

Notice of Meeting



Scan here to access the public documents for this meeting

Governance Committee

Tuesday 18 November 2025 at 6.30 pm

in the Council Chamber, Council Offices,
Market Street, Newbury

Note: This meeting can be streamed live here: <https://www.westberks.gov.uk/governanceethicscommitteelive>

Date of despatch of Agenda: Monday 10 November 2025

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Thomas Radbourne on 01635 519 502
e-mail: Thomas.Radbourne1@westberks.gov.uk

Further information and Minutes are also available on the Council's website at
www.westberks.gov.uk



WestBerkshire
C O U N C I L

To: Councillors Erik Pattenden (Chairman), Howard Woollaston (Vice-Chairman), Dominic Boeck, Jeremy Cottam, Laura Coyle, Carolyn Culver, Billy Drummond, Owen Jeffery, Stephanie Steevenson, Simon Carey and David Southgate

Substitutes: Councillors Anne Budd, Adrian Abbs, Dennis Benneyworth, Paul Dick, Janine Lewis and Alan Macro

Agenda

Part I

Page No.

- | | | |
|---|---|---------|
| 1 | Apologies
To receive apologies for inability to attend the meeting (if any). | |
| 2 | Minutes
To approve as a correct record the Minutes of the meeting of this Committee held on 29 July 2025.

To approve as a correct record the Minutes of the meeting of this Committee held on 30 September 2025. | 1 - 10 |
| 3 | Declarations of Interest
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' Code of Conduct . | |
| 4 | Forward Plan
Purpose: To consider the Forward Plan for the next 12 months. | 11 - 14 |
| 5 | Constitutional Updates
Purpose: To receive proposed constitution updates and, if acceptable, to recommend them to Council for Adoption. | 15 - 62 |

Sarah Clarke

Sarah Clarke
Executive Director - Resources

Agenda - Governance Committee to be held on Tuesday 18 November 2025 *(continued)*

West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

If you require this information in a different format or translation, please contact Thomas Radbourne on telephone (+44)1635 519 502.

This page is intentionally left blank

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

GOVERNANCE COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 29 JULY 2025

Councillors Present: Howard Woollaston (Vice-Chairman in the Chair), Dennis Benneyworth (Substitute for Councillor Dominic Boeck), Laura Coyle, Carolyne Culver, Billy Drummond, Owen Jeffery, Alan Macro (Substitute for Councillor Jeremy Cottam) and Stephanie Steevenson

Also Present: Councillor Iain Cottingham (Executive Portfolio Holder for Finance and Resources), Simon Carey (Independent Member – Audit), Sam Chiverton (Zoom Host), Julie Gillhespy (Audit Manager), Elizabeth Griffiths (Deputy Section 151 Officer), Ed Mills (KPMG), David Southgate (Parish Council Representative), Nicola Thomas (Deputy Monitoring Officer and Service Lead for Legal and Democratic Services) and Darius Zarazel (Principal Democratic Services Officer)

Apologies for inability to attend the meeting: Councillor Erik Pattenden, Councillor Jeremy Cottam (Substituted by Councillor Alan Macro), Councillor Dominic Boeck (Substituted by Councillor Dennis Benneyworth)

PART I

1 Minutes

RESOLVED: That the Minutes of the meeting held on 29 April 2025 were approved as a true and correct record and signed by the Chairman.

RESOLVED: That the Minutes of the meeting held on 15 May 2025 were approved as a true and correct record and signed by the Chairman.

2 Declarations of Interest

There were no declarations of interest received.

3 Forward Plan

The Committee considered the Governance Committee Forward Plan (Agenda Item 4). Satisfied with the Plan, the Governance Committee agreed that it could be noted.

4 Annual Internal Audit Assurance Report 2024/25

The Committee considered the report (Agenda Item 5) concerning the Annual Internal Audit Assurance Report for 2024/25.

The Audit Manager introduced the report and highlighted that it was a requirement for it to be brought to the Committee annually. Members noted the conclusion of the report, that reasonable assurance could be given that the Council's governance, risk management, and internal audit control framework were robust. The reason for this opinion was due to the low number of low opinions audits, as opposed to those considered satisfactory or above. In addition, the report also updated the Committee on the audits undertaken and completed over the past quarter.

On a question about the Council's financial resilience, and what the consequences would be if the Council did not receive Emergency Financial Support (EFS) from the Department of Housing Communities and Local Government (MHCLG), the Audit

GOVERNANCE COMMITTEE - 29 JULY 2025 - MINUTES

Manager indicated that these types of questions were not covered by the Internal Audit Team. As their work was retrospective, ensuring that the Council was operating effectively, questions about policy decisions and their potential consequences would be for the Section 151 Officer and the relevant Portfolio Holder.

The Committee discussed the rate of senior management vacancies as it was considered a risk in past audits. Members were assured that only one of the top 15 positions was not filled and that, although work on recruitment was ongoing, this area was no longer considered to be a concern.

In response to a question about allegations of potential fraud/wrongdoing that had been raised, the Audit Manager confirmed that several whistleblowers had raised concerns but that, upon investigation, there was no evidence to substantiate the allegations. In addition, the Executive Portfolio Holder for Finance and Resources indicated that fraud was a risk in every organisation, but that the Council had robust internal controls and a whistleblower policy to control that risk. The Audit Manager also assured Members that the allegations were not malicious and that the staff who submitted them had not been subject to victimisation as a result of whistleblowing.

The Audit Manager went on to confirm a number of points made in the report. For example, it was highlighted that the Committee would receive progress reports on previous audits which received a limited assurance rating and that any issues relating to corporate risk management would be dealt with by the services' risk registers and taken to the Committee through the regular risk management reports. The risks around Local Government Reorganisation were also noted as being a part of services' risk registers, although the internal audit team could scrutinise a reorganisation plan once it had been agreed. In addition, school audits were noted as providing recommendations, but that it would be up to the schools to implement them.

Members noted Appendix D to the report and asked if Agresso was fit for purpose, given that some tasks had been found to be unwieldy and time consuming. The Audit Manager indicated that, as a system upgrade was imminent, resources had not been put into tailoring the system for specific tasks. However, once the upgrade was complete, greater consideration could be given to the effectiveness of the technology and if any concerns remained.

In response to a question about personnel matters, the Audit Manager indicated that recruitment issues were included on the audit plan, and an audit was taking place on recruitment and retention, which included day-to-day processes, and the strategic approach to improving the situation. The Audit Manager noted that day-to-day operational risk was covered by Service Managers, and HR matters should be included in service risk registers.

On a question about local government reorganisation and the risks associated with the contracts which the authorities had, the Audit Manager indicated that the risks should be on department risk registers. Audit work was not involved at this stage. However, if there were key issues of concern, they would be included in the audit plan.

On a question about the resourcing of the internal audit team, the Audit Manager indicated that she believed their performance indicator of completing 80 per cent of the audit plan was sufficient given the number of internal audit staff and their available workdays. In addition, as they completed 86 per cent on the audit plan for 2024/25, she considered their resources sufficient for their current target.

In response to a question regarding a weak audit report outcome on a school, the Audit Manager indicated that the Audit Team would follow up, and could plan another audit, and bring forward the next review.

As they were satisfied with the report, the Committee agreed to note the Annual Internal Audit Assurance Report for 2024/25.

5 **Annual Treasury Management Report**

The Committee considered the report (Agenda Item 6) concerning the Annual Treasury Management Review for 2024/25.

The Deputy Section 151 Officer introduced the report and confirmed that the Council had complied with its investment and borrowing strategy, and prudential indicators. In response to a question about why loans from the Public Works Loan Board (PWLB) from 1996, maturing in 2056, had not been paid off early, she indicated that there would likely be high early redemption costs. She assured Members that officers would have assessed the efficiency of both continuing the payments as planned against the penalties of early redemption.

Members also noted the definition of some of the terms presented in the report and that the Council had set limits around how much it would allow itself to borrow as part of the regular budget approval process. The Deputy Section 151 Officer confirmed that the Council had remained within those set borrowing limits.

On a question about if the lack of earmarked reserves for property maintenance could affect a property's value, the Committee noted that this sinking fund would be helpful but that the Council's financial position made this untenable. However, the Executive Portfolio Holder for Finance and Resources indicated that some of the capital budget could be used for maintenance but that the current tenants were responsible for repairs until the end of their leases.

The Committee noted that the balance between investments and borrowing would not likely affect the Council's access to future borrowing as most of this was done through peer-to-peer lending (by other local authorities) or by the PWLB. The Executive Portfolio Holder for Finance and Resources indicated that West Berkshire Council was borrowing about £1,600 per resident, whereas a number of other authorities were borrowing closer to £2,000-£3,000 per resident. He noted that the weighted average cost of borrowing was below 4%, and he also confirmed that the Council's short-term borrowing was no more than 30 per cent of total borrowing.

The Deputy 151 Officer indicated that in terms of the scale of borrowing, the Council was in receipt of Exceptional Financial Support, there was a budget gap to close, and the amount of interest that the Council had to pay on the capital being borrowed was a pressure on the revenue budget.

In response to a question about why the value of the commercial property portfolio had reduced by around £1m, and why the Council had not moved faster to reduce its exposure, Members noted that this was due to the attractiveness of this type of property having changed over time. In addition, disposal of these properties would also impact on the revenue budget as long term tenants would contribute to this through rent.

Members were assured that the revaluation of the portfolio did not affect the Council's general fund and, as it was not a revenue pressure, they would not have to find an additional £1m in cuts to services or increase council tax to cover the change.

In response to a question regarding the increase and decrease in value of directly owned properties, the Executive Portfolio Holder for Finance and Resources indicated that this was likely the insurance valuation that the Council had to carry in case of replacement.

As the Committee was satisfied with the report and that the Council complied with its approved strategy and prudential indicators, Members agreed to approve the report.

RESOLVED: That the Committee approve the annual treasury management report for 2024/25 and note that the Council's plans complied with the investment and borrowing strategy and the prudential treasury indicators for the period.

6 Financial Statements 2024/25 Highlights and Going Concern Assessment

The Committee considered the report (Agenda Item 7) concerning the Financial Statements 2024/25 Highlights and Going Concern Assessment.

The Deputy 151 Officer introduced the report and highlighted key elements from the Council's financial statements and the rationale as to why the Council was still considered to be a going concern.

In response to a question regarding the Council's financial viability and ability to meet its financial obligations, the Deputy 151 Officer indicated that the report had been prepared as a management statement as to why the Council was considered to be a going concern. This reflected the view of Senior Management that the Council could continue to meet its liabilities, with support from EFS. The Council also had a healthy balance sheet of capital assets, which it could draw upon. It was confirmed that this position had not been reviewed by the Audit Team.

Members questioned the terms of the EFS provided by MHCLG, including how they would monitor the Council's effective use of the funds, what type of loan it was, and if there were any conditions attached to it. In response, the Deputy Section 151 Officer indicated that, although there were no conditions attached to the EFS, Central Government met regularly with the Council to monitor progress on its plans and to see if it was taking prudent financial decisions. In addition, Members noted that EFS was essentially a loan as it was money that would be repaid over 20 years and that the rate of interest charged would be at the rate set by the PWLB – this was in contrast to the historic figure levied against Councils who issued a Section 114 notice which were required to pay the PWLB rate of interest plus one per cent. The Executive Portfolio Holder for Finance and Resources noted that EFS was similar to capital borrowing which had already been undertaken, the Council was not borrowing new money. He indicated that from an accounting perspective, the Council was deferring the payment and booking £20 million worth of revenue expenditure onto the balance sheet as capital expenditure, which would be released over a 20-year period back into revenue.

In response to a question regarding additional clarity on financial governance, the Executive Portfolio Holder for Finance and Resources clarified that there was a bi-monthly financial review panel, and a budgetary savings panel had been set up by the Executive Director -Resources and the Section 151 Officer.

In response to a question regarding Local Government reorganisation and the financial matters, risks, and reserves held by each Council, the Executive Portfolio Holder for Finance and Resources indicated that the Council was in the process of gathering that information, and it would be a part of decision making going forward.

The Committee discussed the effects of the Fair Funding Review 2.0, noting that it would have a potential impact on the business rates received by the Council. In addition, the new calculation of need was also raised as a potential risk as it would be determined by the level of deprivation in the area, although the full impact of this change was yet to be understood.

In response to a question about how there was a reduction in the long-term pension scheme liability, Member noted that pension actuaries had come to this conclusion based on a number of metrics such as life expectancy and population growth. This type of pension liability re-examination was done every few years.

GOVERNANCE COMMITTEE - 29 JULY 2025 - MINUTES

The Executive Portfolio Holder for Finance and Resources confirmed to the Committee that new internal governance arrangements had been put in place to regularly review the budget and scrutinise spending proposals, and that work was also underway into the financial impact of the Ridgeway Local Government Reorganisation proposal.

As Members were satisfied with the report, the Committee agreed to note the Financial Statements 2024/25 Highlights and Going Concern Assessment.

7 Annual Governance Statement

The Committee considered the report (Agenda Item 8) concerning the Annual Governance Statement for 2024/25.

The Deputy Section 151 Officer introduced the report and highlighted that the draft Annual Governance Statement had been published in the Council's financial statement but needed to be approved by the Governance Committee. The Annual Governance Statement examined four key areas, the general Government requirements, and areas of focus for the upcoming year. These four key areas were financial resilience, delivering better value for Special Educational Needs and Disabilities (SEND) services, the transformation programme, and senior management structures.

In response to a question about why 'embedding senior management structures to provide clear and consistent direction and stewardship for the organisation' was not included in the 2024/25 Annual Governance Statement, The Audit Manager noted that this was a result of the significant work that had been completed in 2023/24.

The Executive Portfolio Holder for Finance and Resources indicated that it would be beneficial if a RAG rating and the risk heat map in the internal audit report of Appendix F was adopted so that Members could better understand what had changed across the period.

The Committee also noted that a report was recently taken to the Schools' Forum which outlined the progress made on 'delivering better value in SEND services programme', and that the cost avoidance and savings outcomes outlined had been formulated using the methodology provided by Central Government.

However, a point was raised that the issues with SEND funding, and the High Needs Block (HNB) deficit, were shared by all local authorities with responsibility for adult social care and children's services. If the Government did not put a proposal forward to deal with HNB deficits, it would continue to sit on the balance sheet and require the Council to pay significant and increasing interest payments.

On the expanded transformation programme, Members noted that the savings made in the current financial year would be presented in the quarter one 2025/26 treasury outturn report, but that progress had been made in several key areas.

As the Committee were satisfied with the Annual Governance Statement as proposed, they agreed to approve the recommendations.

RESOLVED: That the Committee approve:

- A) The Annual Governance Statement (listed as Appendix A to the report), and
- B) The updated Code of Local Governance

(The meeting commenced at 6.30 pm and closed at 8.13 pm)

CHAIRMAN

Date of Signature

This page is intentionally left blank

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

GOVERNANCE COMMITTEE

**MINUTES OF THE MEETING HELD ON
TUESDAY 30 SEPTEMBER 2025**

Councillors Present: Erik Pattenden (Chairman), Howard Woollaston (Vice-Chairman), Dominic Boeck, Jeremy Cottam, Laura Coyle, Carolyn Culver, Billy Drummond, Stephanie Steevenson, Simon Carey and David Southgate

Also Present: Sarah Clarke, Julie Gilhespy, Thomas Radbourne

Apologies for inability to attend the meeting: Councillor Owen Jeffery and Shannon Coleman-Slaughter

PART I

1 Minutes

RESOLVED: That the Minutes of the meeting held on 29 July 2025 would be redrafted and presented to the next meeting with the following amendments:

- Councillor Carolyn Culver's questions in Item four of the minutes to be captured regarding personnel issues such as sickness, fire and rehire, and exit interviews
- Councillor Culver's questions regarding any cost benefits analysis of centralisation of staff would be included.
- Councillor Culver's questions in Item seven and Councillor Iain Cottingham's explanation of Exceptional Financial Support, and the points raised regarding the borrowing headroom would be included.
- Councillor Culver's question and the response received regarding the Going Concern document would be included in the minutes.
- Councillor Culver's question and the response received regarding the benefits of a potential merger with Vale of the White Horse and South Oxfordshire District Council would be included in the minutes.
- Councillor Culver's question and the officer's response received in item seven in the minutes on transformation would be included in the minutes.

2 Declarations of Interest

There were no declarations of interest received.

3 Forward Plan

The Committee considered the Governance Committee Forward Plan (Agenda Item 4).

Members noted that the Constitution Review Task Group was not included on the Forward Plan.

Officers stated that the Constitution Review Task Group continued to meet, and there were some changes to the Constitution. Any changes to the constitution must go to the Governance Committee before going to Council.

GOVERNANCE COMMITTEE - 30 SEPTEMBER 2025 - MINUTES

Officers indicated that if the Committee had any concerns regarding Constitution updates that they felt should be prioritised, then Members could contact the Chair of the Constitution Review Task Group.

Officers noted that the program of the Constitution Review Task Group had previously been brought to the Governance Committee as part of the Forward Plan.

Action: The Constitution Review Task Group to be included on the Forward Plan. A report on Constitutional Updates was due to go to Corporate Board, and it may be at the next meeting of Governance in November 2025.

Action: Constitution updates to be included on the Forward Plan as a twice-yearly standing item.

Action: The Constitution Review Task Group work schedule to be included in the next Governance Committee.

Action: The Governance Committee proposed that the Constitution Review Task Group consider making the Constitution one searchable PDF document, rather than separate webpages.

RESOLVED that the Forward Plan be noted.

4 Internal Audit Update Report Quarter 1 2025-26

The Committee considered a report (Agenda Item 5) concerning Internal Audit Update Report Quarter 1 2025-26.

Members had a number of questions, and Julie Gilhespey responded as follow:

- There were underlying issues affecting the homelessness process
- There had been issues and delays with the new housing system generating invoices for rent. It was not working with Agresso, and the financial data was not mirroring across both systems. This was a known issue by the time of the audit and was still a work in progress.
- All software needed to interface with Agresso. Software to enable interfacing can be written internally, as systems from different suppliers may not interface initially. West Berkshire was not unique in having issues with interfacing.
- The rent backlog had no impact on vulnerable clients. The impact was on internal financial records and how they were recording the information and there was no impact on clients.
- There was a period where no invoices were generated automatically, however clients were aware of their rent obligations, as that was a separate process.
- There was a delay in some invoices being issued. This affected people if they did not wish to make or had not made any payments. The Council did not request some of the income promptly.
- The rent backlog was a known issue, and it had taken time to find alternative options, and take remedial action. By the time of the audit, the invoices and remedial action were almost up to date. However, the rental system on the housing system was not live. Issues identified by the audit will be followed up after six months, as is normal practice.
- Some of the recommendations from the audit focussed on improving and updating debt management processes and debt recovery. Part of that would include how they liaise with tenants and clients as part of that process.

GOVERNANCE COMMITTEE - 30 SEPTEMBER 2025 - MINUTES

- When purchasing a new ICT system, unless it has been tested with the internal systems the Council was reliant on the supplier and the quoters for the contract regarding system compatibility.
- It was unlikely that an IT issue would not occur again, as no supplier could guarantee 100% that their product would work with all of the software at the Council.
- Offline testing had showed that there was an issue with invoicing. A number of options were considered to rectify the issue, and while a solution was being sought, the Council fell back to using the previous process.

ACTION: Project management task and finish group to be informed about the project and the issues as there could be important constructive feedback and learning.

- The Council had been in contact with the supplier and had received an upgraded version that was being tested. It should be live soon.
- The Volker Highways contract was due for renewal next year. The audit recommendations were to give advice or consideration of things for the new contract and what should be included.
- The different audit stages were described in detail.
- The dedicated home to school transport was looked at separately as it was a large project. The compliance of the project had been investigated previously, and the cost effectiveness of the project had been reviewed by external consultants. The audit team were focussed on ensuring adequate controls to ensure the project was complying with legislation, internal policies and procedures, and ensuring the controls and processes were effective. The audit team could investigate value for money, but this was a different technique and audit approach.
- Section 17 referred to legislation covering Children's Social Care and covered bringing children into care or needing to accommodate children. Section 17 was additional support that the Council could provide and was to a certain degree at its discretion.
- The three conversations model was referred to the approach taken by Adult Social Care with clients when they came through the front door. It sought to identify if there were other appropriate sources of support for clients instead of immediately provided long-term care. It was a national good practice model.

RESOLVED that the committee note the Internal Audit Update Report Quarter 1 2025-26

5 Strategic Risk Register Q4 2024/25

The Committee considered a report (Agenda Item 6) concerning Strategic Risk Register Q4 2024/25.

Members asked a number of questions, and received the following responses:

- In Part II of the meeting, additional detail would be included that would show the different risks on the matrix.
- The Part I agenda was available to the public and included access to the heat map. They were able to see a description and the details of the nature of the risk such as financial loss or compliance.
- The analysis of risk management was an iterative process, some of the risks were ongoing, and some were risks that had to be mitigated as far as possible.

GOVERNANCE COMMITTEE - 30 SEPTEMBER 2025 - MINUTES

- The report mentions 16 risks, five extreme and 13 high. This was an error, it should have stated 11 high risks, and the mistake would be rectified.

Action: That the error in 4.8 stating that there were 13 high risks would be amended to state 11 high risks.

RESOLVED that the Committee note the Strategic Risk Register Q4 2024/25.

6 Exclusion of Press and Public

RESOLVED: That members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs 3, 5, and 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the [Local Government \(Access to Information\)\(Variation\) Order 2006](#). [Section 10, Part 10 of the Constitution also refers.](#)

7 Strategic Risk Register Q4 2024/25

(Paragraph 3, 5, and 6)

The Committee considered an exempt report (Agenda Item 8) concerning Strategic Risk Register Q4 2024/25.

RESOLVED that that the recommendations in the exempt report be agreed.

(The meeting commenced at 6.30 pm and closed at 8.30 pm)

CHAIRMAN

Date of Signature

**WEST BERKSHIRE COUNCIL
GOVERNANCE COMMITTEE WORK PROGRAMME
SEPTEMBER 2025 – MAY 2026**

1. This document gives notice of decisions which the Governance Committee is expected to take.
2. The document is updated as required and is available to the public on the Council's website.
3. Copies of the Council's Constitution and agenda and minutes for all meetings of the Governance Committee may be accessed on the Council's website.
4. For copies of reports or other documents, and for detailed information regarding specific issues to be considered by the committee, please contact the named Lead Officer for the item concerned.
5. For further details on the time of meetings and general information about the Plan please email executivecycle@westberkshire.gov.uk

Publication Date: 10 November 2025

Nicola Thomas
Service Lead
Legal & Democratic Services
West Berkshire Council, Council Offices
Market Street
Newbury
RG14 5LP

Decision Due Date	Title	Purpose	Lead Officer e.g report author	Report likely to be considered in private (i.e., it contains confidential or exempt information)
27 January 2026				
27 Jan 2026	Mid-Year Treasury Report	To receive the Mid-Year Treasury Report, written in accordance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (revised 2021). One of the primary requirements of the Code is receipt by the full Council of a mid-year review report, measuring performance against the adopted annual Investment & Borrowing Strategy (I&B). This report satisfies the mid-year reporting requirement.	Richard Quayle, Chris Dagnall	
27 Jan 2026	Internal Audit Update Report - Quarter Two 2025/26	<p>To update the Committee on the status of Internal Audit work as at the end of quarter two 2025/26.</p> <p>The Global Internal Audit Standards (GIAS) in the UK Public Sector require the Audit Manager to provide periodic updates to senior officers and members on performance against the Audit Plan. As stated in the Council's approved Internal Audit Charter, quarterly updates are required to be presented to the Committee.</p> <p>The periodic reports aim to provide a progress update against the work in the Audit Plan together with highlighting any emerging significant issues/risks that are of concern.</p>	Julie Gillhespey	

27 Jan 2026	Strategic Risk Register Q1 2025/26	To scrutinise individual items on the Risk Register.	Beatriz Teixeira	
27 Jan 2026	Strategic Risk Register Q2 2025/26	To scrutinise individual items on the Risk Register.	Beatriz Teixeira	
27 Jan 2026	Capital outturn report		Shail Vitish	Open
27 Jan 2026	Draft Financial Statements 2025/26 and Going Concern Assessment	To inform members of the key highlights from the draft financial statements 2025/26 and summarise management's assessment of the Council's ability to function as a going concern; this determination supporting the preparation of the Statement of Accounts for 2025/26.	Shannon Coleman-Slaughter, Richard Quayle	
28 April 2026				
28 Apr 2026	External Audit Plan 2025/26		Jonathan Brown, Edward Mills	
28 Apr 2026	Internal Audit Update Report - Quarter Three 2025/26	<p>To update the Committee on the status of Internal Audit work as at the end of quarter three 2025/26.</p> <p>The Global Internal Audit Standards (GIAS) in the UK Public Sector require the Audit Manager to provide periodic updates to senior officers and members on performance against the Audit Plan. As stated in the Council's approved Internal Audit Charter, quarterly updates are required to be presented to the Committee.</p> <p>The periodic reports aim to provide a progress update against the work in the Audit Plan together with highlighting any emerging significant issues/risks that are of concern.</p>	Julie Gillhespey	
28 Apr 2026	Internal Audit Draft Plan 2026-27	The Global Internal Audit Standards (GIAS) in the UK Public Sector	Julie Gillhespey	

Decision Due Date	Title	Purpose	Lead Officer e.g report author	Report likely to be considered in private (i.e., it contains confidential or exempt information)
		require the Council's Audit Plan and Internal Audit Charter to be approved by those charged with governance within the Council. The purpose of this report is to set out a risk-based plan of work for Internal Audit (IA) that will provide assurance to the Governance Committee on the operation of the Council's governance, risk management and internal control frameworks, and support the Committee's review of the Council's Annual Governance Statement.		
28 Apr 2026	Strategic Risk Register Q3 2025/26	To scrutinise individual items on the Risk Register.	Beatriz Teixeira	
14 May 2026				
14 May 2026	Election of Chairman			
14 May 2026	Election of Vice-Chairman			

Constitution changes to Part 8: Contract Rules and Part 13 Appendix D

Committee considering report:	Governance Committee
Date of Committee:	18 November 2025
Portfolio Member:	Councillor Jeff Brooks
Date Head of Service agreed report: (for Corporate Board)	1 October 2025
Date Portfolio Member agreed report:	14 October 2025
Report Author:	Nicola Thomas
Forward Plan Ref:	

1 Purpose of the Report

- 1.1 The purpose of this report is to update Governance Committee regarding the work undertaken by the Constitution Review Task Group ("CRTG"), and to propose the approval of the proposed Constitutional updates detailed in this report to go forward to Council for final approval and subsequent implementation.
- 1.2 The completion of the Constitution review is an important part of the overall good governance of the Council and has been highlighted as an area to complete in the Annual Governance Statement.

2 Recommendation(s)

- 2.1 It is proposed that the following amendments are considered and approved:
 - (a) Part 8 Contract Rules to take effect on 1 April 2026
 - (b) Part 13 Appendix D Protocol for use of ICT Equipment supplied to Members to take immediate effect

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are no direct financial implications from the proposed changes as Budget Holders are still accountable for good transparent decision making and to produce a balanced

	budget.			
Human Resource:	None			
Legal:	<p>The proposals increase the Threshold for full procurement exercises to be conducted by service areas in line with the Procurement Act 2023. Service Directors will need to ensure that appropriate market engagement is undertaken to mitigate any risks relating to obtaining best value for the Council. The service area will continue to ensure that sufficient budget is available for any contract that is entered into. The new Threshold will also represent the point at which the legal team will provide specific advice and/or drafting on legal terms and conditions. Standard terms and conditions and guidance for their use will be provided to service areas to reduce any risks associated with less involvement from the legal team.</p>			
Risk Management:	<p>There is a risk that any decision of Council could be challenged. Having clear rules governing the manner in which financial decisions will be conducted should reduce the risk of challenges being successful.</p> <p>The increase of the Threshold at which decisions are made presents a risk to ensure Budget Holders are trained and aware of their role and responsibility. It is proposed that the changes are not implemented until 1 April 2026 to enable training and updated internal guidance for Budget Holders to attend and refer.</p>			
Property:	None			
Policy:	Part 8 Constitutional Rules have been updated to reflect the changes implemented with the introduction of Procurement Act 2023			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				

Constitution changes to Part 8: Contract Rules and Part 13 Appendix D

A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?				
Environmental Impact:		x		
Health Impact:		x		
ICT Impact:		x		
Digital Services Impact:		x		
Council Strategy Priorities:		x		
Core Business:	x			It is considered that the recommendations in this report will support the effective administration of Council business and contribute to the good governance of the Council.
Data Impact:		x		

Consultation and Engagement:	Kate Pearson, Service Lead Procurement and Commissioning Dawn Bond, Legal Services Manager Shannon Coleman-Slaughter, Service Director (Finance, Property and Procurement) Section 151 officer Sarah Clarke, Executive Director (Resources) Constitutional Review Task Group
-------------------------------------	--

4 Executive Summary

- 4.1 The CRTG was set up in July 2019 to review the entire Constitution to update it and ensure that it remained fit for purpose. Work has been undertaken since this date, with Council approving the last amendments on 29 April 2025 with changes to the Part 6.8 Planning Appendix and to Part 11 Scheme of Delegation.
- 4.2 This report outlines changes proposed to:
- (a) Part 8 – Contract Rules and
 - (b) Part 13 Codes and Protocols- Appendix D Protocol for use of ICT Equipment supplied to Members

5 Supporting Information

Introduction and background

- 5.1 This report is to update Governance Committee on the work undertaken by the CRTG in reviewing the Constitution and this report seeks approval to progress the proposals through the governance process for final adoption of the changes proposed to Part 8 – Contract Rules and Part 13 Codes and Protocols – Appendix D Protocol for use of ICT Equipment supplied to Members.
- 5.2 The CRTG is a working group consisting of the following Members: Councillors Jeff Brooks (Chairman), Martin Colston, Ross Mackinnon, David Marsh and Justin Pemberton.
- 5.3 Active work to review the Constitution has been ongoing in the past year as part of Phase 3. This has required CRTG to meet monthly. Details of the future work plan are appended to this report. The significant contribution of all Members of the CRTG in the formulation of these proposals, and the updating of the Constitution should therefore be noted.
- 5.4 This work has been supported by several officers across the organisation including Democratic Services, Legal, ICT and Procurement and Commissioning teams. Their invaluable contribution to this significant piece of work should also be recognised.

- 5.5 The need to undertake the updates and review of the Constitution is driven by the desire to ensure the document is updated to reflect updated law, more user friendly and accessible to all and to refine processes. If approved, the Constitution will be published with the updates on-line with full indexing with hyperlinks where appropriate.

Proposals

- 5.6 **Part 8 – Contract Rules** should be adopted as set out in Appendix A. These changes reflect updates to procedures, policies and the implementation of the Procurement Act 2003
- 5.7 It is proposed that the Threshold for decision making is defined in line with the procurement legislation. This is an increase from **£50,000 to the £179,904** (as at 2025) for contracts for goods and services. The Threshold is dictated by central government and is updated every two years and this will be published on the Commissioning and Procurement intranet page to save updates to the Constitution being required on this minor point.
- 5.8 The Threshold is increasing significantly, but Governance Committee should note that these amounts have not been amended in over 10 years. To balance the risk, Budget Holders will be required to complete updated training, so they are familiar with the new Threshold levels and understand their role and responsibilities. In addition, updated guidance will be added to the Commissioning and Procurement intranet and individual Officers are on hand to assist where needed.
- 5.9 **Part 13 Codes and Protocols- Appendix D Protocol for use of ICT Equipment supplied to Members** has been updated to reflect the present position and removal of individual officers names. These will be added to the Member's intranet page for ease of access and to ensure they remain relevant.
- 5.10 In line with previous agreed amendments, the updated sections shall have hyperlinks to the Glossary of Terms and when referenced, links to the relevant section of the Constitution for ease of use.

6 Other options considered

- 6.1 Not making any changes to the current Constitution. This option was rejected as the Council must keep the Constitution under review and it is suggested that changes will enable more agility in procurement exercises and thus support both effective use of resources while maintaining good governance. The procedures by which the Council is operating will be easier to understand, which will improve transparency and openness and remain in line with our Statutory Obligations.

The website presently publishes the Constitution in Parts with a separate search function. Not making any changes still enables access to the document but both Members and the public have reported difficulties in accessing and searching the document in its current format.

7 Conclusion

- 7.1 The continued dedication and valuable contribution of the CRTG and Officers to the review of the Constitution is noted. It is considered important that Governance Committee support the proposals detailed to ensure that the Constitution reflects the up to date statutory position, improves ease of understanding and use. This supports the Council's obligations concerning financial planning and transparency of decision making.
- 7.2 It is therefore recommended that Governance Committee support the proposals as detailed in paragraph 2 of this report with progression through the governance process for final approval by Council.

8 Appendices

- 8.1 Appendix A – Part 8 – Contract Rules
- 8.2 Appendix B – Part 13 Codes and Protocols- Appendix D Protocol for use of ICT Equipment supplied to Members
- 8.3 Appendix C – Constitution Review Task Group forward work plan

Corporate Board's recommendation

Background Papers:

*(add text)

Subject to Call-In:

Yes: ☐ No: ☒

The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by one of the Council's Scrutiny Committees or associated Task Groups within the preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Wards affected:

District wide

Officer details:

Name: Nicola Thomas
Job Title: Service Lead, Legal and Democratic Services
E-mail: Nicola.thomas1@westberks.gov.uk

Document Control

Document Ref:		Date Created:	
Version:		Date Modified:	
Author:			
Owning Service			

Change History

Version	Date	Description	Change ID
1			
2			

This page is intentionally left blank

Part []

Contract Rules

1 Introduction

1.1 S.135, LGA 1972 ("**s.135**") includes as follows:

- (1) "A local authority may make standing orders with respect to the making of contracts by them or on their behalf";
- (2) "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".

1.2 These Contract Rules ("**Rules**") are the Council's Contract Standing Orders made in accordance with s.135.

1.3 The Procurement Legislation ("**the Procurement Legislation**") referred to in these Rules include (but are not limited to) the following:

- Public Contract Regulations 2006 (PCR2006)
- Public Contract Regulations 2015 (PCR2015)
- Procurement Act 2023 (PA2023)
- Procurement Regulations 2024 and Guidance issued by the Cabinet Office

1.4 "Threshold" refers to the relevant financial thresholds relating to Goods & Services, Works, Concession contracts and Light Touch contracts as set out in the applicable Procurement Legislation and published on the Procurement Intranet page, as amended from time to time.

1.5 You are procuring something when you are initiating or carrying out the process of acquiring goods, services or works from an external source.

This includes, but is not limited to:

- Requesting quotes or tenders from suppliers or contractors.
- Raising a purchase order or contract.
- Engaging in negotiations with vendors for pricing or terms.
- Committing funds for the acquisition of goods or services.
- Receiving and accepting goods or services in exchange for payment.

In essence, if you are taking steps that lead to the commitment of public funds to obtain something from outside the organisation, you are procuring.

1.6 You are entering a contract whenever you make a formal agreement—written or verbal—that commits the council to receive goods, services, or works from an external provider in exchange for payment or other value.

This includes:

- Signing a contract or agreement with a supplier or contractor.
- Accepting terms and conditions (including online or email confirmations).
- Issuing a purchase order that is accepted by a supplier.
- Agreeing to a quote or proposal that results in a commitment to pay.

- 1.6.1 Renewing or extending an existing contract.
- 1.6.2 Providing funding or a grant to an external organisation.

2 Purpose of the Rules

- 2.1 These Rules do not provide guidelines on the best way to purchase works, supplies and services but, rather, they set out minimum requirements to be followed.
- 2.2 These Rules provide a structure within which procurement decisions are made and implemented to ensure that the Council furthers its corporate objectives in an efficient manner leading to procurement of quality supplies, services and works.
- 2.3 These Rules protect the legal position of the Council in respect of compliance with the law and in its contractual dealings with external suppliers and contractors. They protect the interests of Members, Officers and the citizens of West Berkshire.

3 Application

- 3.1 These Rules apply to:
 - 3.1.1 purchases by or on behalf of the Council of works, supplies and services;
 - 3.1.2 all contracts including (but not limited to) purchase orders, consultancy agreements, service level agreements, software licences, concessions and contractual arrangements entered into by or on behalf of the Council, except for contracts and purchasing methods expressly excluded under Procurement Legislation.
- 3.2 The Monitoring Officer (or any officer nominated by the Monitoring Officer for the purpose) shall be responsible for interpreting these Rules.
- 3.3 If a Governing Body of a school under the control of the Council as Local Education Authority intends to enter into a contract for works, supplies or services, the Headteacher or such persons delegated for the purpose by them must follow these Rules.
- 3.4 Every purchase, contract or official order for works, supplies or services made by the Council shall be for the purpose of implementing the Council's policies and must be made in accordance with the Council's duties of Best Value, Equality, Sustainable Commissioning and its Social Value Policy.
- 3.5 When proposing to procure or make arrangements for procuring a service contract where the estimated value exceeds the Threshold for Goods & Services, consideration must be given as to how the procurement or contract might improve the economic, social and environmental wellbeing of West Berkshire, as required by the Public Services (Social Value) Act 2012, and the Council's Social Value Policy.
- 3.6 Annexed are Appendices comprising Tables referred to.

4 Authority

- 4.1 All contracts must be in accordance with a decision:
 - 4.1.1 of the Council; or
 - 4.1.2 of the Executive; or
 - 4.1.3 within the Council's Scheme of Delegation by:
 - 4.1.3.1 an Executive Decision Maker;
 - 4.1.3.2 a Council Committee or Sub-Committee; or

- 4.1.3.3 an officer or their delegate for the purpose.
- 4.2 No contract shall be entered into unless it is in accordance with an existing budgetary provision within the Budget approved by the Council.
- 4.3 Any contract award with a value over £500,000 is a **Key Decision** of the Council.
- 4.4 Where a Service Director does not have delegated authority to enter into a contract, approval in accordance with Appendix A is required before the contract can be awarded.

5 Transparency obligations

- 5.1 Local authorities in England have an obligation to publish details of their spending and procurement activities to promote openness, accountability, and public trust. Under the Local Government Transparency Code 2015, councils must publish:
 - 5.1.1 Expenditure exceeding £500, including payments to suppliers and contractors.
 - 5.2 Details of every invitation to tender for contracts to provide goods and/or services with a value that exceeds £5,000.
- 5.2.1 A register of contracts, including those in progress and those awarded, with key information such as the contract value, duration and supplier.
- 5.3 Service areas are therefore responsible for reporting contract information to the relevant board on a monthly basis in a format as required by Procurement Legislation.

6 Buying / procuring / obtaining goods, services and works

Preliminaries

- 6.1 It is the responsibility of the Chief Executive, Executive Directors, Service Directors, and Budget Holders to ensure all purchases of supplies and services and works comply with:
 - 6.1.1 all relevant statutory requirements;
 - 6.1.2 the relevant Procurement Legislation;
 - 6.1.3 the Council Constitution including these Rules, the Financial Rules and Scheme of Delegation;
 - 6.1.4 any code, guidance or conditions approved by the Governance Committee and/or the Executive and/or the Council and/or the Health and Wellbeing Board to the exercise of powers delegated by them;
 - 6.1.5 any conditions attached by the Executive or the Council to the exercise of powers delegated by them;
 - 6.1.6 the guidance and updates (available from time to time) on the Legal and/or Procurement intranet pages (to include Consultancy Guides) and other policies and procedures of the Council as appropriate.
- 6.2 In the event of conflict between the above, the Procurement Legislation will take precedence, followed by the requirements detailed in 6.1.6 above.
- 6.3 A procurement process which is compliant with Contract Rules may include running a Request for Quote (RFQ) for below Threshold procurements, running an Invitation to Tender (ITT) for above Threshold contracts or using a Further Competition through a compliant Framework Agreement for both above and below Threshold contracts.

Financial Thresholds & Procedures

- 6.4 Officers undertaking procurement are responsible for ensuring that all persons awarded contracts for the supplies, services or works to the Council meet the Council's minimum standards of suitability, capability, legal status and financial standing.
- 6.5 The financial value thresholds at which processes become mandatory are published on the Procurement intranet page.
- 6.6 It should be noted that whilst most procurements will now be undertaken in accordance with PA2023, due to the transitional arrangements of PA2023, the PCR 2015 will continue to apply to some procurement exercises. The procurement team will advise on the applicable legislation to your procurement.

Advertising

- 6.7 There is a general presumption in favour of competition.
- 6.8 All contract opportunities being advertised by the relevant Service Director should be done so electronically on the Council's Procurement Portal to ensure that such opportunities also appear on the Central Digital Platform (CDP) database.
- 6.9 For opportunities relating to works, services and supplies which fall below the relevant Threshold, a UK Government Certified national database can be used to select tenderers.
- 6.10 All contract opportunities which are above the relevant Procurement Legislation thresholds must be advertised on the CDP database (a web-based portal provided by the Cabinet Office) prior to such advertisement appearing on any other advertising medium (such as a trade journal etc). However, where a Further Competition is undertaken via a compliant Framework Agreement, an invitation will be sent to those providers on the Framework only and no further advertisement will be required.
- 6.11 Where the contract is of potential cross border interest then it must be publicised to ensure that tenderers from other member states have an opportunity to participate and the process is conducted in a fair and transparent manner.
- 6.12 Where a contract is above the relevant Procurement Legislation financial threshold there are two main types of procedure available under PA2023:
- Open Procedure; and
 - Competitive Flexible Procedure.
- 6.13 Care must be taken to ensure that the correct and most appropriate procedure is used and advice is sought from the Procurement and Commissioning team and Legal team as necessary on the choice and use of procedures detailed in the Procurement Legislation.
- 6.14 CDP notices must be approved and issued by the Service Lead for Procurement and Commissioning or their delegate as appropriate, who will also assist in the conduct of the procurement.

Contract Value & Aggregation

- 6.15 Total Contract Value is a genuine estimate of the total value over the full potential duration of the contract, not just the initial term. This includes:

- All **planned extensions** (even if optional)
- The **maximum possible duration** and value, even if the contract may be terminated earlier
- The value of any option(s) (e.g. for additional goods/services) in the contract whether these options are taken or not
- Value Added Tax

6.16 There shall be no artificial splitting or disaggregation of a contract to avoid the application of the provisions of the Procurement Legislation and/or these Rules.

6.17 The Procurement Legislation can cover contracts which are initially below the stated relevant Threshold where they constitute repeat purchases and/or purchases of a similar type in a specified period. Officers responsible for such procurement should therefore seek advice on the application of the Procurement Legislation where they envisage that they may be required to make such purchases.

Principles and Evaluation

6.18 All tendering procedures (including obtaining quotes), from the planning stage to contract award and execution (seal or signature), shall be undertaken in a manner to ensure:

- sufficient time is given to plan and run the process (this should include any mobilisation or implementation time that is required);
- equal opportunity and fair treatment;
- openness and transparency;
- proportionality;
- probity;
- outcomes that deliver sustainability, efficiency and cost savings (where appropriate).

Submission and Opening of Tenders

6.19 An electronic Invitation to Tender shall be issued by the Council for all contracts with an estimated value that is more than the appropriate Threshold and tenders shall be submitted electronically by tenderers via the Council's Procurement Portal.

6.20 The Council Procurement Portal and the Invitation to Tender must specify the format in which an electronic tender is to be submitted by tenderers and such tenders shall be stored in a secure portal account which is locked until the date and time specified for its opening.

6.21 No tender received after the time and date specified for its opening shall be accepted or considered by the Council unless the Monitoring Officer is satisfied that there are exceptional circumstances and the other tenders have not been opened.

6.22 The electronic opening of tenders submitted on the Procurement Portal shall be conducted by a Procurement Officer with an audit record being maintained on the e-tendering system.

6.23 Evaluations of Quotes and Tenders

6.24 All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in advance to those submitting quotes/tenders.

- 6.25 Tenders subject to the provisions of the Procurement Legislation shall be evaluated in accordance with the legislative provisions. Advice from the Procurement team may be sought on the selection and evaluation criteria.
- 6.26 Save in exceptional circumstances approved in advance by the relevant Service Director all contracts shall be awarded on the basis of the quote or tender which is most advantageous and represents best value for money to the Council having regard to the provisions of the Social Value Policy, and not only on the basis of lowest price.

7 Exclusions and Exceptions to Contract Rules

Exclusions

- 7.1 The requirement to conduct a competitive procurement process is excluded in the circumstances detailed in Appendix C.

Exceptions

- 7.2 Subject to 7.4 the requirement for the Council to conduct a competitive purchasing process, contracts with a value of more than £24,999.99, may be excepted or waived in the following circumstance:
 - 7.2.1 for contracts which are not subject to the relevant Procurement Legislation Rules, the work, supply or service is required as a matter of urgency and a delay would be likely to lead to financial loss, personal injury or damage to property; or
 - 7.2.2 at the discretion of the relevant Executive Director and/or the Chief Executive, acting lawfully, who may proceed in a manner most expedient for the efficient management of the Council with reasons recorded in writing.
- 7.3 Only the Monitoring Officer and/or the S.151 Officer may grant a waiver or an exception to these Rules, subject to exception values and delegation thresholds detailed in these Rules and/or elsewhere in the Constitution. An officer who seeks a waiver of these Rules shall do so only in advance and only in exceptional circumstances.
- 7.4 Exception values and delegations:
 - 7.4.1 for all contracts up to the Threshold, the S.151 Officer must approve the exception;
 - 7.4.2 for contracts above the relevant Threshold and up to £500,000, the S.151 Officer will consult with the Monitoring Officer and the appropriate Executive Director provided and an exception report has been approved by the relevant board unless 7.3 applies and for reasons of urgency such prior approval is not possible in which case a report will be supplied retrospectively;
 - 7.4.3 for contracts over £500,000 the S.151 Officer and the Monitoring Officer will make a recommendation to the Executive provided an exception report has been prepared and approved by the relevant board and Corporate Board.
- 7.5 All exceptions or waivers to these Rules must:
 - 7.5.1 be fully documented;
 - 7.5.2 for any contract where the requirement to hold a competitive process is not excluded by the Procurement Legislation, be subject to a written exception report to be submitted in advance to the relevant board by the relevant Service Director / Head of Service, Service Director or Executive Director (which shall include reasons for the exception or waiver which demonstrate that the exception or waiver is genuinely required);

- 7.5.3 be subject to approval by the S.151 Officer who shall record they have considered the reasons for the waiver and that they are satisfied that the circumstances justifying the waiver are genuinely exceptional (applications for waivers which are a result of poor contract planning will rarely be considered genuinely exceptional);
- 7.5.4 have had relevant approval sought under these Rules.
- 7.6 For contracts subject to the Procurement Legislation, any waiver or an exception from the requirement for competition must meet the conditions set out in the Procurement Legislation in addition to the general requirements above.
- 7.7 The exclusions that apply to the competitive procurement process are set out at Appendix C.

8 Purchasing Schemes

- 8.1 A "**Purchasing Scheme**" may include:
 - 8.1.1 contractor prequalification lists/select lists;
 - 8.1.2 framework arrangements (including those set up by authorised central purchasing bodies such as Crown Commercial Services, other contracting authorities and by the Council itself);
 - 8.1.3 Dynamic Purchasing Systems (including those set up by authorised central purchasing bodies such as Crown Commercial Services, other contracting authorities and by the Council itself);
 - 8.1.4 Dynamic Markets (including those set up by authorised central purchasing bodies such as Crown Commercial Services, other contracting authorities and by the Council itself);
 - 8.1.5 consortium purchasing;
 - 8.1.6 collaborative working arrangements;
 - 8.1.7 other similar compliant arrangements.
- 8.2 An officer responsible for a procurement exercise may use a Purchasing Scheme provided that they have sought advice to confirm that:
 - 8.2.1 the Council is legally entitled to use the Purchasing Scheme;
 - 8.2.2 the purchases to be made do properly fall within the coverage of the Purchasing Scheme;
 - 8.2.3 the establishment and operation of the Purchasing Scheme complies with the Procurement Legislation (where such applies) and meets the Council's own requirements.
- 8.3 Where a Purchasing Scheme is used there shall be a whole or partial exemption from the obligations under these Rules in respect of the choice and conduct of procedures. Advice should be sought from Commissioning and Procurement Team prior to entering to such arrangements.

9 Reporting Requirements

- 9.1 A written report in accordance with the Procurement Legislation shall be produced by the relevant Service Director for each contract that is awarded which is above the Threshold and subject to the Procurement Legislation (the Procurement Legislation places an obligation on the Council to document, for each procurement, key decisions and steps taken and stages leading to the award of contracts).
- 9.2 This report may be requested by the Cabinet Office and shall be kept for three years.

- 9.3 In addition to the above, the relevant Service Director should document the progress of all procurement procedures (regardless of value) including ensuring sufficient information is kept to justify decisions such as communications with contractors and internal deliberations, preparation of procurement documents, any dialogue and negotiation, selection and award. Such documentation must be kept for three years from the award of the contract.

10 Entering into a Contract

- 10.1 There should be written evidence of all purchases (which shall include electronic evidence).
- 10.2 All contracts entered into by the Council as detailed in Appendix B must be in writing in a form approved by the Monitoring Officer or their delegated officer.
- 10.3 Legal Services shall retain all contract documents that are sealed on behalf of the Council.
- 10.4 The relevant Service Director must formally notify the Service Lead for Commissioning and Procurement (or nominated officer) of the award of all contracts for the purpose of it being recorded on the Council Contract Register.
- 10.5 Every contract shall include the standard clauses set out in the relevant Standard Form of Agreement issued and updated from time to time by the Monitoring Officer or their nominated officer and available from Legal Services.
- 10.6 Where a Standard Form of Agreement is to be amended, the form of contract shall be prepared/amended by the relevant Service Director for approval by the Monitoring Officer or their delegated officer.
- 10.7 As a minimum, where appropriate, all contracts shall include clauses setting out:
- 10.7.1 the works, supplies/goods, services, material, matters or things to be carried out or supplied;
- 10.7.2 the time within which the contract is to be performed;
- 10.7.3 the quality requirements and/or standards that must be met;
- 10.7.4 requirements on the contractor to hold and maintain appropriate insurance;
- 10.7.5 the consequences of the contractor failing to comply with contractual obligations in whole or in part;
- 10.7.6 requirements on the contractor to comply with all relevant legislation, including (but not limited to) equalities and health and safety legislation;
- 10.7.7 clauses regarding personal data and its use by the contractor and/or the Council respectively. Service Directors must ensure that a Data Protection Impact Assessment is completed for all contracts to inform such clauses.
- 10.7.8 the entitlement of the Council to cancel the contract and recover losses in the event that the contractor acted improperly (e.g. seeking to influence the Council to give the contractor any contract) or committed an offence under the Bribery Act 2010.
- 10.7.9 payment obligations requiring that:
- 10.7.9.1 any payment due from the Council is made no later than 30 days from the date on which the relevant invoice is regarded as valid and undisputed; and
- 10.7.9.2 any subcontract imposes the same obligations upon the subcontractor, and requires that the subcontractor imposes such obligations in any further subcontract.

- 10.7.10 All contracts shall include relevant specifications and/or briefs/technical requirements which are prepared taking into account the need for effectiveness of delivery, quality, sustainability and efficiency (as appropriate) and the need to be able to enforce the delivery of those requirements.

11 Legal Consideration

Indemnities

- 11.1 No relaxation of full indemnities releasing the Council from all liability whether provided by public liability insurance or other instrument shall be allowed unless authorised in writing by the Monitoring Officer and the S.151 Officer or their nominated officers.

Risk Assessment & Performance Bond

- 11.2 Where a contract is estimated to exceed £500,000, in value or amount and is for the execution of works (or for the supplies or services by a particular date or series of dates) the relevant Service Director should consider requiring a performance bond (for an amount equal to at least 10% of the value of the contract) from the contractor (to provide sufficient security for the due performance of the contract).
- 11.3 The bond must be in a form approved by Legal Services and must be included in the Invitation to Tender.
- 11.4 If a performance bond is not considered to be necessary, the relevant Service Director must:
- 11.4.1 undertake a risk assessment in writing; and
- 11.4.2 seek approval from the Service Director for Finance and Property; and
- 11.4.3 keep a copy of the risk assessment on the contract file for inspection.

Insurances

- 11.5 Every contract should be assessed for risk. If the risk assessment identifies the need for insurance the Service Director must:
- 11.5.1 in consultation with the Service Director for Finance and Property or nominated officer set adequate levels of insurance cover (including employer's liability, public liability and any other as determined by the needs of the particular contract);
- 11.5.2 in consultation with the Service Director for Finance and Property or nominated officer ensure that such insurances are held by the contractor and that the policies concerned are up to date (and/or renewed, as necessary, during the relevant period);
- 11.5.3 in consultation with the Service Director for Finance and Property or nominated officer who must ensure the contractor's status under the Inland Revenue Construction Industry Tax Deduction Scheme (for construction contracts);
- 11.5.4 in consultation with the Service Director for Finance and Property set an appropriate level of professional indemnity insurance for each specific contract that require professional and/or design services (this should not be a standard level but be assessed on a case by case basis).

Sealing

- 11.6 The Common Seal of the Council (the "**Seal**") shall be in the Custody of the Monitoring Officer and kept in a safe place at their discretion.
- 11.7 The Seal may be affixed, physically or electronically, to any document or proposal that has been approved by a resolution of the Council or Executive, or of an appropriate Committee, or by an officer with delegated powers.

- 11.8 The affixing of the Seal shall be attested and witnessed in writing by the Monitoring Officer or an officer duly designated by them in accordance with the delegated powers conferred by the Council.
- 11.9 An entry of every sealing of a document shall be made and consecutively numbered in a book or electronic record to be provided for the purpose and shall be signed (including a digital signature) by the person attesting the sealing.
- 11.10 The Seal shall be affixed, physically or electronically, to any document required to be sealed, including but not limited to:
- 11.10.1 a petition to be presented to Parliament against the promotion of any Bill or confirmation of any Provisional Order which the Council opposes;
- 11.10.2 a mortgage;
- 11.10.3 an incomplete form of transfer for the duly authorised sale of securities by the Council as necessary for the purposes of dealing with stocks and shares in accordance with the Stock Transfer Act 1963.
- 11.11 All contracts whether for goods, services, works or concession contracts the value of which is above Threshold shall be sealed.

Signature of Documents

- 11.12 Where any document will be a necessary step in legal proceedings on behalf of the Council it shall, unless any enactment otherwise requires or authorises or the Council shall have given the necessary authority to some other person for the purpose of such proceedings, be signed by the Monitoring Officer or duly authorised officer.
- 11.13 Where it becomes necessary to execute any document on behalf of the Council not required by law to be under seal, the Monitoring Officer or an officer designated by them in accordance with the delegated powers conferred by the Council shall be deemed to have authority to sign such a document accordingly. A register of such documents shall be kept by the Monitoring Officer or officer duly designated by them.

Counsel:

- 11.14 Only the Monitoring Officer (or nominated officer) shall have discretion to select and instruct Counsel.

Contract Rules - Appendix A

Delegated authority to enter into contracts - limits and thresholds

Total Contract Value	Delegated decision or Resolution of:
up to relevant Threshold	Relevant Service Director (or such officers as nominated by the Service Director in writing) shall have delegated authority to award the contract.
Above the relevant threshold and less than £500,000	Relevant Service Director (following recommendation of the S151 officer and Monitoring Officer) shall have delegated authority to award the contract provided a written report by the relevant Service Director (or such officers as nominated by them in writing) has been provided and approved by the relevant board.
Above £500,000 and less than £2.5million	<p>The award of these contracts shall be a Key Decision delegated to the relevant Service Director in consultation with the relevant Portfolio Holder (following recommendation by the relevant Executive Director, S151 officer and Monitoring Officer) to award the contract provided:</p> <ul style="list-style-type: none"> a) a written report by the relevant Service Director (or such officers as nominated by them in writing) has been provided and approved by the relevant board; and b) such decision have been made in accordance with Parts 11 (Call-In) and 12 (Forward Plan).
£2.5million or more	Contracts with a value in excess of £2.5million shall require Executive approval, which may be given as below. The Executive shall receive quarterly reports detailing contracts being procured and seeking delegated authority from Executive for the relevant Service Director / to award the contract following the procurement process in consultation with the relevant Portfolio Holder, S.151 Officer and the Monitoring Officer.

Contract Rules - Appendix B

Financial thresholds and mandatory processes

Table showing the financial value thresholds at which processes become mandatory. The thresholds apply to contracts for goods, services, works, concession contracts and light touch contracts.

	Total Value exclusive of VAT	Award Procedure	Advertising requirements
A	Above £1,000 and less than £25,000	At least one quote must be sought from an appropriate source.	None mandated.
B1	Goods and Services: £25,000 or more and less than the Threshold	Invitations to quote must be sent via the Procurement Portal to at least three appropriate sources, including at least one SME* or VCSE* organisation and one local supplier **** (where appropriate and possible**).	A contract notice must be published on the CDP
B2	Works, Concession contracts and Light Touch contracts: £25,000 or more and less than £500,000	Invitations to quote must be sent via the Procurement Portal to at least three appropriate sources, including at least one SME* or VCSE* organisation and one local supplier **** (where appropriate and possible**).	A contract notice must be published on the CDP
C	Works, Concession contracts and Light Touch contracts: Above £500,000 and less than the Threshold	Full competitive tender process applies and at least five written tenders must be sought via the Procurement Portal.	An advert should be placed on the Portal together with information on the CDP
D	Goods and Services Works, Concession contracts and Light Touch contracts: Above Threshold	Procurement Legislation Procedures apply– full competitive tender process with at least five written tenders sought (where appropriate) via the Procurement portal.	An advert should be placed on the CDP

**SME (means an enterprise falling within the category of micro, small and medium-sized enterprises) or *VCSE (means a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives.*

***The Council cannot give preference to SME/ VCSE or local contractors/suppliers, as there are legislative constraints and such a policy would be incompatible with Best Value. However, the Council recognises that there can be barriers limiting or restricting the ability of such smaller suppliers to compete for Council business. The Council will seek to reduce the impact of such barriers, where it can do so legally, without discrimination, and without placing unacceptable levels of risk on the Council.*

****There are three different procurement regulation thresholds for:*

- 1. Works and concession contracts;*
- 2. Goods and Services; and*
- 3. Light Touch Contracts.*

The latest values are published on the Procurement intranet page as updated from time to time.

***** Refer to the local supplier policy for the definition.*

Contract Rules - Appendix C

Exclusion of competitive procurement process

The requirement to conduct a competitive procurement process is excluded in the circumstances detailed below.

	Circumstance	Written record and approval
A	The proposed contract is excluded under the Procurement Legislation.	Prior written approval from the Monitoring Officer is required and where applicable prior approval has been granted by the relevant board.
B	Where the contract is governed by the Provider Selection Regime (PSR)	Key decisions must be recorded and the relevant process under PSR followed
C	The proposed contract is being awarded under a Purchasing Scheme (refer to 8 above) of a type where no further competition is being undertaken a competition has already been undertaken on behalf of the Council or other public sector organisation; or	Prior written approval from the Monitoring Officer is required and where applicable prior approval has been granted by the relevant board.
D	The proposed contract is an extension to an existing contract where the existing contract provides for such extension.	Approval of the S151 Officer
E	The proposed contract is a variation of the scope of an existing contract where the existing contract provides for such a variation or where the variation is a modification permitted under the Procurement Legislation.	For contract value below the Threshold prior written approval from the Monitoring Officer and S151 Officer is required. For contract value greater than the Threshold, approval of the relevant board, following the submission of an extension report to the relevant board with recommendation from Monitoring Officer and S151 Officer

F	<p>The contract is for the following social care services:</p> <ul style="list-style-type: none"> a) residential placements sought for an individual with a registered care provider of their choice; b) supported living services sought for an individual with an appropriate care and support provider of their choice under the National Health Service and Community Care Act 1990; c) individual school placements sought for a child with Special Educational Needs (SEN); d) social care packages managed by or on behalf of individual clients under the personalisation agenda; e) where certain needs of an individual (either an adult or a child) require a particular social care package, which is only available from a specific provider; f) residential placements sought for an individual under the Shared Lives scheme (or any equivalent scheme). 	<p>Service Directors must ensure that a record of the reasons for the choice of provider is maintained on the individual's case notes.</p>
---	---	--

In the interests of clarity where an exemption is applied all contracts with an annual or total value of more than the Threshold must be approved by the relevant board.

This page is intentionally left blank

Part []

Contract Rules

1 Introduction

- 1.1 S.135, LGA 1972 (“s.135”) includes as follows:
- (1) “A local authority may make standing orders with respect to the making of contracts by them or on their behalf”;
 - (2) “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”.
- 1.2 These Contract Rules (“Rules”) are the Council’s Contract Standing Orders made in accordance with s.135.
- 1.3 The Procurement Legislation (“the Procurement Legislation”) referred to in these Rules include (but not limited to) the following:
- Public Contract Regulations 2006 (PCR2006)
 - Public Contract Regulations 2015 (PCR2015)
 - Procurement Act 2023 (PA2023)
 - Procurement Regulations 2024 and Guidance issued by the Cabinet Office
- 1.4 “Threshold” refers to the relevant financial thresholds relating to Goods & Services, Works, Concession contracts and Light Touch contracts as set out in the applicable Procurement Legislation, as amended from time to time.
- 1.5 You are procuring something when you are initiating or carrying out the process of acquiring goods, services or works from an external source.
- This includes, but is not limited to:
- Requesting quotes or tenders from suppliers or contractors.
 - Raising a purchase order or contract.
 - Engaging in negotiations with vendors for pricing or terms.
 - Committing funds for the acquisition of goods or services.
 - Receiving and accepting goods or services in exchange for payment.
- In essence, if you are taking steps that lead to the commitment of public funds to obtain something from outside the organisation, you are procuring.
- 1.6 You are entering a contract ~~whenever entering into a contract~~ whenever you make a formal agreement ~~—written or verbal—~~ that commits the council to receive goods, services, or works from an external provider in exchange for payment or other value.
- This includes:
- Signing a contract or agreement with a supplier or contractor.
 - Accepting terms and conditions (including online or email confirmations).
 - Issuing a purchase order that is accepted by a supplier.
 - Agreeing to a quote or proposal that results in a commitment to pay.

Formatted: Indent: Left: 3 cm, Bulleted + Level: 1 + Aligned at: 2.63 cm + Indent at: 3.27 cm

Formatted: Level 2 text

Formatted: Level 3 text, Indent: Left: 3 cm

Formatted: Level 3 text, Indent: Left: 3 cm, Bulleted + Level: 1 + Aligned at: 2.63 cm + Indent at: 3.27 cm

Formatted: Level 3 text, Indent: Left: 3 cm

Formatted: Level 2 text

Formatted: Level 3 text, Indent: Left: 3 cm

Formatted: Level 3 text, Indent: Left: 3 cm, Bulleted + Level: 1 + Aligned at: 2.63 cm + Indent at: 3.27 cm

1.6.1 [Renewing or extending an existing contract](#)

1.6.2 [Providing funding or a grant to an external organisation:-](#)

~~In short: if your actions result in the council being legally bound to pay for something from an external party, you are entering into a contract and therefore procuring.~~

Formatted: Level 3 text, Indent: Left: 3.63 cm, No bullets or numbering

2 Purpose of the Rules

- 2.1 These Rules do not provide guidelines on the best way to purchase works, supplies and services but, rather, they set out minimum requirements to be followed.
- 2.2 These Rules provide a structure within which procurement decisions are made and implemented to ensure that the Council furthers its corporate objectives in an efficient manner leading to procurement of quality supplies, services and works.
- 2.3 These Rules protect the legal position of the Council in respect of compliance with the law and in its contractual dealings with external suppliers and contractors. They protect the interests of Members, Officers and the citizens of West Berkshire.

3 Application

- 3.1 These Rules apply to:
 - 3.1.1 purchases by or on behalf of the Council of works, supplies and services;
 - 3.1.2 all contracts including (but not limited to) purchase orders, consultancy agreements, service level agreements, software licences, concessions and contractual arrangements entered into by or on behalf of the Council, except for contracts and purchasing methods expressly excluded under Procurement Legislation.
- 3.2 The Monitoring Officer (or any officer nominated by the Monitoring Officer for the purpose) shall be responsible for interpreting these Rules.
- 3.3 If a Governing Body of a school under the control of the Council as Local Education Authority intends to enter into a contract for works, supplies or services, the Headteacher or such persons delegated for the purpose by them must follow these Rules.
- 3.4 Every purchase, contract or official order for works, supplies or services made by the Council shall be for the purpose of implementing the Council's policies and must be made in accordance with the Council's duties of Best Value, Equality, Sustainable Commissioning and its Social Value Policy.
- 3.5 When proposing to procure or make arrangements for procuring a service contract where the estimated value exceeds the Threshold ~~{for [Goods & Services](#)}~~, consideration must be given as to how the procurement or contract might improve the economic, social and environmental wellbeing of West Berkshire, as required by the Public Services (Social Value) Act 2012, and the Council's Social Value Policy.
- 3.6 Annexed are Appendices comprising Tables referred to.

4 Authority

- 4.1 All contracts must be in accordance with a decision:
 - 4.1.1 of the Council; or
 - 4.1.2 of the Executive; or

- 4.1.3 within the Council's Scheme of Delegation by:
- 4.1.3.1 an Executive Decision Maker;
- 4.1.3.2 a Council Committee or Sub-Committee; or
- 4.1.3.3 an officer or their delegate for the purpose.
- 4.2 No contract shall be entered into unless it is in accordance with an existing budgetary provision within the Budget approved by the Council*.
- 4.3 Any contract award with a value over £500,000 is a **Key Decision** of the Council.
- 4.4 Where a Service Director / **Head of Service** does not have delegated authority to enter into a contract, approval in accordance with Appendix A is required before the contract can be awarded.
- 4.5 ~~All contracts over £50,000 in Total Contract Value will be reported to the relevant board/Procurement Board on at least a quarterly basis by the Service Director / Heads of Services for review and scrutiny.~~

Commented [NT1]: Add in footer
* Budget Council takes place in March detailing approved spends

5 Transparency obligations

- 5.1 Local authorities in England have an obligation to publish details of their spending and procurement activities to promote openness, accountability, and public trust. Under the Local Government Transparency Code 2015, councils must publish:
- 5.1.1 Expenditure exceeding £500, including payments to suppliers and contractors.
- 5.2 Details of every invitation to tender for contracts to provide goods and/or services with a value that exceeds £5,000.
- 5.2.1 A register of contracts, including those in progress and those awarded, with key information such as the contract value, duration and supplier.
- 5.3 Service areas are therefore responsible for reporting contract information to the relevant board on a monthly basis in a format as required by Procurement.

Formatted: Indent: Left: 4.27 cm, No bullets or numbering

Formatted: Outline numbered + Level: 2 + Numbering
Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1.5 cm + Indent at: 3 cm

Formatted: Indent: Left: 4.27 cm, No bullets or numbering

Formatted: Level 2 text

5.6 Tendering/Buying / procuring / obtaining goods, service and works

Preliminaries

- 5.1.6.1 It is the responsibility of the Chief Executive, Executive Directors, Service Directors / **Heads of Service**, and Budget Holders to ensure all purchases of supplies and services and works comply with:
- 5.1.6.1.1 all relevant statutory requirements;
- 5.1.6.1.2 the relevant Procurement Legislation;
- 5.1.6.1.3 the Council Constitution including these Rules, the Financial Rules and Scheme of Delegation;
- 5.1.6.1.4 any code, guidance or conditions approved by the Governance Committee and/or the Executive and/or the Council and/or the Health and Wellbeing Board to the exercise of powers delegated by them;
- 5.1.6.1.5 any conditions attached by the Executive or the Council to the exercise of powers delegated by them;

~~5.1.66.1.6~~ the guidance and updates (available from time to time) on the Legal intranet pages (to include Consultancy Guides) and other policies and procedures of the Council as appropriate.

~~5.26.2~~ In the event of conflict between the above, the Procurement Legislation will take precedence, followed by the requirements detailed in ~~6.15-16.1.6~~ above.

Financial Thresholds & Procedures

~~5.36.3~~ Officers undertaking procurement are responsible for ensuring that all persons awarded contracts for the supplies, services or works to the Council meet the Council's minimum standards of suitability, capability, legal status and financial standing.

~~5.4~~ Where the contract is below the ~~t~~Threshold for ~~g~~Goods and ~~s~~Services set out in relevant Procurement Legislation, officers are not required to include a pre-qualification stage. However questions relating to a supplier's suitability assessment may be included provided such questions are relevant to the subject matter of the procurement and proportionate.

~~6.4~~ The financial value thresholds at which processes become mandatory are published on the Procurement intranet page. (inclusive exclusive of Value Added Tax) at which processes become mandatory are set out in Appendix B.

~~5.56.5~~ It should be noted that while most procurements will now be undertaken in accordance with PA2023, due to the transitional arrangements of PA2023, the PCR 2015 will continue to apply to some procurement exercises. The procurement team will advise on the applicable legislation to your procurement.

Advertising

~~5.66.6~~ There is a general presumption in favour of competition.

~~6.7~~ All contract opportunities being advertised by the relevant Service Director ~~/ Head of Service~~ should be done so electronically on the Council's Procurement Portal to ensure that such opportunities also appear on the Central Digital Platform (CDP) database.

~~5.76.8~~ For opportunities relating to works, services and supplies which fall below the relevant ~~Procurement Legislation t~~Threshold, a UK Government Certified national database can be used to select tenderers.

~~6.9~~ All contract opportunities which are above the relevant Procurement Legislation thresholds must be advertised on the CDP database (a web-based portal provided by the Cabinet Office) prior to such advertisement appearing on any other advertising medium (such as a trade journal etc). However, where a Further Competition is undertaken via a compliant Framework Agreement, an invitation will be sent to those providers on the Framework only and no further advertisement will be required.

~~5.86.10~~ However under the principles detailed in the Procurement Legislation, where the contract is of potential cross border interest then it must be publicised to ensure that tenderers from other ~~member states~~Countries have an opportunity to participate and the process is conducted in a fair and transparent manner.

~~5.96.11~~ Where a contract is above the relevant Procurement Legislation financial threshold there are two main types of procedure available under PA2023:

- Open Procedure; and
- Competitive Flexible Procedure.

Formatted: Outline numbered + Level: 2 + Numbering
Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned
at: 1.5 cm + Indent at: 3 cm

~~5.106.12~~ Care must be taken to ensure that the correct and most appropriate procedure is used and advice is sought ~~from Legal Services and/or the Procurement and Commissioning team~~ as necessary on the choice and use of procedures detailed in the Procurement Legislation.

~~5.116.13~~ CDP notices must be approved and issued by ~~Service Lead for Procurement and Legal Services and/or~~ Commissioning as appropriate, who will also assist in the conduct of the procurement.

Contract Value & Aggregation

~~6.14~~ Total Contract Value is a genuine ~~an~~ estimate of the total value over the full potential duration of the contract, not just the initial term. This includes:

- All **planned extensions** (even if optional)
- The **maximum possible duration and value**, even if the contract may be terminated earlier
- The value if any option (e.g. for additional goods/services) in the contract were exercised
- Value Added Tax

~~5.12~~ The contract value shall be the total cost of the supply, service or work to be procured over the contract term. The starting point for calculating the contract value for the purposes of these Rules is that the contract value shall be the genuine pre-estimate of the value of the entire contract ~~including excluding Value Added Tax. This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period (including proposed extensions, variations and options).~~

~~5.136.15~~ There shall be no artificial splitting or disaggregation of a contract to avoid the application of the provisions of the Procurement Legislation and/or these Rules.

~~5.146.16~~ The Procurement Legislation can cover contracts which are initially below the stated relevant ~~Procurement Legislation~~ Threshold where they constitute repeat purchases and/or purchases of a similar type in a specified period. Officers responsible for such procurement should therefore seek advice on the application of the Procurement Legislation where they envisage that they may be required to make such purchases.

Principles and Evaluation

~~5.156.17~~ All tendering procedures (including obtaining quotes), from planning to contract award and execution (seal or signature), shall be undertaken in a manner ~~so as to~~ ensure:

- sufficient time is given to plan and run the process (this should include any mobilisation or implementation time that is required);
- equal opportunity and equal treatment;
- openness and transparency;
- proportionality;
- probity;
- outcomes that deliver sustainability, efficiency and cost savings (where appropriate).

Submission and Opening of Tenders

~~5.166.18~~ An electronic Invitation to Tender shall be issued by the Council for all contracts with an estimated value ~~that is in excess of more than the appropriate the~~

~~Threshold of £100,000 or more~~ and tenders shall be submitted electronically by tenderers via the Council's Procurement Portal.

~~5.176.19~~ The Council Procurement Portal and the Invitation to Tender must specify the format in which an electronic tender is to be submitted by tenderers and such tenders shall be stored in a secure portal account which is locked until the date and time specified for its opening.

~~5.186.20~~ No tender received after the time and date specified for its opening shall be accepted or considered by the Council unless the Monitoring Officer is satisfied that there are exceptional circumstances and the other tenders have not been opened.

~~5.19~~ The electronic opening of tenders submitted on the Procurement Portal shall be conducted by a Procurement Officer with an audit record being maintained on the e-tendering system, or Legal Officer and the relevant Service Director / Head of Service or their nominated representative.

~~5.20~~ Only in limited circumstances should a tender process be undertaken by hard copy submissions. In such cases the written approval of the Monitoring Officer is required and the following circumstances shall apply:

~~5.20.1~~ the Invitation to Tender shall specify that such tenders should be returned to the relevant Service Director / Head of Service in an unmarked, plain and sealed envelope marked "Tender" followed by the subject matter to which it relates;

~~5.20.2~~ tenders shall be kept unopened in a secured cabinet until the tender opening date; and

~~5.20.3~~ the relevant Service Director / Head of Services shall invite the appropriate Portfolio Holder and an officer from Legal Services and/or Commissioning to undertake the tender opening and shall complete a standard tender opening form (available on the intranet) in order to avoid risk of challenge.

Evaluations of Quotes and Tenders

~~5.216.21~~ All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in advance to those submitting quotes/tenders.

~~5.226.22~~ Tenders subject to the provisions of the Procurement Legislation shall be evaluated in accordance with the legislative provisions. Advice from the Procurement team Legal Services should may be sought on the selection and evaluation criteria.

~~5.236.23~~ Save in exceptional circumstances approved in advance by the relevant Service Director / Head of Service all contracts shall be awarded on the basis of the quote or tender which is most economically advantageous and represents best value for money to the Council having regard to the provisions of the Social Value Policy, and not only on the basis of lowest price.

67 Exclusions and Exceptions to Contract Rules

Exclusions

~~6.17.1~~ The requirement to conduct a competitive procurement process is excluded in the circumstances detailed in Appendix C.

~~6.2~~ In the interests of clarity, where an exemption is applied all contracts with an annual or total value of more than £50,000 must be approved by the relevant board Procurement Board. Please refer to 5.3.

Exceptions

~~6-3-17.2~~ Subject to ~~5-47.4~~ the requirement for the Council to conduct a competitive purchasing process for contracts in excess of ~~£924,999.99~~, may be excepted or waived in the following circumstance:

~~6-3-17.2.1~~ for contracts which are not subject to the relevant Procurement Legislation Rules, the work, supply or service is required as a matter of urgency and a delay would be likely to lead to financial loss, personal injury or damage to property; or

~~6-3-17.2.2~~ at the discretion of the relevant Executive Director and/or the Chief Executive, acting lawfully, who may proceed in a manner most expedient for the efficient management of the Council with reasons recorded in writing.

~~6-47.3~~ Only the Monitoring Officer and/or the S.151 Officer may grant a waiver or an exception to these Rules, subject to exception values and delegation thresholds detailed in these Rules. An officer who seeks a waiver of these Rules shall do so only in advance and only in exceptional circumstances.

~~6-57.4~~ Exception values and delegations:

~~6-5-17.4.1~~ for all contracts up to ~~the Threshold~~ ~~£650,000~~ the S.151 Officer must approve the exception;

~~6-5-17.4.2~~ for contracts above ~~the Threshold~~ ~~£50,000~~ and up to £500,000, the S.151 Officer will consult with the Monitoring Officer and the appropriate Executive Director provided an exception report has been approved by ~~the relevant board~~ ~~Procurement Board~~ ~~unless 7.3 applies and for reasons of urgency such prior approval is not possible in which case a report will be supplied retrospectively;~~

~~6-5-17.4.3~~ for contracts over £500,000 the S.151 Officer and the Monitoring Officer will make a recommendation to the Executive provided an exception report has been prepared and approved by ~~the relevant board~~ ~~Procurement Board~~ and Corporate Board.

~~6-67.5~~ All exceptions or waivers to these Rules must:

~~6-6-17.5.1~~ be fully documented;

~~6-6-17.5.2~~ [for any contract where the requirement to hold a competitive process is not excluded by the Procurement Legislation], be subject to a written exception report to be submitted in advance to ~~the relevant board~~ ~~Procurement Board~~ by the relevant ~~Service Director / Head of Service, Service Director~~ or Executive Director (which shall include reasons for the exception or waiver which demonstrate that the exception or waiver is genuinely required);

~~6-6-17.5.3~~ be subject to approval by the S.151 Officer who shall record they have considered the reasons for the waiver and that they are satisfied that the circumstances justifying the waiver are genuinely exceptional (applications for waivers which are a result of poor contract planning will rarely be considered genuinely exceptional);

~~6-6-17.5.4~~ have had relevant approval sought under these Rules.

~~6-77.6~~ For contracts subject to the Procurement Legislation, any waiver or an exception from the requirement for competition must meet the conditions set out in the Procurement Legislation in addition to the general requirements above.

~~6-87.7~~ The exclusions that apply to the competitive procurement process are set out at Appendix C.

78 Purchasing Schemes

~~7-18.1~~ A "Purchasing Scheme" may include:

~~7.1.18.1.1~~ contractor prequalification lists/select lists;

~~7.1.28.1.2~~ framework arrangements (~~including those set up by authorised central purchasing bodies such as Crown Commercial Services, other contracting authorities and by the Council itself~~)~~including those set up by the Government Procurement Service~~);

~~7.1.3~~ purchasing arrangements set up by central purchasing bodies and commercial organizations;

~~8.1.3~~ Dynamic Purchasing Systems (including those set up by authorised central purchasing bodies such as Crown Commercial Services, other contracting authorities and by the Council itself);

~~8.1.4~~ Dynamic Markets (including those set up by authorised central purchasing bodies such as Crown Commercial Services, other contracting authorities and by the Council itself);

~~7.1.48.1.5~~ consortium purchasing;

~~7.1.58.1.6~~ collaborative working arrangements;

~~7.1.6~~ formal agency arrangements;

~~7.1.78.1.7~~ e-procurement / purchasing schemes and methods;

~~7.1.88.1.8~~ other similar compliant arrangements.

~~7.28.2~~ An officer responsible for a procurement exercise may use a Purchasing Scheme provided that they have sought advice to confirm that:

~~7.2.18.2.1~~ the Council is legally entitled to use the Purchasing Scheme;

~~7.2.28.2.2~~ the purchases to be made do properly fall within the coverage of the Purchasing Scheme;

~~7.2.38.2.3~~ the establishment and operation of the Purchasing Scheme complies with ~~is in compliance with~~ the Procurement Legislation (where such applies) and meets the Council's own requirements.

~~7.38.3~~ Where a Purchasing Scheme is used there shall be a whole or partial exemption from the obligations under these Rules in respect of the choice and conduct of procedures. Advice should be sought from ~~Legal Services~~ the Commissioning and Procurement Team prior to entering to such arrangements.

89 Reporting Requirements

~~8.19.1~~ A written report in accordance with the Procurement Legislation shall be produced by the relevant Service Director ~~/ Head of Service~~ for each contract that is awarded which is above the ~~relevant Procurement Legislation threshold~~ Threshold and subject to the Procurement Legislation (the Procurement Legislation places an obligation on the Council to document, for each procurement, key decisions and steps taken and stages leading to the award of contracts).

~~8.29.2~~ This report may be requested by the Cabinet Office and shall be kept for three years.

~~8.3~~ A guidance note and template for such report is available on the Legal Services intranet pages which accompany these Rules.

~~8.49.3~~ In addition to the above, the relevant Service Director ~~/ Head of Service~~ should document the progress of all procurement procedures including ensuring sufficient information is kept to justify decisions such as communications with contractors and internal deliberations, preparation of procurement documents, any dialogue and negotiation, selection and award. Such documentation must be kept for three years from the award of the contract.

910 Entering into a Contract

9.110.1 There should be written evidence of all purchases (which shall include electronic evidence).

9.210.2 All contracts entered into by the Council as detailed in Appendix B must be in writing in a form approved by the Monitoring Officer or their delegated officer.

9.310.3 Legal Services shall retain all contract documents that are sealed on behalf of the Council.

9.410.4 The relevant Service Director ~~/ Head of Service~~ must formally notify the ~~Head of Service~~ Lead for Commissioning and Procurement (or nominated officer) of the award of all contracts for the purpose of it being recorded on the Council Contract Register.

9.510.5 Every contract shall include the standard clauses set out in the relevant Standard Form of Agreement issued and updated from time to time by the Monitoring Officer or their nominated officer and available from Legal Services.

9.610.6 Where a Standard Form of Agreement is to be amended, the form of contract shall be prepared/amended by the relevant Service Director for approval by the Monitoring Officer or their delegated officer.

9.710.7 As a minimum, where appropriate, all contracts shall include clauses setting out:

9.7.110.7.1 the works, supplies/goods, services, material, matters or things to be carried out or supplied;

9.7.210.7.2 the time within which the contract is to be performed;

9.7.310.7.3 the quality requirements and/or standards that must be met;

9.7.410.7.4 requirements on the contractor to hold and maintain appropriate insurance;

9.7.510.7.5 the consequences of the contractor failing to comply with contractual obligations in whole or in part;

9.7.610.7.6 requirements on the contractor to comply with all relevant legislation, including (but not limited to) equalities and health and safety legislation;

10.7.7 clauses regarding personal data and its use by the contractor and/or the Council respectively. Service Directors must ensure that a Data Protection Impact Assessment is completed for all contracts to inform such clauses.

9.7.710.7.8 the entitlement of the Council to cancel the contract and recover losses in the event that the contractor acted improperly (e.g. seeking to influence the Council to give the contractor any contract) or committed an offence under the Bribery Act 2010.

9.7.810.7.9 payment obligations requiring that:

9.7.8.110.7.9.1 any payment due from the Council is made no later than 30 days from the date on which the relevant invoice is regarded as valid and undisputed; and

9.7.8.210.7.9.2 any subcontract imposes the same obligations upon the subcontractor, and requires that the subcontractor imposes such obligations in any further subcontract.

9.7.910.7.10 All contracts shall include relevant specifications and/or briefs/technical requirements which are prepared taking into account the need for effectiveness of delivery, quality, sustainability and efficiency (as appropriate) and the need to be able to enforceability of the delivery of those requirements.

Formatted: Not Highlight

10.11 Legal Consideration

Indemnities

10.11.1 No relaxation of full indemnities releasing the Council from all liability whether provided by public liability insurance or other instrument shall be allowed unless authorised in writing by the Monitoring Officer and the S.151 Officer or their nominated officers.

Risk Assessment & Performance Bond

10.11.2 Where a contract is estimated to exceed £500,000, in value or amount and is for the execution of works (or for the supplies or services by a particular date or series of dates) the relevant Service Director / ~~Head of Service~~ should consider requiring a performance bond (for an amount equal to at least 10% of the value of the contract) from the contractor (to provide sufficient security for the due performance of the contract).

10.11.3 The bond must be in a form approved by Legal Services and must be included in the Invitation to Tender.

10.11.4 If a performance bond is not considered to be necessary, the relevant Service Director / ~~Head of Service~~ must:

10.11.4.1 undertake a risk assessment in writing; and

10.11.4.2 seek approval from the ~~Head of Service~~ Director for Finance and Property; and

10.11.4.3 keep a copy the risk assessment on the contract file for inspection.

Insurances

10.11.5 Every contract should be assessed for risk. If the risk assessment identifies the need for insurance the Service Director / ~~Head of Service~~ must:

10.11.5.1 in consultation with the ~~Head of Service~~ Director for Finance and Property or nominated officer set adequate levels of insurance cover (including employer's liability, public liability and any other as determined by the needs of the particular contract);

10.11.5.2 in consultation with the ~~Head of Service~~ Director for Finance and Property or nominated officer ensure that such insurances are held by the contractor and that the policies concerned are up to date (and/or renewed, as necessary, during the relevant period);

10.11.5.3 in consultation with the ~~Head of Service~~ Director for Finance and Property or nominated officer who must ensure the contractor's status under the Inland Revenue Construction Industry Tax Deduction Scheme (for construction contracts);

10.11.5.4 in consultation with the ~~Head of Service~~ Director for Finance and Property set an appropriate level of professional indemnity insurance for each specific contract that require professional and/or design services (this should not be a standard level but be assessed on a case by case basis).

Sealing

10.11.6 The Common Seal of the Council (the "Seal") shall be in the Custody of the Monitoring Officer and kept in a safe place at their discretion.

10.11.7 The Seal may be affixed, physically or electronically, to any document or proposal that has been approved by a resolution of the Council or Executive, or of an appropriate Committee, or by an officer with delegated powers.

10.11.8 The affixing of the Seal shall be attested and witnessed in writing by the Monitoring Officer or an officer duly designated by them in accordance with the delegated powers conferred by the Council.

~~10.9~~11.9 An entry of every sealing of a document shall be made and consecutively numbered in a book or electronic record to be provided for the purpose and shall be signed (including a digital signature) by the person attesting the sealing.

~~10.10~~11.10 The Seal shall be affixed, physically or electronically, to any document required to be sealed, including but not limited to:

~~10.10.1~~11.10.1 a petition to be presented to Parliament against the promotion of any Bill or confirmation of any Provisional Order which the Council opposes;

~~10.10.2~~11.10.2 a mortgage;

~~10.10.3~~11.10.3 an incomplete form of transfer for the duly authorised sale of securities by the Council as necessary for the purposes of dealing with stocks and shares in accordance with the Stock Transfer Act 1963.

~~10.11~~11.11 All contracts whether for goods, services, works or concession contracts the value of which is above Threshold ~~above the value of £49,999~~ shall be sealed.

Signature of Documents

~~10.12~~11.12 Where any document will be a necessary step in legal proceedings on behalf of the Council it shall, unless any enactment otherwise requires or authorises or the Council shall have given the necessary authority to some other person for the purpose of such proceedings, be signed by the Monitoring Officer or duly authorised officer.

~~10.13~~11.13 Where it becomes necessary to execute any document on behalf of the Council not required by law to be under seal, the Monitoring Officer or an officer designated by them in accordance with the delegated powers conferred by the Council shall be deemed to have authority to sign such a document accordingly. A register of such documents shall be kept by the Monitoring Officer or officer duly designated by them.

Counsel:

~~10.14~~11.14 Only the Monitoring Officer (or nominated officer) shall have discretion to select and instruct Counsel.

Contract Rules - Appendix A

Delegated authority to enter into contracts - limits and thresholds

Total Contract Value*	Delegated decision or Resolution of:
£100,000 or less up to relevant Threshold	Relevant Service Director / Head of Service (or such officers as nominated by the Service Director / Head of Service in writing) shall have delegated authority to award the contract.
£100,000 Above the relevant threshold or more and less than £500,000	Relevant Service Director / Head of Service (following recommendation of the S151 officer and Monitoring Officer) shall have delegated authority to award the contract provided a written report by the relevant Service Director / Head of Service (or such officers as nominated by them in writing) has been provided and approved by the relevant board <u>Procurement Board</u> .
£500,000 or more and less than £2.5million	The award of these contracts shall be a Key Decision delegated to the relevant Service Director / Head of Service in consultation with the relevant Portfolio Holder (following recommendation by the relevant Executive Director, S151 officer and Monitoring Officer) to award the contract provided: a) a written report by the relevant Service Director / Head of Service (or such officers as nominated by them in writing) has been provided and approved by the relevant board <u>Procurement Board</u> ; and b) such decision have been made in accordance with Parts [] (Call-In) and [] (Forward Plan).
£2.5million or more	Contracts with a value in excess of £2.5million shall require Executive approval, which may be given as below. The Executive shall receive quarterly reports detailing contracts being procured and seeking delegated authority from Executive for the relevant Service Director / Head of Service or Service Director to award the contract following the procurement process in consultation with the relevant Portfolio Holder, S.151 Officer and the Monitoring Officer.

* ~~Total Contract Value is the calculation of the estimated value of procurement based on the total amount payable, inclusive of VAT, including any renewals, extensions, any form of option and variation calculated in accordance with the Procurement Legislation. Please also refer to Paragraph 11.7.~~

Contract Rules - Appendix B

Financial thresholds and mandatory processes

Table showing the financial value thresholds at which processes become mandatory. The thresholds apply to contracts for works, supplies goods, and services, works, concession contracts and light touch contracts.

	Total Value inclusive exclusive of VAT	Award Procedure	Advertising requirements
A	£1,000 or more and less than £10,000 <u>£25,000</u>	At least one quote must be sought from an appropriate source via the Procurement Portal .	None mandated.
<u>B1</u>	<u>Goods and Services:</u> £10,000 £25,000 or more, and less than <u>the Threshold</u> £100,000	Invitations to quote must be sent via the Procurement Portal to at least three appropriate sources, including at least one SME* or VCSE* organisation (where appropriate and possible**).	<u>A Procurement contract notice awards in excess of £30,000 (inclusive of VAT)</u> must be published on the CDP
<u>B2</u>	<u>Works, Concession contracts and Light Touch contracts:</u> <u>£25,000 or more and less than £500,000</u>	<u>Invitations to quote must be sent via the Procurement Portal to at least three appropriate sources, including at least one SME* or VCSE* organisation (where appropriate and possible**).</u>	<u>A contract notice must be published on the CDP</u>
<u>C</u>	<u>Works, Concession contracts and Light Touch contracts:</u> <u>Above £500,000 and less than the Threshold</u>	<u>Full competitive tender process applies and at least five written tenders must be sought via the Procurement Portal.</u>	<u>An advert should be placed on the Portal together with information on the CDP</u>
<u>E</u>	£100,000 or more and less than relevant procurement regulation threshold ^{***}	Full competitive tender process applies and at least five written tenders must be sought via the Procurement Portal.	An advert should be placed on the Portal together with information on the CDP

DD	Goods and Services Works, Concession contracts and Light Touch contracts: Above Threshold Relevant procurement regulation threshold*** or more	Procurement Legislation Procedures apply– full competitive tender process with at least five written tenders sought (where appropriate) via the Procurement portal.	An advert should be placed on the CDP
----	--	--	---------------------------------------

**SME (means an enterprise falling within the category of micro, small and medium-sized enterprises) or *VCSE (means a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives.*

***The Council cannot give preference to SME/ VCSE or local contractors/suppliers, as there are legislative constraints and such a policy would be incompatible with Best Value. However, the Council recognises that there can be barriers limiting or restricting the ability of such smaller suppliers to compete for Council business. The Council will seek to reduce the impact of such barriers, where it can do so legally, without discrimination, and without placing unacceptable levels of risk on the Council.*

****There are three different procurement regulation thresholds for Works; Goods and Services; Light Touch Contracts. The latest values are published on Legal intranet page as updated from time to time.*

Contract Rules - Appendix C

Exclusion of competitive procurement process

The requirement to conduct a competitive procurement process is excluded in the circumstances detailed below.

	Circumstance	Written record and approval
A	The proposed contract is excluded under the Procurement Legislation.	Prior written approval from the Monitoring Officer is required <u>and where applicable prior approval has been granted by the relevant board.</u>
B	<u>Where the contract is governed by the Provider Selection Regime (PSR)</u>	<u>Key decisions must be recorded and the relevant process under PSR followed</u>
B	The proposed contract is being awarded under a Purchasing Scheme (refer to <u>8 above-11.12</u>) of a type where <u>a no further competition is being undertaken, a competition</u> has already been undertaken on behalf of the Council or other public sector organisation; or	Prior written approval from the Monitoring Officer is required <u>and where applicable prior approval has been granted by the relevant board.</u>
C	The proposed contract is an extension to <u>or a variation of the scope of</u> an existing contract where the existing contract provides for such extension <u>or a variation or where the variation is a modification permitted under the Procurement Legislation.</u>	<u>For contract value below £50,000 prior written approval from the Monitoring Officer and S151 Officer is required.</u> <u>For contract value greater than £50,000, approval of the Monitoring Office and S151 Officer the Procurement Board, following the submission of an extension report to with Procurement Board with recommendation from Monitoring Officer and S151 Officer</u>
C	<u>The proposed contract is a variation of the scope of an existing contract where the existing contract provides for such a variation or where the variation is a modification permitted under the Procurement Legislation.</u>	<u>For contract value below the Threshold£50,000 prior written approval from the Monitoring Officer and S151 Officer is required.</u> <u>For contract value greater than the Threshold£50,000, approval of the relevant board, following the submission of an extension report to the relevant board with recommendation from Monitoring Officer and S151 Officer</u>

D	<p>The contract is for the following social care services:</p> <ul style="list-style-type: none"> a) residential placements sought for an individual with a registered care provider of their choice; b) supported living services sought for an individual with an appropriate care and support provider of their choice under the National Health Service and Community Care Act 1990; c) individual school placements sought for a child with Special Educational Needs (SEN); d) social care packages managed by or on behalf of individual clients under the personalisation agenda; e) where certain needs of an individual (either an adult or a child) require a particular social care package, which is only available from a specific provider; f) residential placements sought for an individual under the Shared Lives scheme (or any equivalent scheme). 	<p>Service Directors /Heads of Service must ensure that a record of the reasons for the choice of provider is maintained on the individual's case notes.</p>
---	---	---

In the interests of clarity where an exemption is applied all contracts with an annual or total value of more than ~~the Threshold £50,000~~ must be approved by ~~the relevant board~~ Procurement Board.

Appendix D

Protocol for use of ICT Equipment supplied to Members

1. Purpose of Document

This document constitutes the protocol for the use of Information and Communications Technology (ICT) facilities provided for West Berkshire Council Members and should be read in conjunction with the West Berkshire Council ICT Policy and ICT User Usage Agreement. This protocol is included in the Council's Constitution and the requirements of the Code of Conduct (Appendix E to Part 13 (Codes and Protocols) will apply to the protocol. This protocol should also be read in conjunction with the Social Media Protocol for Councillors (Appendix H to Part 13 (Codes and Protocols).

2. Background

This protocol was developed when West Berkshire Council Members were first provided with ICT facilities in 2002, to support them in carrying out their role as **West Berkshire** Councillors and has been periodically updated to reflect changes in the technology provided or to reflect changes in policy or legislation.

3. ICT Facilities Provided

Following the **2023** election all West Berkshire Councillors **were offered or** provided with the following ICT equipment, software, and services:

Hardware

- A **Dell 7330** touchscreen laptop running Microsoft Windows 10. (**Biometric** login is enabled on request).
- A **Dell USB-C** power adaptor
- A **Microsoft wireless** mouse
- A protective carry case
- A **wired headset** (optional)
- An **MFA (Multi-Factor Authentication) Token**
- A **24"** monitor (optional)
- A **USB-C to Ethernet Adapter** (optional)
- A **Samsung** smartphone upon request for Executive Members **only**.

Or such other suitable equipment agreed with the Service Lead for ICT

Software

- Microsoft Office **365 including Microsoft Teams**
- Mod.Gov - Paperless meeting software and storage
- Microsoft Bitlocker - Hard disk encryption
- Anti-virus/malware protection

Services

Formatted: Indent: Left: 1.25 cm

- Wireless connectivity in West Berkshire Council ~~corporate~~ buildings (~~Market Street Offices, Shaw House, and Turnham's Green~~)
- Follow Me Printing – Allowing members to print to multi-function devices (MFDs) in all WBC corporate buildings
- Access to **ICT** support via the WBC ICT Help Desk 01635 519440 during core office hours 08:30-17:00 Mon-Thu, 08:30-16:30 Fri.

4. Use of the Members ICT Equipment

The Council will provide each elected Member with a laptop computer with a standard build/configuration as described above. The primary purpose of the ICT facilities provided is to allow Members to effectively carry out their role as elected Councillors.

All the standard software installed on the supplied laptop is appropriately licensed and WBC ICT department hold these licences.

In the event that any changes made by Members render their laptop computer unusable the Council's ICT department will address this by reinstating the device back to its standard configuration.

As custodian of the Council's provided ICT equipment, Members are responsible for how the equipment is used and by whom.

The primary means by which the **laptops** will connect to WBC systems is via Wi-Fi, either in WBC corporate offices, Members' homes or elsewhere. All Members will be expected to have suitable Wi-Fi enabled internet connectivity in their homes and these costs will be funded from their allowance.

Computer viruses and malware present a very real threat to all ICT systems, particularly when connecting to the internet. The provided ICT equipment has been configured to protect it from these threats and Members should not attempt to disable or bypass these protection mechanisms.

In the event of loss or damage to Members ICT equipment, it would normally be expected that any cost would be indemnified by the person in possession of the equipment. Failure to do so will result in costs being incurred by the Council. It is recommended that Members ensure that the WBC ICT equipment provided is included in their household contents insurance policy. This should not usually result in any additional premium.

Should a Member to whom ICT equipment has been supplied cease to hold office, for whatever reason, all of the equipment supplied must be returned to the Member Services Officer within two weeks – at which point all data on the machine will be deleted and the equipment will either be scrapped or re-issued.

All Members will be provided with their own *westberks.gov.uk* email address. This is available using Microsoft Outlook which is part of the Office 365 suite of programs installed on their **laptop computer**. In the interests of Council branding, ease of data sharing and security, it is expected that Members will opt to access this email account directly rather than forwarding or re-directing mail to another address. It is expected anticipated that Members will check their West Berkshire email accounts at least ideally

daily. Officers of the Council will assume this to be a reliable method of communication to all Members.

5. Security Requirements

As custodians of the data of its citizens and customers West Berkshire Council operates rigid information security standards, **subscribes to GDPR legislation**, and is also required to comply with standards imposed by central Government under the Public Services Network (PSN) code of connection. This protocol identifies specific information security considerations that Members should be aware of in relation to the use of the provided ICT equipment.

Passwords

Members should be aware that the ID/password that is issued to enable them to connect to West Berkshire systems is unique to them and is for their sole use. They should not divulge their password, share it with anyone nor should they write it down unless it is stored securely where it is not available to anyone else. Members are required to change their password at 3-monthly intervals or once a year if they create a password following the rules of Option 1 found in Password Quick Notes: <http://intranet/CHttpHandler.ashx?id=45945> Members will need to change their password immediately if there is evidence of system or password compromise. Members should not use the same password for West Berkshire Council and other uses.

Data Protection

Members have access to sensitive and personal information of the Council and its stakeholders. Members should ensure that this information is only used in the course of Council business and must not be disclosed to a third party without authority of the data owners. Failure to treat sensitive and personal information **appropriately** could lead to a complaint being made against a Member for breaching the Council's Code of Conduct **or personally being reported to the Information Commissioners Office.** |

Use of Personal ICT Equipment

PSN rules dictate that access to WBC systems and data should only be made using equipment supplied by and owned by the Council. The use of Members own, or other third-party owned ICT equipment to access WBC systems is not allowed.

The exception to this rule is where ICT can enable access to Members email and calendar on their own personal smartphones. This is available on request but is dependent on some technical constraints.

Security Breaches or Incidents

Members should report any actual, suspected, **or near-miss** breaches of security to the ICT Helpdesk. Security incidents examples might include:-

- An unauthorised person gaining access to a Members account
- A third party obtaining a Members password
- Loss or theft of Members ICT equipment
- Loss of sensitive information or divulgence **of sensitive or personal data** to an unauthorised third party **either deliberately or accidentally**
- **Any suspicion of a computer** virus, malware infection, or attempted hacking attempt

6. Privacy

Whilst not routinely monitoring an individual Members use of ICT, the Council maintains the right to review, audit, intercept, access, monitor, delete or disclose any information, created, sent, received or stored on its ICT systems. Members' use of the Council's systems implies that they recognise and consent to the rights of the Council described above. The strictest confidentiality is observed in respect of such monitoring, and any inappropriate use generally is only known to the ICT **Senior Management Team**. However, the Chief Executive, in consultation with the Monitoring Officer and/or Section 151 Officer ~~Part 13 – Codes and Protocols 71~~ would determine whether the Member concerned should be reported to the Police and / or the Council's Governance ~~and Ethics~~ Committee.

7. ICT Support

Reporting Issues

ICT support to Members is accessed through the Council's ICT Help Desk (01635 519440) which is staffed during normal working hours 08:30-17:00 Mon-Thu, 08:30-16:30 Fri and should be used to report all urgent problems.

Outside of normal working hours, an email can be addressed to ITHelpdesk@westberks.gov.uk. These messages will normally be dealt with as soon as possible on the next working day. When logging a Help Desk call it is useful if a contact telephone number is given.

In the first instance, Members might prefer to contact their Group Executive, or Members Services Officer who will either be able to help with the query, or contact the ICT Help Desk on Members behalf.

Resolving Issues

It should be possible to resolve most issues through verbal advice provided via telephone or by remote access. If the issue cannot be resolved in this way, Members may need to arrange for their ICT equipment to be brought to the ICT Helpdesk (Ground Floor, Council Offices, Market Street) to allow the issue to be **further** investigated and resolved.

Any faults will be dealt with either by correcting them on the existing equipment, or, **if this is not possible**, by the provision of replacement equipment.

Formatted: Font color: Red

Support Exclusions

The Council's ICT Department cannot usually resolve the following issues:

- Members' home broadband connectivity
- Members' own ICT equipment.

8. Training

Training Sessions for Members are provided when receiving their equipment and Members are encouraged to attend these so that they can make best use of the facilities offered.

There is a comprehensive list of ICT Training material available to ~~staff and~~ Members via the intranet ICT training and guidance - Intranet. Members are welcome to take advantage of these courses, notes, and videos.

Formatted: Font color: Red

Formatted: Font color: Red

Formatted: Font color: Red

Members who are less confident in using ICT are encouraged to attend further training sessions and can take advice from the IT Training Team on the most appropriate course to meet their needs.

9. Accessibility

Any Member with a disability that affects the use of the Members ICT equipment or facilities may request configuration changes or adaptations via the WBC ICT Helpdesk.

10. Useful Contacts

Commented [NT1]: Do we need this in the constitution or just reference that this is provided in the welcome pack and add to the intranet?

Fault reporting & support	ICT Help Desk	01635 519440	ITHelpdesk@westberks.gov.uk
ICT Training	Kerry Taylor	01635 519099	kerry.taylor@westberks.gov.uk
Principal Democratic Services Officer (Legal and Democratic Services)	Darius Zarazel	01635 519458	darius.zarazel1@westberks.gov.uk
Liberal Democrat Group Executive (Legal and Democratic Services)	Melanie Booth	07876 516705	melanie.booth1@westberks.gov.uk
Conservative Group Executive Conservatives Strategic Support (Legal and Democratic Services)	Jake Carpenter	01635 503295	

This page is intentionally left blank

Constitution Review Task Group - Work Programme

03 December 2025

- Part 11 - Scheme of Delegation
- Part 13 - Appendix K - Social Media Protocol for Councillors
- Part 3 – Section 16 – Rules of Debate – Speaking

TBC

- Part 1 - Summary and Explanation
- Part 2 - Articles of the Constitution
- Part 6.8 - Planning Appendix - Substitutes

This page is intentionally left blank