this will be achieved through substitution).

Policy

1. The Officer Employment Procedure Rules are part of the Council's Constitution and govern the involvement of members in the employment, discipline and dismissal of those employed on JNC for Chief Officers terms and conditions.
2. Terms of reference and membership of committees are normally set at each Annual Council Meeting.

Consultation

3. **Internal**
The Human Resources Committee considered these proposals at its meeting on 19th October 2017 and resolved to support them.
4. **External**
None required.

Context

5. The Committee has recommended a number of constitutional changes to full Council in recent times and there is a need to undertake some tidying-up to ensure clarity and full compliance with both the law and nationally-negotiated terms and conditions of employment.
6. There are some procedural gaps in the current constitution and the amendments proposed by this report aim to ensure that the majority of situations are properly provided for. The proposed Officer Employment Procedure Rules and Terms of Reference are attached at Appendices A and B respectively.
7. The proposed merger of the HR Committee with the Selection Committee to form an Employment and Remuneration Committee aims to bring together all experience and knowledge of HR matters into one place (except for appeals, which are necessarily a separate 3-member non-partisan panel). The new committee would have an increased focus on pay, and would have access to independent advice in discharging those duties.
8. It is proposed that a member of the Executive becomes a non-voting, ex officio member of the Employment and Remuneration Committee, except when the Committee is undertaking appointment, discipline and dismissal functions in relation to those employed on JNC for Chief Officers terms and conditions, in which case at least one member of the Executive must be a full voting member of the Committee (this will be achieved through substitution).

Proposal

9. That full Council adopts the proposed changes to the Constitution in respect of HR matters.

Other Options Considered

- 10.** None – the proposed changes are required to ensure clarity and compliance with the law and nationally-negotiated terms and conditions of employment.

Risk Assessment

- 11.** Failure to ensure that the Council’s Constitution is up-to-date and compliant with the law and nationally-negotiated terms and conditions of employment will leave the Council at risk of legal challenge.

Public Sector Equality Duties

- 12a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.
- 12b) An Equality Impact Assessment has not been completed as no employee will be directly affected by the proposals.

Legal and Resource Implications

Legal

“The review of the Constitution in relation to HR matters and the terms of reference of the Employment and Remuneration Committee are in accordance with the law.”

Advice provided by Husinara Jones (Solicitor (Employment)), 10th October 2017.

Financial

(a) Revenue

“There are no financial implications arising from the recommendation to merge the two Committees as outlined in paragraph 7 of the report.”

Advice provided by Chris Holme (Interim Service Manager – Corporate Finance), 29th November 2017.

Land

Not applicable.

Personnel

“The proposed terms of reference clearly set out the roles and responsibilities of members in relation to those employed on the JNC for Chief Officers terms and conditions. The Council’s HR policies will be updated to reflect the revised constitutional arrangements when they have been agreed by full Council.”

Advice provided by Mark Williams (HR Business Partner), 10th October 2017.

Appendices:

A – Officer Employment Procedure Rules

B – Terms of Reference

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None.

OFFICER EMPLOYMENT PROCEDURE RULES (OER)

CONTENTS

Rule	Reference
Appointment of chief officers and deputy chief officers	OER4
Appointment of head of paid service	OER3
Disciplinary action	OER6
Dismissal	OER7
Other appointments	OER5
Recruitment and appointment	OER1
Recruitment of chief officers and deputy chief officers	OER2

OFFICER EMPLOYMENT PROCEDURE RULES

PART I

OER1

Recruitment and appointment

(a) **Declarations**

- (i) The council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing member of council or officer of the council; or of the partner of such persons.
- (ii) No candidate so related to a member of council or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by them.

(b) **Seeking support for appointment**

- (i) The council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the council. The content of this paragraph will be included in any recruitment information.
- (ii) No member of council will seek support for any person for any appointment with the council.

OER2

Recruitment of chief officers and deputy chief officers

Where the council proposes to appoint a chief officer or deputy chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the council will:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;

- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

OER3

Appointment of head of paid service

This process is subject to Part II of the Local Authorities (Standing Orders) (England) Regulations 2001.

Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to that person.

OER4

Appointment of chief officers and deputy chief officers

This process is subject to Part II of the Local Authorities (Standing Orders) (England) Regulations 2001.

- (a) A committee or sub-committee of the council will interview for the posts of chief officers and deputy chief officers. That committee must include at least one member of the executive. All members of the committee or sub-committee must have received recruitment and selection training.
- (b) An offer of employment as a chief officer or deputy chief officer shall only be made where the procedure set out in Annex 1 to these rules has been completed.
- (c) The committee will be responsible for the appointment of chief officers and deputy chief officers, except those officers designated as follows:
 - (i) Head of Paid Service
 - (ii) Monitoring Officer
 - (iii) Chief Finance Officer
 - (iv) Returning Officer for local elections
 - (v) Electoral Registration Officer

- (d) In the case of those appointments designated in (c) above the committee will recommend to full council accordingly.

OER5

Other appointments

- (a) **Officers below deputy chief officer**

Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the head of the paid service or their nominee, and may not be made by the Mayor or members of council.

- (b) **Assistants to political groups**

Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

- (c) **Mayor's assistant**

Appointment of the Mayor's assistant shall be undertaken by the Mayor with appropriate officer support.

- (d) **Compliance with Equalities & Employment Legislation**

Appointments of political assistants and Mayor's assistant must comply with equalities and employment legislation.

OER6

Disciplinary action

Neither the Mayor nor members of council will be involved in disciplinary action against any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

OER7

Dismissal

- (a) Neither the Mayor nor members of council will be involved in the dismissal of any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.

- (b) Notice of dismissal of a chief officer or a deputy chief officer must not be given until the procedure set out in Annex 2 to these rules has been completed.
- (c) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that dismissal before notice of dismissal is given to that person.
- (d) The chief finance officer, head of the authority's paid service or monitoring officer may not be dismissed by the authority unless the procedure set out in Annex 3 to these rules has been followed.

Annex 1

Appointment of chief officers and deputy chief officers

1. This procedure applies to the appointment of chief officers and deputy chief officers (“relevant officers”) and has been incorporated into these Rules, as required by the Local Authorities (Standing Orders) (England) Regulations 2001.
2. In this procedure, “appointor” means, in relation to the appointment of a relevant officer, full Council, the committee, sub-committee or officer discharging the function of appointment.
3. An offer of an appointment as a relevant officer must not be made until:
 - (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
 - (b) the proper officer has notified every member of the executive of:
 - (i) the name of the person to whom the appointor wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
 - (iii) the period within which any objection to the making of the offer is to be made by the Mayor on behalf of the executive to the proper officer; and
 - (c) either:
 - (i) the Mayor has, within the period specified in the notice under subparagraph (b) (iii), notified the appointor that neither s/he nor any member of the executive has any objection to the making of the offer;
 - (ii) the proper officer has notified the appointor that no objection was received by him/her within that period from the Mayor; or
 - (iii) the appointor is satisfied that any objection received from the Mayor within that period is not material or is not well-founded.

Annex 2

Dismissal of chief officers and deputy chief officers

1. This procedure applies to the dismissal of chief officers and deputy chief officers (“relevant officers”) and has been incorporated into these Rules, as required by the Local Authorities (Standing Orders) (England) Regulations 2001.
2. In this procedure, “dismissor” means, in relation to the dismissal of a relevant officer, full Council, the committee, sub-committee or officer discharging the function of dismissal.
3. Notice of the dismissal of a relevant officer must not be given by the dismissor until:
 - (a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
 - (b) the proper officer has notified every member of the executive of:
 - (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
 - (iii) the period within which any objection to the dismissal is to be made by the Mayor on behalf of the executive to the proper officer; and
 - (c) either:
 - (i) the Mayor has, within the period specified in the notice under sub-paragraph (b) (iii), notified the dismissor that neither s/he nor any other member of the executive has any objection to the dismissal;
 - (ii) the proper officer has notified the dismissor that no objection was received by him/her within that period from the Mayor; or
 - (iii) the dismissor is satisfied that any objection received from the Mayor within that period is not material or is not well-founded.

Annex 3**Dismissal of the head of paid service, chief finance officer or monitoring officer**

1. This procedure has been incorporated into these Rules, as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
2. In the following paragraphs:
 - (a) “the 2011 Act” means the Localism Act 2011;
 - (b) “chief finance officer”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
 - (c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
 - (d) “local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;
 - (e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
 - (f) “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.
 - (g) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
 - (h) “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.
3. The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

4. The authority must appoint to the Panel such relevant independent persons who have accepted an invitation in accordance with the following priority order:
 - (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
 - (b) any other relevant independent person who has been appointed by the authority;
 - (c) a relevant independent person who has been appointed by another authority or authorities.
5. The authority is not required to appoint more than two relevant independent persons but may do so.
6. The authority must appoint any Panel at least 20 working days before the relevant meeting.
7. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular:
 - (a) any advice, views or recommendations of the Panel;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.
8. Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

B. TERMS OF REFERENCE OF COMMITTEES

Each committee has delegated authority to undertake all responsibilities and actions falling within its terms of reference.

COMMITTEE TERMS OF REFERENCE:

[...]

C. OTHER COMMITTEES

EMPLOYMENT AND REMUNERATION COMMITTEE

Membership

7 members of the authority, politically-balanced in line with usual proportionality rules. In addition the relevant member of the Executive will be invited to attend meetings ex officio in a non-voting capacity (they will count towards the quorum). When the Committee is discharging functions relating to appointments, discipline and dismissals one or more voting members of the Committee will be substituted with a member(s) of the Executive.

Terms of Reference

Overview

The role of the committee primarily relates to the employment and remuneration of chief officers and deputy chief officers. Full Council has delegated to the Committee the power to determine the terms and conditions on which employees hold office including procedures for their dismissal (s.112 Local Government Act 1972) and functions relating to local government pensions (regulations under s.7, 12 and 24 Superannuation Act 1972). The relevant member of the Executive will be an ex officio (non-voting) member of the Committee.

Functions

Full Council has delegated the following functions to the Employment and Remuneration Committee to be discharged in accordance with the Officer Employment Procedure Rules:

1. Appointments

- Make recommendations to full Council in relation to the appointment of the Head of Paid Service (s.4(1) Local Government and Housing Act 1989), Monitoring Officer (s.5(1) Local Government and Housing Act 1989), Chief Finance Officer (s.151 Local Government and Housing Act 1989), Electoral Registration Officer (s.8(2) Representation of the People Act 1983) and Returning Officer for local government elections (s.35 Representation of the People Act 1983).
- Appoint all other chief officers and deputy chief officers.
- Appoint a senior coroner for the Avon coroner area, subject to prior consultation with the other authorities in the coroner area and the separate written consent of the Chief Coroner and the Lord Chancellor.

2. Conduct and capability

- Consider any allegations/complaints regarding conduct or cases of capability (performance or health) in relation to chief officers and deputy chief officers, having regard to the model procedures and associated guidance of the Joint Negotiating Committee for Local Authority Chief Executives/Joint Negotiating Committee for Chief Officers of Local Authorities as appropriate. Where necessary to take action up to and including dismissal, except in relation to the Head of Paid Service, Monitoring Officer and Chief Finance Officer, where the Committee may recommend dismissal to full Council.
- The suspension of the Head of Paid Service, Monitoring Officer and Chief Finance Officer is delegated to the Chair of the Committee; the suspension of other chief officers and deputy chief officers is delegated to the Head of Paid Service.

3. Dismissals

- Determine any proposal to dismiss a chief officer or deputy chief officer on grounds of redundancy or some other substantial reason or the expiry of a fixed term contract where the authority has committed to renew it, except in relation to the Head of Paid Service, Monitoring Officer and Chief Finance Officer where the Committee may recommend dismissal to full Council.

4. Grievances

- Hear and determine any grievance submitted by the Head of Paid Service provided that it has been referred by the Monitoring Officer.
- Hear and determine any grievance submitted by an employee against the Head of Paid Service where referred by the Monitoring Officer or Director: HR, Workforce & Inclusion.

5. Terms and conditions of employment including remuneration

- Set the terms and conditions of employment for chief officers and deputy chief officers.
- Consider and make recommendations to full Council in relation to the Pay Policy Statement. (The Mayor should be involved and due regard given to any proposals he may have before the statement is considered and approved by full Council).
- Agree with the senior coroner the amount of their salary.

6. Other matters

- Consider proposals for major organisational change affecting chief officers or deputy chief officers.
- Monitor the development and implementation of the Council's Workforce Plan.
- Hear and determine any collective dispute where referred by the Director: HR, Workforce & Inclusion.
- Approving compensation for loss of office (ie, any payments not required by the contract of employment) in respect of chief officers and deputy chief officers.

APPEALS COMMITTEE

Terms of Reference

Overview

The primary role of the Committee is to consider employee appeals against dismissal. The Committee also takes decisions on renewal and discharge of guardianship under the provisions of the Mental Health Act 1983.

Functions

Full Council has delegated the following functions to the Appeals Committee:

1. Hear and determine any appeal submitted by the Head of Paid Service, Monitoring Officer or Chief Finance Officer in relation to disciplinary action short of dismissal.
2. Hear and determine any appeal against dismissal submitted by employees (except the Head of Paid Service, Monitoring Officer and Chief Finance Officer, where a full Council hearing is required).
3. Hear and determine any grievance appeal submitted by an employee where the grievance is against the Head of Paid Service.
4. Hear and determine any grievance appeal submitted by chief officers or deputy chief officers. (Any grievance appeal submitted by the Head of Paid Service will be heard by full Council).
5. Hear and determine any appeal submitted by chief officers or deputy chief officers regarding the classification of posts and ring-fence arrangements in the Methods of Appointment under the Council's Managing Change Policy.
6. Decide on guardianship discharge or renewal under the Mental Health Act 1983.
7. Decide an appeal against any decision made by or on behalf of the authority, except where another Council body is in place to decide that appeal.

Full Council

15 January 2018



Report of: Monitoring Officer

Title: Review of the Procurement Rules

Ward: Citywide

Member Presenting Report: Cllr Cheney, Deputy Mayor and Cabinet Member for Finance, Governance and Performance

Recommendation

That the revised Procurement Rules be approved.

Summary

The City Council's Procurement Rules have been reviewed as part of the broader review of the Constitution. These revisions have received considered Member involvement via the Scrutiny Task and Finish Group on Contracts and Commissioning.

The significant issues in the report are:

Language has been simplified and updated to reflect changes in the City Council's decision-making structure and changes in legislation.

Stronger references have been made to the City Council's Social Value Policy.



1. Policy

The City Council's Social Value Policy sets out policy objectives relating to the economic, social and environmental well-being of Bristol.

Consultation

2. Internal

There has been significant Member involvement, through the Commissioning and Contracts Task and Finish Group.

The Group identified the need to provide dedicated advice and challenge, and met with officers on two specific occasions to comment and revise the amended Procurement Rules.

Members gave advice on all aspects of the Procurement Rules, and highlighted a number of aspects in particular, notably Social Value, officer accountabilities, proportionality and contract management, as well as use of clear language and provision of links to guidance.

3. External

Not applicable

4. Context

4.1 PURPOSE OF DOCUMENT

The City Council's Procurement Rules define the principles and procedures governing the procurement of goods, services and works and the award of concessions and licences.

The City Council's Procurement Rules must abide by the statutory requirements of the Public Contracts Regulations 2015 ('PCR').

The City Council's Procurement Rules apply to all decisions to purchase goods, services and work, not just those above the EU financial thresholds defined in the PCR.

The City Council is legally able to waive (suspend) its own Procurement Rules, provided this is done under the appropriate delegations, but is not able to suspend the statutory requirements of the PCR.

4.2 PURPOSE OF PROPOSED CHANGES

The review of the Procurement Rules serves a number of purposes:

Clarity	To clarify language and procedures, to ensure that they are simple to understand, for instance the term 'regulations' refer to the Public Contracts Regulations, where the term 'rules' refer to the City Council's own rules. This is to prevent misunderstanding of rules that the City Council can determine (or suspend) and regulations by which the City Council must abide.
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Effectiveness To ensure that the City Council’s procurement practice is both compliant the PCR and leads to the outcomes required by the City Council.

Outcomes To review the contribution to four specific outcomes:

1. Legal compliance
2. Value for money, including Social Value
3. Prevention of corruption
4. Promotion of the local economy and environment

Proposal

5. There are a number of key revisions, including:

5.1. Language

Simplification of language, and updated references to Public Contracts Regulations and Concessions Regulations, both of which arose subsequent to the current Procurement Rules.

A new definition of value for money has been adopted – the ‘optimum combination of whole-life cost and quality (or fitness for purpose) to meet the customer's requirement’.

Updating of references to the City Council’s Constitution, including the role of the Mayor and Cabinet.

5.2. Social Value and priorities

Stronger references to the City Council’s Social Value Policy, including ensuring that smaller, local providers are enabled and encouraged to bid to meet the City Council’s requirements.

Specific reference to diversity, which had not be highlighted in previous iterations of the Procurement Rules.

5.3. Officers responsibilities

Clarification of the roles of officers, notably the accountability of Directors for procurements being undertaken and the specific role of the Procurement and Commercial Solutions service.

This includes ensure that officers should seek to use an in-house provider or an approved corporate contract if one exists, before seeking new sources of supply.

Roles and job titles have been updated.

5.4. Thresholds for decision making

It is proposed to retain the current threshold of £15,000 for the requirement of three quotes and use of the City Council’s procurement system.

There is detailed table setting out the required procurement routes for proposals of each type (e.g. goods, services, care & support, and works) and specific financial thresholds.

The processes and financial thresholds for seeking a ‘waiver’ from the City Council’s Procurement Rules have been strengthened, which will ensure a high degree of professional

challenge and a robust audit trail.

5.5. Exemptions

The occasions where a decision is statutorily exempt from the Procurement Rules have been clarified in line with the Public Contracts Regulations, including:

- Legal services
- Purchase of property and land transfers
- Treasury and money market transactions
- Mandatory works and those by statutory undertakers
- Awards to controlled ('Teckal') companies

All such awards must demonstrate value for money.

5.6. Contract documentation and standard terms

Standard contract requirements have been clarified, relating to:

- Bonds
- Parent Company Guarantees
- Payment terms
- Contract documents and Deeds

5.7. Contract management

Expectations for effective and tenacious contract management, over the life a contract, have been made clear.

5.8. Review

It is proposed the Procurement Rules are reviewed every two years.

Other Options Considered

6. N/A

Risk Assessment

7. Not reviewing the City Council's Procurement Rules would lead to a number of risks:

- Non-compliance with the Public Contracts Regulations, the Concessions Regulations and the Public Services (Social Value) Act.
- Failure to exploit the benefits of Social Value to the social, economic and environmental wellbeing of the city.
- Failure to deliver financial savings from successful procurements and commercial opportunities.

Public Sector Equality Duties

8a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

-
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.
- 8b) The City Council is responsible for commissioning a number of critical care and support services for vulnerable adults and children, meaning that robust Procurement Rules are essential to the sourcing of high quality services to service users with protected characteristics.

The City Council seeks to utilise external spend in such a way as to improve the life chances of residents with protected characteristics, for instance by promoting access to employment for vulnerable people whose protected characteristics are associated with barriers to employment and/or causes of social isolation.

9 Legal and Resource Implications

9a) Legal

The Council Procurement Rules comprise its Standing Orders on Contracts required by virtue of Section 135 Local Government Act 1972. Under this provision a local authority shall make standing orders with respect to the making by them or on their behalf of contracts for the supply of goods or materials or for the execution of works. In addition it may make standing orders with respect of other contracts (eg services). Standing Orders shall include provision for securing competition for contracts, and for regulating the manner in which tenders are invited, but they can exempt from any such provision contracts below a specified value. In addition they may authorise exemptions from any such provision when the authority are satisfied that the exemption is justified by special circumstances. The Procurement Rules annexed meet the requirements of S135, and also identify circumstances where the rules do not apply or may be waived.

Legal advice provided by Eric Andrews, Team Leader, Commercial and Governance Team, Legal Services

Financial

(a) Revenue

Not applicable

(b) Capital

Not applicable

Land

Not applicable

Personnel

Not applicable

Appendices:

Procurement Rules

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

Commentary on changes, as discussed with Scrutiny Task and Finish Group



THE CITY COUNCIL OF BRISTOL

PROCUREMENT RULES

January 2018

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THE CITY COUNCIL OF BRISTOL

PROCUREMENT RULES

1. INTRODUCTION

1.1 The Council is accountable to the public for the way it spends public funds, ensuring efficient, effective and economic delivery of services, maximising the benefits available from the budgets and activity supports the Council's strategic objectives. These Rules set out the rules that must be followed by the Council:

1.1.1 For the procurement of goods, services or works; and/or

1.1.2 for the award of any concession or licence.

1.2 These Rules constitute the Council's standing orders in respect of contracts for the purposes of section 135 of the Local Government Act 1972 and Statutory Instrument 2001/1517.

1.3 These Rules have four purposes:

1.3.1 To ensure that the Council complies with its legal obligations regarding the procurement of goods, services and works;

1.3.2 To ensure that the Council obtains Value for Money;

1.3.3 To prevent corruption or the suspicion of it;

1.3.4 To ensure fairness and equality of treatment of all suppliers, avoidance of bias, favoritism, and that fairness can be demonstrated through an audit trail; and

1.3.5 To the extent legally permitted the promotion of the local economy and the promotion of environmental sustainability.

2. GENERAL PRINCIPLES

2.1 All contracts must be let in accordance with:

2.1.1 All UK and European Union legal requirements (including

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the [Public Contracts Regulations 2015](#), the [Concessions Contracts Regulations 2016](#) and the general EC Treaty principles of transparency, equal-opportunity and equal-treatment);

2.1.2 All procurement related to Financial, Legal or ICT related goods or services should not commence without prior written approval from the Director with responsibilities for those functions;

2.1.2 These Rules and the Constitution;

2.1.3 All relevant decisions of the Council or the Mayor applicable either to the procurement generally or to that particular contract; and

2.1.4 The principles of the [Council's Commissioning Framework](#)

2.2 The Council's e tendering system must be used for all aspects of letting contracts including obtaining quotations where the contract value exceeds £15,000.

2.3 The Council has a clear duty to promote economic, social and environmental wellbeing, as defined in the Bristol City Council Social Value Policy; and to reduce disadvantage, advance equality and promote community cohesion as defined in the Equality Act 2010. The Council's procurement process should make every effort to promote local business including Small and Medium Enterprises in accordance with the Council's duty to stimulate the local economy.

2.4 Failure to comply with these Rules constitutes a disciplinary matter that will be pursued, as appropriate, in accordance with the relevant [Human Resources Policy Framework](#).

2.5 Consideration should be taken at the commencement of the commissioning cycle to any potential opportunities for collaboration with other public bodies.

2.6A contract should not be let unless:

2.6.1;

2.6.2 There is a statutory power to do so;

2.6.3 It can be demonstrated that it represents and achieves Value for Money;

2.6.4 There has been a formal process undertaken to identify the goods, services and/or works required, that the proposed Contract Value has been properly calculated so as to represent a genuine pre-estimate of the contract's overall value, and this has been translated into a formal written specification;

2.6.5 Due consideration has been given to the Council's Social Value Policy; and

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- 2.6.6 The necessary authorisation has been obtained in accordance with the constitution.
- 2.7 An officer or Councillor must not seek or receive any bribe, gift or inducement of any kind in connection with:
- 2.7.1 The procurement of works, goods or services; and/or
- 2.7.2 The award of any concession or licence.
- 2.8 If anyone makes any attempt to bribe a Councillor or officer or to offer a gift or inducement of any kind, or any fraud, bribery or corruption is suspected, the officer or Councillor shall report it to the Chief Internal Auditor or the Director Legal Services.
- 2.9 If a Councillor or officer could be in a position where somebody with whom they have a family, personal or financial relationship might bid for a contract, they must not be involved in any way in the procurement exercise or seek to influence it. Councillors and officers shall be aware of the requirements of the appropriate codes of conduct and must declare any direct or indirect interest in accordance with the law and such codes. Officers should follow the [Code of Conduct for Employees](#).
- 2.10 The Mayor and Councillors make strategic decisions over the budgetary and policy framework within which procurement plans are developed and implemented.
- 2.11 Decisions to approve procurement processes leading to the award of contracts that constitute Key Decisions can only be made by the Mayor, or other body or individual delegated this authority, as prescribed in the City Council's Constitution. Where a Key Decision is made, the Mayor and Cabinet will generally authorize the procurement process to be followed and delegate the contract award to the relevant Director.

3. OFFICER RESPONSIBILITIES

- 3.1 Officers responsible for purchasing and relevant Director must:
- 3.1.1 Comply (and ensure that any agents, consultants and contractual partners acting on their behalf also comply) with these Rules, the [Financial Regulations](#), the [Constitution](#) and with all UK and European Union legal requirements;
- 3.1.2 Comply with all of the obligations set out in the Procurement Guidance and have regard to all other aspects of the [Procurement Guidance](#);
- 3.1.3 Ensure compliance with the requirements of the Public Services (Social Value) Act 2012 and the [Bristol City Council Social Value Policy](#);

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3.1.4 Agree annual service procurement plans for their directorate. These plans should be considered and approved by the appropriate category manager for that service area before the start of each financial year. The plans should detail existing contracts / spend, pending contract renewals and any new contract / spend identified for the coming year. In drawing up these procurement plans the Director should consider:

- The [Procurement Guidance](#) to allow an understanding of the corporate approach to procurement
- The [Council's Social Value policy](#)
- Future service projections and known requirements for the year to come, including potential regulatory changes.
- Current and future budgetary considerations
- Links to the corporate plan and directorate business plans and how the objectives set out within this document will be supported by the annual procurement plan.
- Utilisation of internally provided services and corporate contracts and use of approved suppliers

3.1.6 When any employee either of the Council or of a contractor may be affected by any transfer arrangements, ensure that the Transfer of Undertakings (Protection of Employment) (TUPE) and pension's issues are considered and that legal advice is obtained before commencing the procurement procedure;

3.1.7 Consult with the relevant Procurement Officer or Category Specialist to establish whether a suitable contract or external framework contract may exist, before commencing a new procurement project; where corporate contracts have been procured these will be used throughout the Council;

3.1.11 Take into account (to the extent legally permitted) the promotion of the local economy and the promotion of environmental sustainability;

3.1.7 Ensure that for contracts in excess of £15,000 all contact with any Bidder is conducted using the Council's e-tendering system;

3.1.8 Ensure Value for Money through whole life contract management and contractor performance monitoring as set.

3.2 Directors must:

3.2.1 In prior written consultation with the Procurement and Commercial Relations Manager and advice from legal services, only approve variations to contracts where there are financial, legal or commercial implications within their delegated limit of authority;

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3.2.2 In prior written consultation with the Procurement and Commercial Relations Manager and the Section 151 officer, seek approval of the Cabinet to accept any tender other than the first ranked tender evaluated in accordance with prescribed procedures and criteria declared before submission of tenders;

3.2.2 Provide information to the nominated representative of the Procurement and Commercial Relations Manager for the maintenance of a register of all minor, medium and major contracts;

3.3 Procurement and Commercial Relations Manager must:

3.3.1 Provide commercial advice and support to members and all services on how to purchase services, supplies and works in accordance with these procurement rules; 3.3.2 Promote the Procurement approach, policies and procedures and initiate appropriate reviews;

3.3.3 Ensure the contracts register is maintained for all contracts above £15,000;

3.3.4 Approve any:

- Guidance containing permanent alternative practices to the Procurement Policies and Procedures because of market-specific conditions;
- Variations to the Standard Procedure subject to consultation with the Section 151 officer and Legal officer where there are financial and legal implications respectively;

3.3.5 Initiate the Gateway Approach and ensure major procurement activity is strategically managed;

3.3.6. Designate Procurement Officer or Category Specialists in consultation with Directors and ensure appropriate training is given and appropriate systems are in place and observed for the proper discharge of the procurement activity.

3.4 In addition to any other responsibilities set out in these Rules, the Director - Finance shall:

3.4.1 Conduct financial appraisals of organisations where required, including advising on the most appropriate form of financial assurance;

43.4.2.2 Make payments from the Council's funds upon the receipt of a proper original, certified copy or valid electronic VAT invoices that have been checked, coded and certified by the Service. Details of the rules applying to payment of suppliers are set out in the Council's [Financial Regulations](#).

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3.4.3 Standard payment terms are 30 days from date of invoice. Any variation to this must be approved by the Section 151 officer.

4. FINANCIAL THRESHOLDS & PROCUREMENT PROCEDURES

4.1 Observance of Thresholds

4.1.1 There shall be no disaggregation of requirements in order to avoid monetary thresholds. Where numerous contracts are held for an area of spend, this spend should be aggregated to ensure compliance with the Public Contract Regulations and value for money principles.

4.1.2. The Contract Value for a proposed contract must be a genuine pre-estimate and must be based on the total aggregated value. Guidance regarding estimating a Contract Value is set out in the [Procurement Guidance](#).

4.2 Procurement Processes

4.2.1 Where the Contract Value for a proposed contract is within the values in the first column in Table 1 below, the procurement procedure in the second column must be followed unless a waiver has been granted under Rule 7:

Table 1 - Financial Thresholds & Procurement Procedures for Contracts for Services and Goods and Works.

Contract Value	Procurement Procedure
Up to £15,000	<p>Use of Corporate Contract using the Council’s Finance and Ordering System (currently ABW). or Where a Corporate Contract does not exist, then a single written quotation is sufficient (where possible using the Council’s Finance and Ordering System).</p> <p>Where practicable an eligible quotation from a local supplier must be sought or where this is not possible the reasons must be recorded. (Managers must retain sufficient evidence to demonstrate compliance and that best value has been obtained).</p>

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<p>£15,000 - EU Threshold for Services and Supplies</p>	<p>Use of the Council's e tendering system to either:</p> <ul style="list-style-type: none"> i) Follow the Open Procedure (or another procedure to be agreed with the Procurement and Commercial Relations Manager); or ii) Call off from a compliant Framework; or iii) Obtain at least three Quotations (except where there is likely to be cross-border interest) and at least one quotation should be from a local supplier and where this is not possible the reasons must be recorded; or iv) Call off from a compliant Dynamic Purchasing System (Managers must retain sufficient evidence to demonstrate compliance and that best value has been obtained). <p>Evaluation, weightings and procedures to be conducted in accordance with the published Procurement Guidance</p>
<p>£15,000 – EU Threshold for Schedule 3 of the Public Contract Regulations 2015 (“light touch regime”)</p>	<p>Use of the Council's e tendering system to either:</p> <ul style="list-style-type: none"> i) Follow the Open Procedure (or another procedure to be agreed with the Procurement and Commercial Relations Manager); or ii) Call off from a compliant Framework; or iii) Obtain at least three Quotations (except where there are concrete indications of cross-border interest) and at least one quotation should be from a local supplier and where this is not possible the reasons must be recorded; or iv) Call off from a compliant Dynamic Purchasing System. <p>Evaluation, weightings and procedures to be conducted in accordance with the published Procurement Guidance</p>

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<p>£15,000 - £250,000 for Works</p>	<p>Use of the Council's e tendering system to either:</p> <ul style="list-style-type: none"> i) Follow the Open Procedure (or another procedure to be agreed with the Procurement and Commercial Relations Manager); or ii) Call off from a compliant Framework; or iii) Obtain at least three Quotations (except where there is likely to be cross-border interest) and at least one quotation should be from a local supplier and where this is not possible the reasons must be recorded; or iv) Call off from a compliant Dynamic Purchasing System. <p>Evaluation, weightings and procedures to be conducted in accordance with the published Procurement Guidance Bidder</p>
<p>Above EU Threshold for Services and Supplies</p>	<p>Use of the Council's e- tendering system to follow the appropriate EU Procedure</p> <p>For services within Schedule 3 of the Public Contract Regulations 2015 ("light touch regime") advice should be sought from the Procurement and Commercial Relations Manager in relation to procedure to be followed.</p>
<p>£250,000 - EU Threshold for Works</p>	<p>Use of the Council's e tendering system to either:</p> <ul style="list-style-type: none"> i) Follow the Open Procedure (or another procedure to be agreed with the Procurement and Commercial Relations Manager); or ii) Call off from a compliant Framework; or iii) Call off from a compliant Dynamic Purchasing System. <p>Evaluation weightings and procedures to be conducted in accordance with the published Procurement Guidance</p>
<p>Above EU Threshold for Works</p>	<p>Follow the appropriate EU Procedure using the Council's e-tendering system</p>

Guidance regarding the detail of the procurement procedures is set out in the [Procurement Guidance](#).

- 4.3 Use of third party Framework Agreements will be an option for contracts of any value so long as they are entered into in accordance with Rule 6.

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- 4.4 If a procurement procedure involves an in-house bid by the Council (or by any organisation owned and/or controlled by the Council) then the formal advice of the Procurement and Commercial Relations Manager and Legal Officer must be sought regarding the conduct of the procurement procedure (including but not limited to the criteria used for Shortlisting and for evaluation of Tenders).
- 4.5 The advice of the relevant Category Manager and Legal Officer must be sought prior to commencing any procurement procedure that is required as a result of a Community Right to Challenge.
- 4.6 In the event that a contract is being advertised:
 - 4.6.1 All tender documents must be made available electronically at the start of the process;
 - 4.6.2 Consideration must be given to sub-dividing the contract into lots and the reasoning provided where it is decided that this is not appropriate;
 - 4.6.3 The advert must be placed on the [Contracts Finder portal](#) within 24 hours of having been advertised in any other way;
 - 4.6.4 A contract award notice must be published within 30 days of contract award.
- 4.7 If an abnormally low tender is received, the advice of the Procurement and Commercial Relations team must be sought.

5. GATEWAY APPROVALS

- 5.1 The Procurement and Commercial Relations Manager is responsible for establishing and providing guidance on Gateway Approvals, which are a series of quality assurance checkpoints through which a procurement project needs to pass prior to approval, publication and contract award.
- 5.2 Directors and Officers seeking to procure goods, services or works shall comply with whatever arrangements for Gateway Approvals as are established under this Rule.
- 5.3 The Director – Finance may authorise the establishment, maintenance or suspension of a Commissioning and Procurement Group (CPG) as a mechanism to operate gateway approvals of procurement proposals.
- 5.4 If a CPG is established, it will function as a strategic body which seeks to ensure that the Council commissions and procures services with efficiency, value for money and in line with best practice and the Council's policies and procedures. Its approval would be required at various stages of the procurement process, detailed in its [terms of reference](#).

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6. FRAMEWORKS/DYNAMIC PURCHASING SYSTEMS (DPS)

- 6.1 Framework Agreements and DPS shall only be set up internally to procure batches of similar works, supplies or services which the Council expects to need over a period of time, but where it has no certainty as to what sort of quantity or details it may require. All Framework Agreements and DPS must be awarded, set up and managed strictly in accordance with the Public Contracts Regulations 2015.
- 6.2 All call offs must be in accordance with the terms of relevant framework agreement.
- 6.3 The term must not exceed four years for frameworks.
- 6.4 The use by the Council of a Framework Agreement or DPS set up by a third party must be approved in writing by a legal officer and the Procurement and Commercial Relations Manager. For the avoidance of doubt this includes any Framework Agreement or DPS set up by the Crown Commercial Services or any successor body.
- 6.4 Any procurement or purchasing conducted through a Central Purchasing Body must be approved in writing by Procurement and Commercial Relations Manager.

7. EXEMPTIONS AND WAIVERS

RULES General Exemptions

- 7.1 These Rules do not apply to:
 - 7.1.1 Contracts for employment which make an individual a direct employee of the Council (for the avoidance of doubt this exemption does not apply to the appointment of consultants or the use of agency staff);
 - 7.1.2 Contracts regarding the purchase or lease of property, acquisition, disposal, transfer of land, or any interest in land (for which the Council's Corporate Land Policy shall apply). This rule extends to works carried out by the other party to such transaction, where these are a condition of the contract, but does not extend to any service, supplies or works contracts required of the Council, for example, to make the land, existing buildings or immovable property ready for acquisition, disposal or leasing
 - 7.1.3 A transaction conducted by the Director - Finance (Section 151 Officer) either on the money market or concerning the sourcing of finance;
 - 7.1.4 Non-contractual funding arrangements (including grant agreements under which the Council gives grant to third parties)

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provided that the terms of the funding arrangements do not constitute a contract (rather than a grant);

7.1.5 A contract for or on behalf of a school with a delegated budget, where the contract has been procured in accordance with the school's procurement and contractual regulations;

7.1.6 Contracts for the execution of either mandatory works or provision of goods or services which must be provided by Statutory Undertaker other than the Council. This includes but is not limited to arrangements with a utilities provider, where the City Council has no discretion regarding whether works are required or who must deliver them; and

7.1.7 Legal services (including all associated costs and fees) in connection with legal proceedings (including tribunals, inquiries, civil or criminal court proceedings).

7.2 The obligations relating to tendering procedures, including Rule 4, together with Rules 5 and 9, shall not apply:

7.2.1 In relation to contracts awarded under Regulation 12(1) of the Public Contract Regulations (2015) (formerly referred to as the Teckal exemption);

7.2.2 In relation to contracts awarded under Reg 12(7) of the Public Contract Regulations (2015) (Contracts which establish or implement co-operation between contracting authorities). Officers must ensure that any procurement in these areas is consistent with the Council's duty to obtain value for money and other relevant policies of the Council.

Waivers

7.3 Subject to Rule 7.5, where the Contract Value is within the range of values specified in the first column of Table 2, these Rules may be waived by express written authorisation of the individual specified in the second column (having consulted first the individual(s) specified in the third column), when one of the following situations exist:

7.3.1 Only one contractor can provide the goods, services or works required and there is no reasonable alternative contractor;

7.3.2 The need for the goods services or works is so urgent that the time needed to comply with the procurement procedure would be prejudicial to the Council's interest;

7.3.3 The purchase is through an auction that is conducted in accordance with the requirements of relevant procurement law; and/or

7.3.4 The best interests of the Council are being secured.

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Table 2

Contract Value	Individual authorised to grant waiver under Rule 7.3	Consultees
Below the relevant EU Procurement Threshold and below £250k	Procurement and Commercial Relations Manager	Legal officer Director(s) for service(s) affected
Above the relevant EU Procurement Threshold and above £250k	Director of Finance/ s151 Officer	Legal officer Director(s) for service(s) affected Procurement and Commercial Relations Manager

- 7.4 Where a waiver request involves an Officer Executive Decision, Corporate Finance should be consulted.
- 7.5 Where a waiver under Rule 7.3 would constitute a Key Decision, the waiver may only be authorised by Cabinet.
- 7.6 Rule 7 **cannot authorise** any approach that breaches:
- 7.6.1 EU and/or UK procurement law; and/or
 - 7.6.2 A Community Right to Challenge.
 - 7.6.3 Any other relevant legislation
- 7.7 When granting a waiver pursuant to this Regulation 7, the relevant individual (as identified in the second column in Table 2) shall ensure that the [appropriate pro forma](#) is used.

8. EXTENSIONS AND VARIATIONS TO EXISTING CONTRACTS

- 8.1 Unless an existing contract makes provision for extension for the original term, a contract must not be extended without confirmation from a legal officer that the extension does not conflict with EU and UK procurement law.
- 8.2 If the existing contract does not have provision for an extension a waiver under Rule 7 would be required.
- 8.3 An existing contract must not be varied unless:
- 8.3.1 The existing contract includes a predetermined mechanism for objectively establishing the scope, terms and implications (in

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particular the pricing implications) of the variation; and

8.3.2 The variation is carried out in accordance with that predetermined mechanism; and

8.3.3 Such variation complies with the Public Contracts Regulations 2015; and

8.3.4 Legal advice has been obtained supporting the proposed variation.

9. BONDS AND PARENT COMPANY GUARANTEES

9.1 The Director - Finance shall consider the necessity of a parent company guarantee when an Bidder is a subsidiary of a parent company and any of the following applies:

9.1.1 The nature of the contract exposes the Council to material financial risk;

9.1.2 The award is based on evaluation of the parent company; and/or

9.1.3 There is some concern about the financial standing of the Bidder.

9.2 The Procurement and Commercial Relations Manager shall consider the necessity of a bond where any of the following apply:

9.2.1 Where the Contract Value exceeds £500,000 (or contracts of lower value where the Director - Finance considers it necessary);

9.2.2 Where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the Bidder; and/or

9.2.3 There is some concern about the financial standing of the Bidder.

9.3 All bondsmen must either be:

9.3.1 A major UK Clearing Bank or Building Society; or

9.3.2 On the FSA register (a public record of all firms registered to conduct regulated activities) in the category of Suretyship.

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10. CONTRACT DOCUMENTS AND FORMALITIES

- 10.1 The Procurement and Commercial Relations Manager and a Legal Officer must be consulted to determine whether (and if so, in what form) a standstill period must be observed prior to the award of a contract where this is not a requirement under the Public Contracts Regulations 2015 (for example contracts subject to the light-touch regime or contracts with a Contract Value below the relevant EU Threshold).
- 10.2 All contracts with a Contract Value greater than £15,000 shall be in writing and be executed by an officer with authority to do so under the Council's scheme of delegations.
- 10.3 All quotes shall be in writing.
- 10.4 Subject to Rule 10.5, a contract must be sealed and executed as a deed under the Council's seal when one or more of the following situations exist:
- 10.4.1 The contract relates to a construction project (whether a contract for works or a contract for services) where the overall value of the works for the project is greater than £500,000;
- 10.4.2 The Contract Value is greater than £1,000,000;
- 10.4.3 Where it is particularly complex or high risk;
- 10.4.4 Where it is a mortgage or charge;
- 10.4.5 Where it is for the acquisition or disposal of an interest in land;
- 10.4.6 Where it is a release or variation to a Deed;
- 10.4.7 Where it is an appointment of a trustee; and/or
- 10.4.8 Where it is a power of attorney.
- 10.5 There is no requirement for a contract to be sealed and executed as a deed under the Council's seal where it is:
- 10.5.1 An employment contract; or
- 10.5.2 For transactions conducted by the Director: Finance (Section 151 Officer) either on the money market or concerning the sourcing of finance;
- 10.5.3 For contracts where the Monitoring Officer has determined that a Deed is not required.
- 10.6 The formal advice of a Legal Officer must be sought for a contract that includes one or more of the following features:
- 10.7.1 Where the Contract Value is greater than the EU Threshold for

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Services and Supplies and greater than £250,000 for Works;

10.7.2 Where it involves leasing arrangements;

10.7.3 Where it is proposed to use a contractor's own terms; and/or

10.7.4 Where it is particularly complex or high risk;

10.7.5 Where payment in advance is required. **Note: The formal written advice of the S151 officer is also required**

10.7 All contracts must be concluded formally before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of a Legal Officer. All related parent company guarantees and/or bonds should be delivered in accordance with the contract.

10.10 The officer responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it.

11. CONTRACT MANAGEMENT

11.1 The relevant Director shall name a Contract Manager for all contracts, throughout the life of each contract.

11.2 Payments shall be made in accordance with the contract and in a timely manner so as to avoid the payment of any interest charges.

11.3 The Service Director - Finance shall ensure that there is a system in place to ensure that any invoices received from a contractor are adequately verified, properly certified, and processed for payment by the due date.

11.4 During the life of a contract, the Contract Manager must monitor the contract (using the Council's e tendering system's contract management module or an existing alternative system for which approval has been given by the Senior Leadership team) in respect of:

11.4.1 Performance;

11.4.2 Compliance with contract and specification;

11.4.3 Cost;

11.4.4 Any Value for Money requirements; and

11.4.5 User satisfaction and risk management.

11.5 If a contractor fails to comply with any of the provisions of a contract, the Contract Manager must try to secure compliance. If this is not successful, the matter should be referred promptly to the relevant Procurement and

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Commercial Relations Manager and their advice sought as to what action should be taken to protect the Council's interests.

11.6 Where practicable, all contracts should contain a Dispute Resolution procedure.

11.7 If a contractor makes a claim which is not clearly within the terms of a contract, the Contract Manager must not negotiate a settlement until the claim has been referred to:

11.7.1 A Legal Officer for advice about the Council's legal liability; and

11.7.2 The Director - Finance for advice about the financial implications.

11.8.7 These Procurement Rules will be reviewed at least every 2 years.

SCHEDULE 1 - DEFINITIONS

“ABW”

Agresso Business World, the Council’s current finance and ordering system

“Bidder”

Means any person who asks or is invited to submit a Quotation or Tender;

“Legal Officer”

Means the Director – Legal Services or such other legal officer with the appropriate delegated authority;

“Procurement and Commercial Relations Manager”

Means the Procurement and Commercial Relations Manager or such other Procurement Officer or Category Specialist with the appropriate delegated authority

“Best Value”

Means arrangements to secure [continuous improvement](#) in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

“Central Purchasing Body”

Means an organisation that conducts procurements or makes purchases on behalf of one or more other organisations

“Community Right to Challenge”

Means the community right to challenge under Chapter 2 of the Localism Act 2011;

“Constitution”

Means the Council’s constitution;

“Contract Manager”

Means the officer appointed by the relevant Director (pursuant to Rule 11.1) with responsibility for managing a particular contract;

“Contract Value”

Means the whole life value or estimated whole life value (in money or equivalent value) for any purchase calculated as follows:

- (a) Where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the fixed period;
- (b) Where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions over the life expectancy of the contract;
- (c) Where the contract is for an uncertain duration, by multiplying the monthly payment by 48;

“EU Procedure”

Means a procurement procedure required under the Public Contracts Regulations 2015;

“EU Threshold”

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Means the Contract Value at which the full requirements of the Public Contracts Regulations 2015 apply. The current EU Thresholds, excluding VAT, (with effect from 1 January 2018) are:

- Services £ 181,302
- Supplies £ 181,302
- Light Touch £ 615,278
- Works £ 4,551,413
- Concessions £ 4,551,413

“Framework Agreement”

means an agreement between one or more public bodies with one or more contractors, the purpose of which is to establish the terms governing contracts to be awarded during a given period;

“Gateway Approval”

Means a series of quality assurance checkpoints through which a procurement project needs to pass prior to approval, publication and contract award.

“Key Decision”

Means an executive decision as defined in the Constitution.

“Procurement Guidance”

Means the guidance issued by Procurement and Commercial Relations, together with a number of standard documents and forms, which supports the implementation of these Rules;

“Shortlisting”

Means the process of selecting Bidders;

“Standstill Period”

Means a period of at least ten calendar days following the notification of an award decision in a contract tendered via the Official Journal of the European Union, before the contract is signed with the successful supplier(s).

“Social Value”

Public authorities are required, under the Public Services (Social Value) Act 2012 to, when commissioning a public service, to consider how the service they are procuring could bring added economic, environmental and social benefits.

“Tender”

Means an Bidder’s proposal submitted in response to an invitation to tender;

“Quotation”

Means a quotation of price and any other relevant matter (without the formal issue of an invitation to Tender);

“Value for Money”

Means optimum combination of whole-life cost and quality (or fitness for purpose) to meet

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the customer's requirement
This includes consideration of Social Value.

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KEY LINKS

Public Contracts Regulations 2015

<http://www.legislation.gov.uk/uksi/2015/102/contents/made>

Concessions Contracts Regulations 2016

http://www.legislation.gov.uk/uksi/2016/273/pdfs/uksi_20160273_en.pdf

Public Services (Social Value) Act 2012

<http://www.legislation.gov.uk/ukpga/2012/3/enacted>

Bristol City Council's Social Value Policy

<https://www.bristol.gov.uk/documents/20182/239382/Social+Value+Policy+-+approved+March+2016-1.pdf/391b817b-55fc-40c3-8ea2-d3dfb07cc2a0>

Internal guidance on Bristol City Council procurement guidance (intranet):

<http://intranet.bcc.lan/ccm/navigation/support-services/procurement/>

Published details on Bristol City Council procurement (external website):

<https://www.bristol.gov.uk/tenders-contract/procurement-rules-regulations>

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Full Council 15 January 2018



Report of: Shahzia Daya, Service Director – Legal & Democratic Services

Title: **Licensing Committee – membership change**

Ward: Citywide

Recommendation

That Full Council approves the appointment of Councillor Claire Hiscott to the committee.

Summary

The Licensing Committee is established under Section 6 of the Licensing Act 2003 and is a standing committee. Any vacancies on the committee must be filled by the Full Council. This task is non-delegable, i.e. only Full Council can decide who will serve on the committee.



Background and proposal

1. The Council must have a licensing committee of between 10-15 members. As one of the largest licensing authorities in the country, Bristol has established a 15 member committee (14 members are currently appointed with one vacancy). Members serve on the committee until they either resign or are removed by the Full Council.
2. Councillor Claire Hiscott has indicated that she is willing to be appointed to the committee. This appointment would fill the current vacancy of one committee member.
3. The Full Council is accordingly asked **to approve the appointment of Councillor Claire Hiscott to the committee.**