



Public Document Pack
Boston Borough Council

**Chief Executive
Rob Barlow**

Municipal Buildings
Boston
Lincolnshire PE21 8QR
Tel: 01205 314200

Wednesday 31 December 2025

Notice of meeting of the Full Council

Dear Councillor

You are invited to attend a meeting of the Full Council
on **Monday 12th January 2026 at 6.30 pm**
in the Council Chamber - Municipal Buildings, West Street, Boston, PE21 8QR

**Rob Barlow
Chief Executive**

Members of the public are welcome to attend the committee meeting as observers except during the consideration of exempt or confidential items.

This meeting may be subject to being recorded.

Agenda

Part I - Preliminaries

A. Apologies for Absence

To receive apologies for absence.

B. Declarations of Interest

C. Minutes

(Pages 1 - 14)

D. Communications

E. Deputations and Petitions

F. Questions from Elected Members

G. Questions from Members of the Public

Part II - Agenda Items

1 Draft Audit & Governance Committee Minutes (Pages 15 - 26)

To receive the draft Minutes from the meeting held on 17th November 2025.

2 Annual Scrutiny Report 2024/2025 (Pages 27 - 38)

(A report by John Medler, Assistant Director – Governance & Monitoring Officer)

3 Democratic Arrangements – Appointment to Outside Body 2025/26 (Pages 39 - 44)

(A report by John Medler, Assistant Director – Governance & Monitoring Officer)

4 Community Governance Review - Stage 1 Consultation Outcomes and Draft Recommendations (Pages 45 - 88)

(A report by John Medler, Assistant Director – Governance & Monitoring Officer)

5 Proposed Amendments to the Council's Contract Procedure Rules (Pages 89 - 150)

(A report by John Medler, Assistant Director – Governance & Monitoring Officer)

6 2025/26 Mid Term Treasury Report (Pages 151 - 172)

(A report by Russell Stone, Director of Finance (S151 Officer))

7 Quarter 2 2025/26 Capital Forecast Outturn (Pages 173 - 178)

(A report by Russell Stone, Director of Finance (S151 Officer))

8 Local Council Tax Support Scheme 2026/27 (Pages 179 - 194)

(A report by Russell Stone, Director of Finance (S151 Officer))

Part III - Motions on Notice

To consider the following motions in accordance with procedure rule 14:

1 Amendment to Council Procedure- Limitation of questions to one per member at full council

COUNCIL NOTES:

That the current Council Procedure Rules permit Members to submit more than one question to Full Council within a single meeting cycle.

That recent meetings have demonstrated that multiple questions from the same member can extend proceedings, reduce time available for wider debate, and limit opportunities for other members to participate.

That ensuring fair and balanced participation from all elected Members is essential to the effective functioning, transparency and efficiency of Full Council Meetings.

Therefore, Council resolves

- 1. To amend Council Procedure Rule 11.2(Questions on Notice at Full Council) to state that a Member of the Council may submit one question only to Full Council per meeting.***
- 2. That this amendment shall take effect at the conclusion of the Full Council Meeting on 12th January 2026.***
- 3. That the Monitoring Officer be authorized to update the Constitution and any associated guidance documents accordingly to give effect to the amendment.***

Proposer: Councillor Andy Izard

Seconder: Councillor James Cantwell

Questions from Members of the Council and the public must be received by 5 p.m. two clear working days prior to the day of the meeting – the deadline for this meeting is 5 p.m. on Wednesday 7th January 2026.

Notes:

Please contact Democratic Services (demservices@boston.gov.uk) if you have any queries about the agenda and documents for this meeting.

Council Members who are not able to attend the meeting should notify Democratic Services as soon as possible.

Alternative Versions

Should you wish to have the agenda or report in an alternative format such as larger text, Braille or a specific language, please telephone 01205 314591.

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Boston Borough Council

Minutes of a meeting of the **Full Council** held in the Council Chamber - Municipal Buildings, West Street, Boston, PE21 8QR on Monday 10th November 2025 at 6.30 pm.

Present:

The Mayor Councillor Barrie Pierpoint, in the Chair.

Councillors Patricia Marson (Deputy Mayor), Alison Austin, Richard Austin BEM, John Baxter, Peter Bedford, David Brown, Dale Broughton, James Cantwell, Anton Dani, Neil Drayton, Stuart Evans, Sandeep Ghosh, Mike Gilbert, Paul Gleeson, Andy Izzard, Chris Mountain, Jonathan Noble, Ralph Pryke, Claire Rylott, Lina Savickiene, David Scoot, Sarah Sharpe, Suzanne Welberry and Stephen Woodliffe.

Officers:

Chief Executive, Assistant Director - Governance and Monitoring Officer, Director of Finance, Head of HR & OD, Group Manager - Organisational Development, Democratic Services Manager, Democratic Services Team Leader and Civic & Member Services Officer.

44 Apologies for Absence

Apologies for absence were received from Councillors Callum Butler, Emma Cresswell, Anne Dorrian, David Middleton and Helen Staples.

45 Declarations of Interest

No declarations of interest were received.

46 Minutes

The Minutes of the Full Council meeting on 29th September 2025 were agreed and signed by the Mayor.

47 Communications

The Chief Executive introduced Mr Russell Stone as the Council's newly appointed Director of Finance (S151 Officer). Members welcomed Mr Stone and noted his commitment to supporting the Council's financial governance.

48 Deputations and Petitions

The Chief Executive confirmed that no deputations or petitions had been received.

49 Questions from Elected Members

1. Question to Councillor Sandeep Ghosh from Councillor Jonathan Noble:

If the Government's devolution plan for Lincolnshire goes ahead, the Southern Lincolnshire Unitary Council of which Boston will be a part, is likely to be saddled with half of the defunct Lincolnshire County Council's £469 million debt, so what preliminary

provisions has the South and East Lincolnshire Partnership made for dealing with this problem?

Response from Councillor Sandeep Ghosh:

I would like to thank Councillor Noble for his question. The level of debt will remain unchanged under Local Government Reorganisation. The financial modelling that forms part of the submission to Government will take into account a range of financial factors, including existing debt levels.

Furthermore, the formation of the two divisions has not yet been determined. Should we fall within the southern division, it will not only involve the SELCP partnership but also other councils that will participate in the discussions. We are, therefore, at a very early stage of the overall process, and it would be premature to draw conclusions or make provisions at this point.

Supplementary question from Councillor Jonathan Noble to Councillor Sandeep Ghosh:

Now we understand that the Boston Council's current level of debt is approximately £16.5 million due to our investment in various property funds. And obviously, should this southern unitary go ahead we will probably have the debts of North and South Kesteven Councils, but also our two partnership councils. So my question is, what is the current level of debt in each of our partnership Councils, that is East Lindsey District Council and South Holland District Council?

Supplementary response from Councillor Sandeep Ghosh:

I can at least tell about Boston, I don't know about the other councils. Boston have paid back everything. The State Street loan has been paid two weeks back and at the moment we don't have any debts left. Thank you.

2. Question to Councillor Sandeep Ghosh from Councillor Jonathan Noble:

How much did Boston Borough Council pay for the former B and M Building in PE21, including demolition costs?

Response from Councillor Sandeep Ghosh:

Boston Borough Council paid £1,800,000 plus VAT (so £2,160,000 including VAT) for the land and buildings commonly referred to as 'the former B&M site' to enable what is now known as its Rosegarth Square project.

In terms of demolition, as the Council entered into a Minor Works Building Contract for the Rosegarth Square project, which included demolition of both the former B&M building and Crown House, it is very difficult to disaggregate a pure cost for the B&M building only; however, the final account figure for demolition works of all structures across the two sites was £380,637.60.

Supplementary question from Councillor Jonathan Noble to Councillor Sandeep Ghosh:

Now the Council has paid a very high figure for the B&M building and land, given that the property was on the market for £1.3 million for many months, if not more than a year. So the Council has paid over £500,000 more than the notional value of the site. How does the Council justify this misuse of taxpayers money?

Supplementary response from Councillor Sandeep Ghosh:

I really can't give you a straightforward answer about that because it all goes through a procurement process and we get the bids and accordingly we do the job, but I can go into detail and give you a proper answer why if you think it's an extra paid, thank you.

[A copy of the written response is appended to the Minutes.]

3. Question to Councillor Sandeep Ghosh from Councillor Jonathan Noble:

How much did Boston Borough Council pay for the now demolished Crown House?

Response from Councillor Sandeep Ghosh:

Boston Borough Council paid £1,050,000 (one million and fifty thousand pounds) to acquire land and buildings known as Crown House.

Supplementary question from Councillor Jonathan Noble to Councillor Sandeep Ghosh:

It seems a high price to pay given that it is a site that the Council intended to demolish the building itself. So the question is this, why did the Council not consider refurbishments and internal reconfiguration of the Crown House, given that the building was of no great age?

Supplementary response from Councillor Sandeep Ghosh:

I'll get back to you about that, thank you.

[A copy of the written response is appended to the Minutes.]

4. Question to Councillor Sandeep Ghosh from Councillor Jonathan Noble:

What is the collective annual salary cost of Boston Borough Council's Climate Change officers?

Response from Councillor Sandeep Ghosh:

The collective annual salary costs (gross pay + NI + pension) for the x3 climate change officers, based upon the 23% sharing arrangement applicable to Boston Borough Council is £42,839.

Supplementary question from Councillor Jonathan Noble to Councillor Sandeep Ghosh:

Given the level of political posturing involved in the Council's net zero target of 2040 and concomitant climate change cost in terms of officers employed, why did the Council not consider a tree planting scheme on the lands it owns, which would help to improve the air quality in the borough for a fraction of the costs previously quoted?

Supplementary response from Councillor Sandeep Ghosh:

Councillor Noble, you are actually giving me a suggestion. It's a full project itself, so we really cannot decide now why we didn't do that. So, if you have any suggestions like that, you can always come back to me offline and we can always discuss about that. Thank you.

5. Question to Councillor Mike Gilbert from Councillor James Cantwell:

The Boston Independent Party argue that Members were offered Financial Incentives to join the Cabinet and support removing Councillor Dorrian from her post leader earlier this year. As a new member of the cabinet where you offered this to join?

Response from Councillor Mike Gilbert:

I thank Cllr Cantwell for his question as it allows me to state absolutely unequivocally that when discussing my possible role within Cllr Broughton's administration, there was no discussion about remuneration or allowances. The only conversations I had with Cllr Broughton related to my role within the administration and what areas I would cover within my portfolio.

I accepted the role of Deputy Leader with responsibilities which include the Town Centre, because I live within the Boston Town Centre area, I am passionate about Boston's important global legacy and want Boston to become recognised for its contribution to the evolution of Western society through its historical links to the United States.

No other issues were discussed or even considered.

Supplementary question from Councillor James Cantwell to Councillor Mike Gilbert:

I know that Councillor Rylott was not offered this and I hope Councillor Staples can confirm whether she was at a later date. Would you argue that if members make these comments they should be willing to back it up with hard evidence so that these matters could be investigated and not conjecture and political point scoring.

Supplementary response from Councillor Mike Gilbert:

Yeah, I think there are a number of things, a number of allegations that have been exchanged within this Chamber, which probably needed greater scrutiny. And this example you've just given is just one of them. There are numerous others as well. Thank you.

6. Question to Councillor Mike Gilbert from Councillor Stuart Evans:

As I'm sure elected members recall, a Members Working Group was formed in Jan 2024, to look into all aspects of BBC's Car Parks. This lasted around 4 months and produced various recommendations that were unanimously approved at the E&P Scrutiny meeting of 27th August 2024.

Since then NOTHING has happened in any aspect of this MWG report.

My question to Cllr Gilbert, who was one of the members of this Group & who made a valuable contribution to its final recommendations, is simply... why have the recommendations not been implemented after what is now well over a year later?

Response from Councillor Mike Gilbert:

I thank Cllr Evans for his question which acts as a timely reminder that members of this council invest a huge amount of time attending working groups and committees all with the aim of making improvement in our town and borough.

Whilst I have only been a member of the current administration since late July, I have had discussions with the lead officer for car parks about the progress of the recommendations from the Carparks working Group. It was one of my first actions when I assumed my current role because I was a member of the Car Parks working group myself.

Progress has been patchy in the sense that some of the recommendations I endorsed as part of the group had significant cost implications. These are not being overlooked, but for example widening the car parking bays in the Sheep Market car park has not been actioned this year and is not budgeted for next year, but will be undertaken if capital funding can be identified and will certainly feature as we progress towards our ambitions for 2030 and the celebration of the 400th anniversary of the founding of our sister City Boston Massachusetts.

Likewise signage has yet to be improved but again this is something I will push to deliver as it is essential we get this right as we have a wide heritage agenda including our preparations for 2030 and its obvious, we need to make our town clear and accessible with signage towards our car parks to enable visitors to find their way into our town.

In respect of the Charges review, this was undertaken and implemented in 2024/25, updated again for 2025/26, but did not add any Shopper/Commuter passes as further statistical evaluation was required but unfortunately those specific skills are no longer available internally.

Finally, some better news, we have a group of volunteers of whom I am one who have started to undertake work in some of our small plots of green space around the borough. St Georges Carpark area is one place where a lot has been achieved. The main constraints on achieving more however relate to volunteer numbers and as such we are going to be promoting volunteering opportunities around the town to not only enable local people to work to improve what is their town centre, but also to improve their physical and mental wellbeing. The more volunteers we get the more we can achieve.

We have a Town Centre Coordination group emerging from the Town Centre Strategy. This group is an operational group of councillors and officers who deal with the practicalities of town centre management. I have asked that Car Parking and all related issues become a standing item, and therefore a minuted item to ensure that car parking as it relates to the towns economy, heritage offer, and appearance can have a clear focus in the future and the working groups report will be an important element of that.

Supplementary question to Councillor Mike Gilbert from Councillor Stuart Evans:

Thank you, Counsellor Gilbert, for a very comprehensive reply. I'm glad to hear that this project has not totally fallen victim to the efficiency savings monster that seems to stalk Boston Borough Council of late. What with all the good work regarding the marked uplift in the Boston market in recent weeks, it would be a shame to stop there. The costings for the re-lining of the car park is around £2000, which seems excellent value for money. So can you please assure the people of Boston that they are finally going to get a revamped cattle market car park, incorporating larger spaces and a more relaxed parking experience when visiting Boston Town Centre sooner rather than later.

Response from Councillor Mike Gilbert:

It is absolutely my ambition to see the aims of that working group fulfilled within a reasonable space of time. I can't give you a time scale, but I'm on to it.

The remaining questions were withdrawn as the relevant members were not present to ask or respond.

50 Questions from Members of the Public

The Chief Executive confirmed that no questions had been received from members of the public.

51 Draft Audit & Governance Committee Minutes

The Mayor, as Chairman of the Audit and Governance Committee, presented the draft Audit and Governance minutes from the meeting held on 13th October 2025 for councillors to note.

It was noted that a report had been issued with a rating of insufficient control for one area where no controls were found in place. This was highlighted as an unusual situation, as such circumstances had not occurred in the last 20 years. Clarification was requested on which area this related to and whether it referred to financial controls. The Mayor advised that a response could be provided by Internal Audit officers at the next Audit & Governance Committee meeting.

Concerns were expressed that at the previous Audit & Governance Committee meeting, no Section 151 Officer, Deputy Section 151 Officer, or representative had been present. It was confirmed that the new S151 Officer would ensure appropriate attendance at future meetings.

A query was raised regarding borrowing from the Public Works Loan Board to invest in property funds. It was confirmed that the amount borrowed, approximately £16.5 million, had been repaid. Clarification was also provided regarding the difference between this borrowing and the State Street loan.

52 Democratic Arrangements - Allocation of Seats Review and Appointments to Outside Bodies 2025/26

The Assistant Director – Governance & Monitoring Officer introduced the report, which set out a revised allocation of seats on the Council's committees, panels, and working groups following recent changes to the political composition of the authority. Members were advised that the review had been undertaken in accordance with the requirements of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.

The Assistant Director – Governance & Monitoring Officer confirmed that the revised seat allocations and associated appointments were attached at Appendix 1 of the supplementary agenda pack. The report recommended that Council approve the updated allocations for the remainder of the 2025/26 municipal year.

In addition, Council was asked to consider appointments to outside bodies where vacancies had arisen, details of which were attached at Appendix 2 of the supplementary agenda pack:

- Black Sluice Internal Drainage Board – one vacancy was reported.
- Witham Fourth District Internal Drainage Board – two vacancies were reported.
- Thomas Sanderson Trust – one lay member vacancy was reported.

The following nominations were considered:

- Councillor James Cantwell was nominated to sit on the Black Sluice Internal Drainage Board.
- Councillor Richard Austin BME and Mr Phillip Ashton were nominated to sit on the Witham Fourth District Internal Drainage Board.
- No nominations were received for the Thomas Sanderson Trust.

The recommendations were moved by Councillor Dale Broughton and seconded by Councillor Stephen Woodliffe.

Resolved

- 1. That the revised allocation of seats and appointments to Committees, Panels and Working Groups, in Appendix 1 within the report, be approved for the remainder of the Municipal Year 2025/26;**
- 2. That Councillor James Cantwell be appointed to the Black Sluice Internal Drainage Board for the remainder of the 2025/26 Municipal Year; and**

- 3. That Councillor Richard Austin and Mr Phillip Ashton be appointed to the Witham Fourth District Internal Drainage Board for the remainder of the 2025/26 Municipal Year.**

53 Review of HR Policies

The Leader of the Council, Councillor Dale Broughton, introduced the report which sought approval of the revised Pensions and Pension Discretions Policy. The report explained that under the Local Government Pension Scheme (LGPS) Regulations, the Council is required to publish a policy statement detailing how it would exercise its discretionary powers in relation to pension matters. A copy of the Pensions & Pension Discretions Policy was attached as Appendix A within the report.

The proposed policy had been developed by Public Sector Partnership Services (PSPS) and reviewed through a comprehensive process, including consultation with trade union representatives, the Readers' Panel, and consideration by the Overview and Scrutiny Committee on 8th October 2025.

The policy set out the Council's approach to mandatory and non-mandatory discretions under the LGPS, ensuring compliance with statutory requirements and promoting consistency, transparency, and fairness in decision-making. It also supported effective workforce planning and succession management by providing clear guidance for managers and employees.

The report highlighted that approval of the policy would:

- Ensure harmonisation of pension arrangements across the South and East Lincolnshire Councils Partnership;
- Strengthen governance and safeguard regulatory compliance; and
- Provide a fair and equitable framework for pension-related decisions.

Members welcomed the clarity provided by the revised policy and noted its importance in maintaining compliance with LGPS regulations. It was acknowledged that the policy would assist in managing workforce changes and retirement planning, while ensuring that decisions were made consistently across the partnership.

Members also noted that the policy had been subject to thorough review and scrutiny, and that no significant changes had been proposed beyond those required to reflect current legislation and best practice.

The recommendations were moved by Councillor Dale Broughton and seconded by Councillor Stephen Woodliffe.

Resolved

That the HR policy (Pensions & Pensions Discretion Policy) be approved.

[The Head of HR & OD and the Group Manager - Organisational Development left the meeting at 7.07pm, following consideration of the above item.]

54 Licensing Act 2003 - Statement of Licensing Policy

The Portfolio Holder for Infrastructure, Councillor Chris Mountain, introduced the report which sought approval of the revised Statement of Licensing Policy in accordance with Section 5 of the Licensing Act 2003. The Licensing Authority was required to review, adopt and publish its Statement of Licensing Policy every five years. The current policy was due for review by January 2026, and failure to adopt a revised policy by that date would leave the authority open to legal challenge in respect of licensing decisions.

The report outlined the statutory framework and confirmed that the policy set out the approach the Licensing Authority would take to promote the four licensing objectives:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The Licensing Committee considered a draft revised policy on 10th June 2025 and resolved that consultation should be undertaken in accordance with the Act. Public consultation took place between 23rd June and 17th August 2025. One response had been received from Lincolnshire Police which was reviewed by the Licensing Committee on 23rd September 2025, and amendments were made where appropriate. A copy of the report detailed consultation responses was attached as Appendix 1 within the report. The final draft policy, incorporating the changes for adoption by Full Council, was attached as Appendix 2 within the report.

Members expressed disappointment at the limited number of responses received during the consultation period. Despite this, Members acknowledged that the responses received had been considered and incorporated into the final draft. The importance of the policy in balancing the needs of local businesses with the protection of public health and safety was emphasised. Members commended the Licensing Team for producing a comprehensive and clear policy that reflects statutory requirements and local priorities.

The recommendations were moved by Councillor Chris Mountain and seconded by Councillor Stuart Evans.

Resolved

That the Statement of Licensing Policy be approved, following which it will be published by the statutory deadline.

55 Motions on Notice

The following Motion was received:

Community Governance Review Working Group Membership

To change the membership of the community governance review working group.

The Council notes the important role of the community governance review working group in shaping the future of local governance arrangements within the Borough.

In the interests of ensuring broader representation and participation the council resolves to;

- A) Increase the number of members on the community governance review working group from 5 to 7 elected members and
- B) Appoint the following members to the community governance review working group:

Mike Gilbert
Paul Gleeson
Barrie Pierpoint
Anton Dani
Suzanne Welberry
Stephen Woodliffe
Andy Izard

The motion was moved by Councillor Suzanne Welberry and seconded by Councillor Andy Izard.

Members emphasised the importance of accelerating progress on the Community Governance Review to avoid delays that could impact the transfer of assets and the creation of a town council. It was noted that scheduled meetings of the working group had been cancelled, which had caused concern about the pace of work and the risk of losing momentum on such a significant project.

The debate highlighted the need for strong local representation to ensure that Boston's interests were prioritised during any transition to a unitary authority. The increase in membership from five to seven had been proposed to ensure broader representation and accelerate progress on the review. Members stressed that without a proactive approach, there was a danger that local decision-making could be diluted and that Boston's voice might not be adequately heard in future governance arrangements.

There was also a clear focus on the importance of protecting heritage and financial assets and ensuring they remained under local control. Members agreed that those assets represented a vital part of Boston's identity and economic stability, and that robust arrangements should be in place to safeguard them before any structural changes occurred.

In addition, the requirement for timely consultation with parishes and stakeholders was underlined as essential to maintaining transparency and community engagement. Members recognised that effective communication would help build trust and ensure that local residents and organisations had the opportunity to contribute to shaping the governance model.

Finally, there was a strong commitment to collaborative working within the expanded group to deliver outcomes efficiently and effectively. Members agreed that the proposed

appointments brought experience and dedication to the task, and that the enlarged membership would help ensure that the review progressed without further delay.

Resolved

That the membership of the Community Governance Review Working Group be increased from 5 to 7 elected members and that Councillors Mike Gilbert, Paul Gleeson, Barrie Pierpoint, Anton Dani, Suzanne Welberry, Stephen Woodliffe and Andy Izard be appointed to the Working Group.

The Meeting ended at 7.20 pm.

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Supplementary Questions and Written Responses Full Council – 10th November 2025

2. Supplementary Question to Councillor Ghosh from Councillor Noble:

Now the Council has paid a very high figure for the B&M building and land, given that the property was on the market for £1.3 million for many months, if not more than a year. So the Council has paid over £500,000 more than the notional value of the site. How does the Council justify this misuse of taxpayers money?

Supplementary response from Councillor Sandeep Ghosh:

I really can't give you a straightforward answer about that because it all goes through a procurement process and we get the bids and accordingly we do the job, but I can go into detail and give you a proper answer why if you think it's an extra paid, thank you.

Written response from Councillor Ghosh:

Officers do not recognise the figure to which you refer (the £1.3million). Negotiations on the acquisition price by the Council were not at this level indeed the starting position with the Vendor in Autumn 2023 was much higher than the price eventually agreed.

The Council employed an independent valuer to work with them on the acquisition including advice on value and terms.

Officers took external advice at every step of the process and this negotiation was led by the RICS qualified external valuer leading to an agreed acquisition price of £1.8m + VAT.

The price paid took account of a contribution towards the vendors "sunk costs" involved in holding this site vacant and preparing development proposals including a joint venture opportunity with Boston Borough Council. Acquiring the interest off market also meant the Council was a special purchaser which was also taken into account by the valuer in their negotiations on behalf of the Council. Additional factors were also taken into account including:-

- The benefit to the Council in securing control of the site and the ability to deliver against funding requirements and wider regeneration opportunities enabled the Council to achieve a number of efficiencies, for example a more straightforward phasing plan for the public realm works.
- Acquisition enabled de-risking of future spend against the work streams particularly around design and costing within the programme of PE21 projects.
- The Council acquired this asset without a condition known as "overage" (whereby a proportion of any higher value uplift on development would be paid to the vendor). This is important and means the Council's future freehold interest would not be fettered by overage conditions which can add unnecessary complications to preparing future development appraisals and future disposal.

Given the above I believe there was full justification supported by external professional advice to acquire an unencumbered freehold interest in this site at the negotiated price the Council did. I therefore do not agree with the statement made regarding the use of taxpayers' money.

3. Supplementary Question to Councillor Ghosh from Councillor Noble:

It seems a high price to pay given that it is a site that the Council intended to demolish the building itself. So the question is this, why did the Council not consider refurbishments and internal reconfiguration of the Crown House, given that the building was of no great age?

Supplementary response from Councillor Sandeep Ghosh:

I'll get back to you about that, thank you.

Written response from Councillor Ghosh:

When the Council acquired Crown House it did so in full knowledge that the building would not be straightforward to refurbish given its age, configuration and future flexibility. Consequently 2 specific recommendations were included in the Decision Notice:

Recommendation 4 - The Assistant Director – Strategic Projects be provided with delegated powers to prepare and implement a plan for demolition and clearance of the site, also from within budgetary provision in accordance with the requirements of the Levelling Up Fund, as soon as practicably possible following the acquisition of the site.

Recommendation 5 - The Assistant Director – Strategic Projects be provided with delegated powers to prepare and implement a plan for the Crown House site to be redeveloped including the construction of a new mixed-use building (part commercial and community use and part residential) of approximately 1500sqm. Actions to include the bringing forward of a planning application, appointing a full design team and building contractor, negotiating terms for and, entering into a building contract and progressing development through to the end of RIBA Stage 7 (construction works are complete) in consultation with the Council's Chief Executive, Joint Deputy Chief Executive - Programme Delivery and Leader of the Council.

Redevelopment offered the opportunity to deliver a new build with modern materials, construction methods and warranties/ guarantees as well as the practical point of being able to set the building back from its original footprint to help further enhance the public realm proposals in this area. Refurbishing an existing building of the age, layout and flexibility of the former Crown House building cost effectively and addressing the points above was considered to be an inferior option for this site. The decision was taken with the knowledge of the cost and complexities of refurbishment as part of a balanced assessment of the benefits of redevelopment.

Boston Borough Council

Minutes of a meeting of the **Audit & Governance Committee** held in the Committee Room - Municipal Buildings, West Street, Boston, PE21 8QR on Monday 17th November 2025 at 6.30 pm.

Present:

Councillor Barrie Pierpoint, in the Chair.

Councillors Councillor James Cantwell, Anton Dani, Neil Drayton, Andy Izard, Jonathan Noble, Ralph Pryke, David Scoot and Stephen Woodliffe.

Co-opted Independent Members: Adam Cartwright.

Officers:

Director of Finance, Assistant Director - Governance and Monitoring Officer, Group Manager – Insights & Transformation, Information Manager and Data Protection Officer, Chief Finance Officer (PSPSL), Head of Finance Delivery - Technical and Corporate, PSPSL, Treasury and Investment Manager (PSPSL), Engagement Director, KPMG, External Audit Assistant Manager, KPMG and Democratic Services Officer.

27 Apologies for Absence

Apologies for absence were received from Councillor Lina Savickiene, and from Co-opted Independent Member Gideon Hall.

28 Declarations of Interest

There were no declarations of interest.

29 Minutes

The minutes of the previous meeting held on 13th October 2025 were agreed and signed by the Chairman.

30 Actions

Members considered the action sheet from the previous meeting held on 13th October 2025 which had been circulated with the agenda. It was confirmed that there were no outstanding actions.

31 Public Questions

No questions had been received.

32 Proposed Amendments to the Council's Contract Procedure Rules

At the request of the Chairman, this item was brought forward in the meeting.

The Committee received a detailed report on proposed amendments to the Council's Contract Procedure Rules (CPRs), presented by the Head of Procurement & Contracts, PSPSL. The review had been undertaken to ensure compliance with the Procurement Act

2023, reflected best practice, and addressed practical challenges identified since the last update three years ago. The amendments aimed to strengthen governance, improve flexibility, and support local suppliers while maintaining transparency and value for money. The Proposed Contract Procedure Rules – Clean Version was attached at Appendix 1a, the Proposed Contract Procedure Rules – Tracked Changes was attached as Appendix 1b, the Revised Delegations to Officers were attached as Appendix 2 and the Key Changes were attached as Appendix 3 within the report.

Key changes included:

- Updated procurement thresholds to align with legislative changes and benchmarking across other authorities.
- Reduction in minimum quotations from five to three for mid-value contracts (£50,000–£100,000) to reflect market feedback and practical sourcing challenges.
- New sections on conflict of interest and pre-market engagement to provide clearer guidance for officers.
- Additional exemption for short-term continuity arrangements where delays in re-procurement occur, capped at six months.
- Integration of frameworks and dynamic markets in line with the Procurement Act 2023.
- Removal of duplication by transferring asset disposal provisions to the Finance Procedure Rules.
- Enhanced contract management requirements, including monitoring, reporting, and post-contract evaluation.

The Committee was advised that Contract Management Standards would be implemented across the partnership within the following month, introducing tiered monitoring based on contract value and risk.

Members welcomed the clarity of the report and raised several points for further explanation:

- Members queried the rationale for increasing the threshold for written contract performance reports from £85,000 to £1,000,000. Officers explained that the change focussed on strategic, high-value contracts while ensuring operational contracts remain subject to robust monitoring through the new standards. A detailed written response would be provided following the meeting.
- Members expressed concern that the In-Tend portal could be a barrier for local suppliers and asked how contractors could access it. Officers confirmed that support was available, including one-to-one assistance and simplified processes for certain thresholds. A written response would be provided to outline the steps taken to improve accessibility.
- Concerns were raised about reducing the requirement for five written quotations to three. Officers advised that this change reflected practical difficulties in sourcing five quotes in certain sectors and feedback from local suppliers who found the process burdensome. The revised approach maintained competitiveness while improving accessibility. A written response would provide further detail on measures to prevent recurrence.
- A Member queried whether the Council operated an approved contractor list. Officers confirmed that no formal list existed, as it was no longer considered best practice, but suppliers could register on the portal to receive notifications of opportunities.

- Members expressed concern about upfront payments and asked whether payment terms would be reviewed. Officers confirmed that guidance on payment mechanisms was included within the revised standards and would be reinforced through training to minimise financial risk.
- Members sought assurance that high-value contracts would be closely monitored. Officers confirmed that bi-monthly review meetings would be held for strategic contracts, supported by escalation procedures and a contract management network to share best practice.

The Committee noted the importance of balancing flexibility with strong governance and welcomed the introduction of Contract Management Standards as a key improvement.

Resolved:

That the proposed amendments to the Council's Contract Procedure Rules be recommended for approval by Cabinet and Council.

33 External Audit Completion Report 2024/2025 (ISA260)

The Committee received the External Audit Completion Report for 2024/25, presented by KPMG. The auditors confirmed that the audit was substantially complete and that an unqualified, unmodified opinion would be issued ahead of the statutory deadline. Members were advised that Boston Borough Council was in a strong position compared to the national picture, where many audits remain incomplete. The report provided assurance on key areas of financial reporting and governance, including asset valuations, management override of controls, and pension obligations.

The auditors highlighted that two material misstatements relating to asset valuations had been identified and corrected by management:

- Garfits Lane Playing Field: Land value per acre assumption overstated by £1.485m.
- PRSA Athletics Track: Inflationary uplift error resulting in an overstatement of £1.249m.

No issues were found regarding management override of controls or post-retirement benefit obligations. Four recommendations were raised for performance improvement, none of which were significant or fundamental to internal control. Of ten prior-year recommendations, six had been implemented, two partially implemented, and two remained outstanding. The audit fee increase of £22,000 was explained as due to ISA 315 revised risk assessment requirements and an inflationary uplift set by PSAA.

Members welcomed the positive outcome and commended the improvements in timeliness and quality of information provided by PSPS.

The following points were raised during discussion:

- A Member requested inclusion of a glossary of technical terms and acronyms in future audit reports to aid understanding. The auditors agreed to implement this.
- A Member queried why one recommendation had not been accepted. Officers confirmed that work was ongoing and that a detailed response would be provided following the meeting.

- Clarification was sought on governance arrangements for efficiency board meetings. Officers confirmed that agendas and minutes were now maintained to ensure transparency.
- Members noted the increase in audit fees and requested confirmation that this was driven by national changes rather than local issues. The auditors confirmed the increase was due to new auditing standards and PSAA adjustments.
- Members expressed concern about the complexity of asset valuations and asked whether additional controls would be introduced. Officers confirmed that Contract Management Standards and enhanced review processes were being implemented.

The Committee acknowledged the significant improvement in collaborative working between auditors and officers and noted that Boston's position compared favourably to the national picture.

Resolved:

That the External Audit Completion Report for 2024/25 be noted.

34 External Auditor's Annual Report 2024/25

The Committee received the External Auditor's Annual Report for 2024/25, presented by KPMG in accordance with the National Audit Office's Code of Audit Practice. The report summarised the findings from the audit and provided commentary on the Council's arrangements for securing economy, efficiency, and effectiveness in its use of resources. This assessment covered three key domains:

- Financial Sustainability: How the Council plans and manages its resources to ensure services can continue.
- Governance: How the Council makes informed decisions and manages risks.
- Improving Economy, Efficiency and Effectiveness: How the Council uses performance and cost information to improve service delivery.

The auditors confirmed that no significant weaknesses had been identified in any of these areas. Boston Borough Council was reported to be in a strong position compared to the national picture, where many authorities faced challenges in financial resilience and governance. The report would be published alongside the signed annual accounts on the Council's website.

Members welcomed the positive assurance and raised several points for clarification:

- A Member queried whether the ongoing cost pressure from IDB levies might reduce following falling fuel prices. Officers explained that costs remained high due to electricity charges and operational requirements, and confirmed that discussions with drainage boards and government were ongoing.
- Members asked whether the temporary government grant to offset IDB costs would continue. Officers advised that indications suggested continuation for the coming year, but a long-term funding solution had not yet been secured.
- A Member highlighted the significant change in the Council's year-end cash position compared to the previous year and requested commentary on the reasons behind this movement. Officers undertook to provide a written response at the next meeting.

- Members noted the importance of maintaining robust arrangements for identifying and monitoring efficiency savings, particularly given the medium-term financial challenges outlined in the report. Officers confirmed that improvements to governance processes for efficiency monitoring were underway.

The Committee acknowledged the favourable comparison to national trends and commended the Council's proactive approach to financial planning and governance.

Resolved:

That the External Auditor's Annual Report for 2024/25 be noted.

35 Financial Statements 2024/25

The Committee received the audited Financial Statements for 2024/25, presented by the Head of Finance Delivery, PSPSL. The report sought formal approval for publication and outlined key changes since the draft version considered in July. The Audited Financial Statements 2024/25 were attached as Appendix 1 within the report. Members were reminded that the Accounts and Audit Regulations required the statements to be approved and published by 27th February 2026.

The audited statements incorporated adjustments identified during the external audit process, including:

- Two valuation corrections:
 - Garfits Lane Playing Field – land value per acre assumption overstated by £1.485m.
 - PRSA Athletics Track – inflationary uplift error resulting in an overstatement of £1.249m.
- Disclosure amendments – Updates to the Related Parties note and Officers' Remuneration note to ensure compliance with the CIPFA Code of Practice.
- Minor presentational changes – To improve clarity and meet statutory requirements.

Officers confirmed that final checks with KPMG were ongoing and requested delegated authority for minor amendments prior to official sign-off. The Committee was assured that these adjustments did not affect the overall financial position or the unqualified audit opinion.

Members welcomed the clarity of the report and raised several points for further explanation:

- Members queried the nature of the valuation errors and whether additional controls would be introduced to prevent recurrence. Officers confirmed that enhanced review processes and validation of floor areas were being implemented.
- A Member requested a breakdown of the proportion of expenditure on salaries and pensions. Officers undertook to provide a written response.
- Clarification was sought on the total amount of government funding received under the Boston Partnership initiative. Officers agreed to confirm this outside the meeting.
- Members asked for comparative figures and trends. Officers undertook to report these at the next meeting.

- Questions were raised about the reduction in property fund returns. Officers explained that this reflected market conditions and lower yields, while overall returns remained positive when income was considered.
- Members queried the disclosure of peppercorn leases and the increase in debt impairment. Officers confirmed these were linked to the implementation of IFRS 16 and arrears analysis.

The Committee noted the importance of maintaining robust processes for year-end accruals and valuation checks, particularly given the complexity of accounting standards.

The recommendations were proposed by Councillor Anton Dani and seconded by Councillor Suzanne Welberry.

Resolved:

- 1. That the audited Financial Statements for 2024/25 be approved for publication;**
- 2. That delegated authority be given to the S151 Officer, in consultation with the Chairman, to approve any amendments prior to official sign-off; and**
- 3. That the S151 Officer be authorised to approve the Letter of Representation on behalf of the Committee.**

36 Annual Governance Statement - Action Plan Update

The Committee received an update on progress against actions arising from the Annual Governance Statement (AGS), presented by the Group Manager – Insights & Transformation. The AGS formed a key part of the Council's governance framework and provided assurance that arrangements were in place to deliver good governance in line with the CIPFA/SOLACE principles.

The update focused on improvement areas identified in the previous statement and confirmed that work was ongoing to strengthen financial planning and governance processes.

Two key actions were highlighted:

- **Medium-Term Financial Strategy (MTFS):** A revised process had been implemented to improve financial planning, monitoring, and reporting, ensuring greater transparency and resilience in budget setting.
- **Proxy Voting and Virtual Meetings:** The Council was monitoring government proposals for new arrangements to allow remote participation and proxy voting. Further guidance was expected nationally, and implementation will follow once legislation is confirmed.

The report provided assurance that no new governance risks had emerged since the last update and that existing actions remained on track.

Resolved:

That the update be noted.

37 Quarter 2 25/26 Risk Report

The Committee received the Quarter 2 Risk Report, presented by the Group Manager – Insights & Transformation. The report provided an update on the Council’s strategic and partnership risk registers as at the end of September 2025 and formed part of the Committee’s regular oversight of risk management arrangements. The BBC Strategic Risks were attached as Appendix A, the Partnership Risk Register was attached as Appendix B and the Fraud Risk Register was attached as Appendix C within the report.

Members were reminded that the Council’s risk management framework was aligned with CIPFA best practice and supported informed decision-making by identifying, assessing, and mitigating risks that could impact service delivery or financial sustainability.

The update confirmed:

- Actions from recent risk workshops were being progressed, including work on defining risk appetite and reviewing mitigation strategies.
- A comprehensive review of all risks would follow the risk appetite workshops scheduled for later in the year.
- Some risks remained marked as “not on target”, and officers undertook to provide detailed explanations and revised timelines in the next quarterly report.

Members welcomed the report and raised several points for clarification:

- Members queried why certain risks were flagged as not on target and requested clarity on revised deadlines and mitigation progress. Officers confirmed that updates would be provided in Quarter 3 and that interim measures were in place to manage exposure.
- A Member expressed concern about the significant delay to the IT server room upgrade project, noting its importance for business continuity and cyber resilience. Officers explained that the delay was due to supply chain issues and confirmed that mitigation work, including temporary resilience measures, was underway. A written update was promised.
- Members highlighted the absence of the Landlords Reform Bill from the risk register and asked whether its implications for housing enforcement and resource planning had been considered. Officers confirmed that this risk was being assessed and would be included in the next review.
- Members asked how the effectiveness of mitigation actions was tested. Officers advised that this was identified as an improvement area in a recent internal audit and that enhanced assurance processes would be introduced.
- Members noted the importance of clearly defining risk appetite and asked how this would be communicated. Officers confirmed that workshops would inform a revised risk appetite statement, which would be reported to the Committee and embedded in governance processes.

The Committee emphasised the need for timely updates on high-impact risks and welcomed the commitment to strengthen assurance over mitigation effectiveness.

Resolved:

That the Quarter 2 Risk Report be noted.

38 2025/26 Mid-Term Treasury Report

The Committee received the Mid-Term Treasury Management Report for 2025/26, presented by the Treasury and Investment Manager, PSPSL. The report provided an update on treasury performance for the first half of the financial year and confirmed compliance with the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice and the Council's approved Treasury Management Strategy. The 2025/26 Mid-Term Treasury Report was attached as Appendix 1 within the report.

Key highlights included:

- **Borrowing Position:** The Council continued to operate with low external borrowing, maintaining a strong liquidity position. External borrowing stood at £1m, with £17.3m internally borrowed against a capital financing requirement of £18.3m.
- **Repayment of LOBO Loan:** The historic LOBO loan with State Street, carrying an interest rate of 11.125%, had been repaid following a one-off offer from the lender. This was replaced with a £1m Public Works Loan Board (PWLb) loan at 4.81% for five years, generating projected savings of approximately £660,000 over the remaining term.
- **Investments:** Investment balances as at 30th September were £31m, achieving an average return of 4.95% on treasury investments and 3.12% on property funds. Compliance with all prudential indicators was confirmed.
- **Property Funds:** Valuations had decreased by £2m compared to purchase cost, reflecting market conditions, although overall returns remained positive when income was considered.

The report assured Members that no difficulties were anticipated for the remainder of the year and that the Council remained within approved treasury and prudential indicators.

Members commended the clarity of the report and raised several points for further explanation:

- A Member queried whether future PWLB borrowing could include a repayment structure to reduce principal over time rather than a maturity loan. Officers confirmed that annuity options were available and would be considered at renewal to manage long-term debt prudently.
- Members asked whether similar yields could be achieved on maturing investments. Officers advised that current market rates are lower, with one-year deposits around 4.4%, and noted that returns were expected to decline as interest rates fall.
- Questions were raised about the impact of property fund performance and whether alternative investment strategies were being considered. Officers confirmed that property funds were under review and that options for exit would be explored when market conditions improve, balancing liquidity needs and long-term returns.
- Members sought clarification on changes to Section 106 financing and the timing of receipts from the M&G property fund liquidation. Officers undertook to provide a written update.
- Members noted the importance of monitoring treasury risks, particularly in light of market volatility and interest rate movements. Officers confirmed that risk appetite remained unchanged and that treasury activity would continue to prioritise security and liquidity over yield.

The Committee acknowledged the proactive approach taken to secure savings through the LOBO loan repayment and commended the Treasury team for achieving a favourable outcome.

The recommendation was moved by Councillor David Scoot and seconded by Councillor Neil Drayton.

Resolved:

That the Mid-Term Treasury Report for 2025/26 be noted and comments recorded for consideration by Council.

39 Counter Fraud, Bribery and Corruption Policy

The Committee received the refreshed Counter Fraud, Bribery and Corruption Policy, presented by the Director of Finance (S151 Officer). The policy, attached as Appendix 1 within the report, formed a critical part of the Council's governance framework and set out the Council's commitment to maintaining the highest standards of integrity and accountability. The update ensured compliance with current legislation and aligned with best practice guidance issued by CIPFA and the Local Government Association.

Key features of the revised policy include:

- A clear zero-tolerance approach to fraud, bribery, and corruption.
- Defined responsibilities for Members, officers, and contractors.
- Procedures for reporting suspected fraud, including whistleblowing channels.
- Confirmation of the role of internal audit in monitoring compliance and undertaking investigations.
- Alignment of the policy across the South & East Lincolnshire Councils Partnership, with minor amendments to ensure correct references to Boston Borough Council.

The policy also reinforced the Council's commitment to proactive fraud prevention measures, including risk-based audits, staff training, and awareness campaigns.

Members welcomed the update and raised several points for clarification and improvement:

- A Member suggested that the wording in the policy should move from "aims" to "will" to emphasise the Council's firm commitment to zero tolerance. Officers agreed to review and strengthen the language accordingly.
- Members queried whether internal audit undertook random spot checks in addition to scheduled reviews. Officers confirmed that spot checks were carried out where appropriate and that internal audit provided assurance on fraud prevention measures through its annual plan and targeted reviews.
- Clarification was sought on delegated authority for minor amendments. Officers confirmed that authority rests with the S151 Officer to make changes required by legislation or statutory guidance without returning to Committee.
- Members asked whether staff and Members received regular training on fraud awareness. Officers confirmed that training was delivered periodically and that refresher sessions would be scheduled following the policy update.

- Members queried whether whistleblowing arrangements were robust and accessible. Officers confirmed that the Whistleblowing Policy complemented the Counter Fraud Policy and provided clear channels for confidential reporting.

The Committee noted the importance of maintaining strong anti-fraud measures, particularly in light of increasing cyber threats and financial pressures.

Resolved:

- 1. That the Counter Fraud, Bribery and Corruption Policy be approved; and**
- 2. That delegated authority be given to the S151 Officer to make minor amendments to reflect changes in legislation or statutory guidance.**

40 Information Governance Annual Update 2024/25

The Committee received the annual update on Information Governance compliance, presented by the Group Information Manager and Deputy Data Protection Officer. The report provided assurance on the Council's adherence to key legislation, including the Data Protection Act 2018, Freedom of Information Act 2000, and Environmental Information Regulations, for the period 1st April 2024 to 31st March 2025. It outlined performance against statutory requirements and highlighted the Council's commitment to transparency and data security.

Key points included:

- Volume of Requests: 724 information requests had been received during the year, with 98.3% responded to within statutory deadlines, exceeding the ICO's benchmark of 95%. Five months achieved 100% compliance.
- Redactions and Refusals: 99 requests had been redacted, primarily for personal data and law enforcement exemptions, and 47 had been refused because the information was already published or scheduled for publication.
- Internal Reviews and ICO Action: Only three internal review requests had been received, and no ICO decision notices had been issued against the Council.
- Data Incidents: 53 data incidents had been reported, none meeting the threshold for ICO notification or resulting in harm or claims.
- Subject Access Requests: 16 subject access requests had been processed, and third-party data requests had been managed in compliance with legal requirements.

The report confirmed that the Council continued to maintain strong governance arrangements and proactive measures to ensure compliance.

Members welcomed the positive performance and raised several points for clarification:

- A Member queried whether any requests had been redacted for health and safety reasons. Officers undertook to confirm this outside the meeting.
- Clarification was sought on how internal reviews were conducted. Officers explained that reviews were carried out by a different officer to ensure independence and reassessment of decisions.

- Members asked whether councillors were informed when FOI requests relate to them. Officers confirmed that councillors were contacted if their input was required to provide recorded information.
- A Member suggested introducing a feedback process to measure satisfaction with FOI responses. Officers noted that statutory processes already allowed escalation to the ICO but agreed to consider options for additional feedback.
- Members queried whether the volume of requests was increasing and what impact this had on resources. Officers confirmed a slight upward trend year-on-year and advised that resource planning was reviewed regularly to maintain compliance.

The Committee commended the strong compliance record and noted the importance of maintaining robust processes in light of increasing public expectations for transparency.

Resolved:

That the Information Governance Annual Update for 2024/25 be noted.

41 Work Programme

The Committee received the updated Work Programme for the Audit & Governance Committee, presented by the Democratic Services Officer. The report outlined scheduled items for forthcoming meetings and invited Members to suggest any additional topics for inclusion.

The Work Programme was a key planning tool to ensure the Committee fulfilled its responsibilities for financial oversight, governance, and risk management in line with statutory requirements and best practice.

The update confirmed that the programme included:

- Regular reports on risk management, treasury performance, and internal audit progress.
- Annual items such as the Statement of Accounts, Annual Governance Statement, and Information Governance Update.
- Forward planning for emerging issues, including legislative changes and partnership governance.

Members noted the volume of reports scheduled for future meetings and raised several points for consideration:

- A Member queried whether additional meetings should be considered to manage heavy agendas. The Chairman advised that while agendas could be lengthy, meetings were structured to ensure all items received appropriate scrutiny and that additional meetings would only be scheduled if necessary.
- Members suggested exploring options to streamline preparation, such as allocating sections of large reports among Members. The Chairman confirmed that this could be considered informally if required.
- Members asked whether the Work Programme was flexible enough to accommodate emerging risks or urgent governance matters. Officers confirmed that the programme was reviewed regularly and could be updated to reflect new priorities.

- A Member highlighted the importance of including Member training sessions within the programme, particularly on technical areas such as treasury management and audit standards. Officers agreed to incorporate training opportunities where appropriate.

The Committee acknowledged the importance of maintaining a clear forward plan to support effective governance and welcomed the assurance that the programme remained adaptable.

Resolved:

That the Work Programme be noted.

The Meeting ended at 8.48 pm.



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|--------------------------|---|
| Report To: | Full Council |
| Date: | 12 th January 2026 |
| Subject: | Annual Scrutiny Report 2024/2025 |
| Purpose: | To receive the annual report of the Environment & Performance Committee and the Corporate & Community Committee |
| Key Decision: | N/A |
| Portfolio Holder: | N/A |
| Report Of: | John Medler, Assistant Director – Governance & Monitoring Officer |
| Report Author: | Amanda Dickinson, Democratic Services Team Leader |
| Ward(s) Affected: | N/A |
| Exempt Report: | No |

Summary

The Council's previous Scrutiny Committees, the Environment & Performance Committee and the Corporate & Community Committee, were required by their Terms of Reference to report annually to Council on their work programme activities undertaken during the previous municipal year. A Joint Scrutiny Annual Report for 2024/2025 has been produced and is attached as Appendix 1 to this report.

The annual report was considered by the Overview & Scrutiny Committee at its meeting on 9th December 2025.

Recommendations

That Full Council receive the Joint Annual Scrutiny Report 2024/2025.

Reasons for Recommendations

To comply with good practice and to inform the Council of scrutiny work undertaken during the 2024/25 municipal year.

Other Options Considered

Not to receive the Joint Annual Scrutiny Report 2024/2025.

1. Background

- 1.1 The Environment & Performance Committee and the Corporate & Community Committee were required, by their Terms of Reference, to consider a report which outlines the work undertaken in the previous year.

2. Report

- 2.1 The report gives an overview of the activities undertaken during the 2024/2025 municipal year by both the Environment & Performance Committee and the Corporate & Community Committee.
- 2.2 The report does not serve to reproduce the reasons for scrutiny of items nor the outcome of discussion. The report can, however, serve as a signpost for interested parties to obtain further information from the Boston Borough Council website where agendas and minutes are published.
- 2.3 The Overview & Scrutiny Committee meeting on 9th December 2025, considered the report.

3. Conclusion

- 3.1. In presenting the information in the attached report, the work undertaken by Boston Borough Council's Environment & Performance Committee and Corporate & Community Committee 2024/2025 is clearly defined.

Implications

South and East Lincolnshire Councils Partnership

None.

Corporate Priorities

None.

Staffing

None.

Workforce Capacity Implications

None.

Constitutional and Legal Implications

The Environment & Performance Committee and the Corporate & Community Committee, were required by their Terms of Reference to report annually to Council on their work programme activities undertaken during the previous municipal year.

Data Protection

None.

Financial

None.

Risk Management

None.

Stakeholder / Consultation / Timescales

None.

Reputation

None.

Contracts

None.

Crime and Disorder

None.

Equality and Diversity / Human Rights / Safeguarding

None.

Health and Wellbeing

None.

Climate Change and Environment Impact Assessment

None.

Acronyms

None.

Appendices

Appendices are listed below and attached to the back of the report:

Appendix 1 Joint Annual Scrutiny Report 2024/2025

Background Papers

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

Chronological History of this Report

A report on this item was considered by the Overview & Scrutiny Committee meeting on 9th December 2025.

Report Approval

Report author: Amanda Dickinson, Democratic Services Team Leader
amanda.dickinson@boston.gov.uk

Signed off by: John Medler, Assistant Director – Governance & Monitoring Officer
john.medler@e-lindsey.gov.uk

Approved for publication: John Medler, Assistant Director – Governance & Monitoring Officer
john.medler@e-lindsey.gov.uk



Overview & Scrutiny Annual Report 2024/2025



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The Role and Function of Scrutiny

Overview and Scrutiny is about improving performance and securing better services for local people. During 2024/25, most executive decisions were taken by the Cabinet. The role of Overview and Scrutiny is to hold the Cabinet to account for its decisions, assist in the development of policy, and monitor performance. Whilst Overview and Scrutiny committees cannot compel change, their influence is exercised through evidence-based reviews and the making of recommendations.

Within Boston Borough Council, scrutiny during 2024/25 was undertaken through two committees: the Environment and Performance Committee and the Corporate and Community Committee. On matters of mutual interest, the committees met jointly. In addition, a framework for joint scrutiny activity across the South and East Lincolnshire Councils Partnership (S&ELCP), comprising Boston, South Holland and East Lindsey, enabled members to scrutinise common strategic issues that benefit from a partnership approach.

Introduction from the Chairmen of the Scrutiny Committees

Environment and Performance Committee (E&P)

Firstly, I would like to thank Councillor Lina Savickiene for acting as my Vice and Councillor Stuart Evans for filling the role as required. May I also thank the committee for all their hard work over the past year.

E and P is no longer a committee – it has merged with Overview and Scrutiny as a cost saving exercise. As an opposition Chair I have done what I should and hold the council to account, I was fortunate to have a robust committee and together we strengthened our scrutinising skills.

The only topic we wished to scrutinise and failed was with National Grid and the massive new pylons that are to be erected through our green and beautiful landscape. Disappointingly National Grid cancelled the meeting a few days before it was due to take place.

It was interesting this year to be scrutinising the Guildhall, this came under scrutiny some 9/10 years ago and sadly we are still kicking the can down the road.

May I take this opportunity of thanking our experienced officers for all the support and time they have given to the committee.

Councillor Claire Rylott

Chairman of the Environment and Performance Committee



Corporate and Community Committee (C&C)

This year saw a consolidation of the committee with all the training and hard work of the first year bearing fruit. It was good to see that members were coming well prepared with constructive questions and ideas on how to improve policy as well as developing new areas for the committee to look at.

The committee also benefited immensely from great support from officers whose knowledge and ability enabled the committee to operate very efficiently. Councillor Paul Gleeson Chairman of the Corporate and Community Committee.

Councillor Paul Gleeson

Chairman of the Corporate and Community Committee



Committees Memberships 2024/2025

Environment & Performance

Cllr Claire Rylott *Chairman*

Cllr Lina Savickiene *Vice Chairman*

Cllr Alison Austin

Cllr Neil Drayton

Cllr Stuart Evans

Cllr Mike Gilbert

Cllr Andy Izzard

Cllr Patricia Marson

Cllr Ralph Pryke

Cllr David Scoot

Cllr Suzanne Welberry

Corporate and Community

Cllr Paul Gleeson *Chairman*

Cllr Suzanne Welberry *Vice Chairman*

Cllr Jyothi Arayambath

Cllr Richard Austin BEM

Cllr David Brown

Cllr Anton Dani

Cllr Neil Drayton

Cllr Andy Izzard

Cllr Chris Mountain

Cllr Barrie Pierpoint

Cllr Helen Staples

As the role of Scrutiny is to hold Cabinet to account, neither panel can include membership from the Cabinet.

Corporate Management Support

During 2024/2025, each scrutiny committee was supported by relevant members of the Corporate Management Team. Officer support ensured appropriate scheduling, timely reporting and follow-up, and access to specialist expertise when required.

Support for the Environment & Performance Committee was provided by:



Christian Allen the Assistant Director
Regulatory

Support for the Corporate and Community Committee was provided by:



Andy Fisher the Deputy Chief Executive
(Programme Delivery) and Assistant Director
General Fund Assets

Committee Meetings and Summary of Work

Both committees undertook a full programme of work across the municipal year. In addition to standing items such as forward plan monitoring and quarterly performance reporting, the committees received and scrutinised policy proposals, strategies, consultations and service updates relevant to their functions.

Environment and Performance Committee

Items and reports considered:

- Crime and Disorder Partnership Update — annual report on initiatives and performance, including local ASB campaigns.
- CCTV Function — operational updates and performance; recommended the revised CCTV Policy to Cabinet.
- Quarterly Performance Reports — monitoring of service performance and identification of future scrutiny topics.
- Environment Policy — endorsement of the revised Environment Policy to support the sub-regional strategy.
- Boston Markets Policy and Severe Weather Policy — updates following service review; feedback provided to Cabinet and Full Council.
- Guildhall Action Plan — progress update on service delivery improvements; achievements and future plans noted.
- Boston Market Development Plan — progress against actions and proposed future improvements.
- Public Spaces Protection Order (PSPO) — proposed bird feeding controls in designated town centre areas; recommended to Cabinet following consultation.
- Joint scrutiny items — contributions to SELCP-wide task and finish activity where appropriate.

Corporate and Community Committee

Items and reports considered:

- Artificial Intelligence Policy — draft policy reviewed with comments on scope and implementation principles.
- Street Naming and Numbering Policy — recommended to Cabinet for adoption.
- Customer Feedback Policy — considered the revised approach for implementation across the Partnership.
- South and East Lincolnshire Councils Partnership Private Sector Housing Strategy — endorsed priorities for action and delivery.
- Boston Town Centre Strategy and Action Plan 2023–2027 — Year One (2024) review; endorsed continued delivery.
- LGA Peer Review Action Plan — progress monitoring and continued oversight.
- Boston Plan 2040 — draft plan reviewed; feedback provided to inform finalisation.
- Working in Partnership with the Voluntary and Community Sector — overview received and approach supported.
- Council/PSPS Transformation and Service Modernisation Programme — information considered and feedback provided (exempt).
- South & East Lincolnshire Partnership — Healthy Living Board update; supported recommendations from SELCP joint scrutiny.
- Local Council Tax Support Scheme (2025/26) — consultation proposals reviewed; feedback provided.
- Budget Overview 2025/26–2029/30 — draft budget and medium-term financial strategy scrutinised and recommended to Cabinet.

Joint Scrutiny Panel

Where subjects warranted collective consideration, the Environment and Performance Committee and the Corporate and Community Committee met jointly. In addition, Boston members participated in S&ELCP task and finish work to review partnership-wide matters. Key joint scrutiny activity included:

- Scope and proposed arrangements for a sub-regional Leisure Facilities Operator Contract — membership agreed; recommendations progressed.
- Annual joint scrutiny of the South & East Lincolnshire Councils Partnership — findings endorsed for presentation to Cabinet and sovereign committees.
- Scrutiny arrangements review — options explored for future arrangements; preferred model recommended to Full Council.

Suggestion/Request for Scrutiny

Boston Task and Working Groups

- Member Working Group: Review of Car Parking in Boston (town centre) — met on 23 November 2023; outcomes reported to the Environment and Performance Committee on 5 September 2024; recommendations presented to Cabinet on 16 January 2025.
- Enviro Crime review — convened by the Environment and Performance Committee as part of SELCP joint scrutiny programme.

Partnership Task Groups

- Sub-regional Leisure Facilities Operator Contract — task and finish group reviewed contract scope and proposed arrangements.
- Annual joint scrutiny of the S&ELCP — review of partnership progress and opportunities across the sub-region.
- Partnership Enviro Crime Enforcement Contract — review of operation, performance and benefits of the contract.

Alternative Ways of Working

To support effective member engagement, a series of informal briefings were held to share information and invite questions. Briefings during 2024/2025 included:

- 3 June 2024 — PE21 / Rosegarth Square Development (Member Briefing)
- 20 June 2024 — SELCP Leisure Operator Procurement (BBC Member Briefing)
- 27 June 2024 — Long Term Plan for Towns Funding (Briefing for Members)
- 31 July 2024 — Data Protection (Members Briefing)
- 23 September 2024 — PSPS Councillor Briefing on Artificial Intelligence in Local Government
- 13 November 2024 — Council/PSPS Service Modernisation Programme (Member Briefing)
- 25 November 2024 — Budget (Member Briefing)
- 4 December 2024 — Partnership-wide Member briefing: Budget/MTFS Update
- 28 January 2025 — Implications of the English Devolution Bill White Paper (Briefing)
- 29 January 2025 — Climate Change and Environment Impact Assessment Tool (Briefing)
- 3 March 2025 — Local Government Reorganisation (Briefing)
- 18 March 2025 — Community Flood Resilience (Member Briefing)
- 28 April 2025 — UKSPF & Funding (Boston Borough) (Briefing)
- 13 May 2025 — National Grid — Eastern Green Link 3 (EGL3) and Eastern Green Link 4 (EGL4) Stage 2 Consultation (Member Briefing)

Looking Ahead

Following a decision by Full Council on 19 May 2025, a revised scrutiny structure for the 2025/2026 municipal year will be implemented, with a single, standalone Overview and Scrutiny Committee comprising 15 members and a six-month review of the new arrangements. The committee's forward work programme is expected to include:

- Continued oversight of the LGA Peer Review Action Plan and wider transformation and modernisation programmes.
- Delivery monitoring of the Boston Town Centre Strategy and Action Plan (2023–2027).
- Progress on the Boston Plan 2040 and associated consultation and implementation activities.
- Compliance preparation for new Waste-related policies and procedures under the Environment Act 2021.
- Scrutiny of health and wellbeing priorities via the S&ELCP Healthy Living Board and related action plans.
- Consideration of Local Government Reorganisation (LGR) developments and implications for governance and services.
- Use of the Climate Change and Environment Impact Assessment Tool across decision-making.
- Community Flood Resilience and associated preparedness activities.
- Engagement with National Grid consultations (EGL3 and EGL4) and local impacts, as appropriate.
- Oversight of UKSPF-funded programmes and outcomes.

For more information of issues covered by the Overview and Scrutiny Committee, please visit the BBC website: Boston Borough Council (<https://democracy.boston.gov.uk/ieListMeetings.aspx?CId=339&Year=0>)

Contact



Boston Borough Council, Municipal Buildings, West Street, Boston PE21 8QR



01205 314591



demservices@boston.gov.uk



www.boston.gov.uk

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| | |
|--------------------------|--|
| Report To: | Full Council |
| Date: | 12 th January 2026 |
| Subject: | Democratic Arrangements – Appointment to Outside Body 2025/26 |
| Purpose: | To make an appointment to an outside body for the 2025/26 Civic Year, where a vacancy has arisen since the Annual Meeting in May 2025. |
| Key Decision: | N/A |
| Portfolio Holder: | N/A |
| Report Of: | John Medler, Assistant Director – Governance & Monitoring Officer |
| Report Author: | Amanda Dickinson, Democratic Services Team Leader |
| Ward(s) Affected: | None |
| Exempt Report: | No |

Summary

The purpose of this report is to make an appointment to an outside body where a vacancy has arisen.

Recommendations

That the Council seeks nominations and makes an appointment to the outside body listed in Appendix 1 – Part 1, where a vacancy has arisen, with such appointment to automatically cease at the end of the Civic Year 2025/26.

Reasons for Recommendations

To support the work of the outside body listed in Appendix 1.

Other Options Considered

- Not to make the appointment to the outside body.

1. Background

- 1.1 At its Annual Meeting on 19th May 2025, the Council made appointments to various outside bodies for the Civic Year 2025/26.

2. Report

2.1. Vacancies on Outside Bodies

- 2.1.1. Since the Annual Meeting a vacancy has arisen on the following body:

- Sir Thomas Meddlecott and Others Charity Trust (Skirbeck Quarter Charities) – 1 vacancy

- 2.1.2. In accordance with the charity's constitution, Boston Borough Council is entitled to appoint three Trustees, not restricted to Elected Members. Appointments are made for the Civic year and may be, but do not have to be, elected Members of the Council.

- 2.1.3. Group Leaders have been advised of the vacancy and invited to submit nominations for Council's consideration. Details of nominations received are attached within Appendix 1.

Implications

South and East Lincolnshire Councils Partnership

None

Corporate Priorities

None

Staffing

None

Workforce Capacity Implications

None

Constitutional and Legal Implications

Appointments are made in accordance with the provisions set out in the Council's Constitution.

Data Protection

None

Financial

None.

Risk Management

None

Stakeholder / Consultation / Timescales

Group Leaders are consulted as part of the review process; and details of the vacancy is shared with Political Group Leaders.

Reputation

None

Contracts

None

Crime and Disorder

None

Equality and Diversity / Human Rights / Safeguarding

None

Health and Wellbeing

None

Climate Change and Environment Impact Assessment

Not Undertaken

Acronyms

None

Appendices

Appendices are listed below and attached to the back of the report:

Appendix 1 Council vacancy on Outside Body 2025/26

Background Papers

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

Chronological History of this Report

A report on this item has not been previously considered by a Council body.

Report Approval

| | |
|---------------------------|---|
| Report author: | Amanda Dickinson, Democratic Services Team Leader amanda.dickinson@boston.gov.uk |
| Signed off by: | John Medler, Assistant Director – Governance & Monitoring Officer john.medler@e-lindsey.gov.uk |
| Approved for publication: | John Medler, Assistant Director – Governance & Monitoring Officer john.medler@e-lindsey.gov.uk |



Boston Borough Council

Council Representation on Outside Bodies

Part 1 – Annual Appointments 2025/26

| Organisation | Period of Appointment | Previous Appointees | Nominations |
|--|--------------------------------------|--|-------------|
| Sir Thomas Meddlecott and Others Charity Trust (Skirbeck Quarter Charities) <i>(3 Trustees – Not restricted to Elected Members)</i> | Civic Year 1 x vacancy | Alison Austin Gleeson Mr R Lenton (Lay member) | Drayton |

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| | |
|--------------------------|---|
| Report To: | Full Council |
| Date: | 12 th January 2026 |
| Subject: | Community Governance Review – Stage 1 Consultation Outcomes and Draft Recommendations |
| Purpose: | To present the draft recommendations of the Community Governance Review (CGR) Working Group following the Stage 1 consultation and seek approval to publish these for Phase 2 consultation. |
| Key Decision: | N/A |
| Portfolio Holder: | Councillor Mike Gilbert, Deputy Leader of the Council, Chairman of the Community Governance Review Working Group |
| Report Of: | John Medler, Assistant Director – Governance and Monitoring Officer |
| Report Author: | Amanda Dickinson, Democratic Services Team Leader |
| Ward(s) Affected: | All BTAC Wards and Wyberton Ward |
| Exempt Report: | No |

Summary

This report provides an update on the Community Governance Review (CGR) for the unparished areas of Boston. It outlines the findings from the Stage 1 consultation, presents the draft recommendations agreed by the CGR Working Group, and seeks approval to publish these recommendations for a second phase of public consultation.

The review seeks to ensure that Boston residents continue to benefit from strong, accountable, and locally representative governance arrangements. The consultation explored whether a new Parish Council should be established for the unparished area of Boston and whether any changes should be made to existing parish boundaries to incorporate unparished areas.

Recommendations

Council is asked to:

1. Note the outcomes of the Stage 1 consultation;
2. Approve the draft recommendations of the CGR Working Group for publication and Stage 2 consultation as listed below:
 - Establish a single parish of Boston for the unparished area of Boston, covering the Boston Town Area Committee footprint.
 - Alter the Wyberton parish boundary to incorporate two small unparished areas south of Boston (see Appendix 3) into the parish of Wyberton.
 - That the Council size for the parish of Boston be 22 Councillors, based on national guidance and proportional representation for an electorate of approximately 23,000 (forecast to rise to 25,000 by 2030).
 - That the parish of Boston be warded into seven wards (see Appendix 4), aligned with the existing borough ward boundaries to ensure clarity and coterminosity, as follows:

| Name of Parish Ward | Number of Councillors to be elected to the Parish Ward |
|--------------------------------|--|
| Fenside | 3 |
| Skirbeck | 5 |
| St Thomas | 2 |
| Staniland & Station (combined) | 4 |
| Trinity | 3 |
| West | 2 |
| Witham | 3 |

- That the first elections for the proposed new and revised electoral arrangements be in May 2027, aligning with the ordinary parish council electoral cycle.

Reasons for Recommendations

The recommendations are necessary to progress the Community Governance Review. They reflect the preferences expressed during the first stage of consultation, support effective community governance, and align with statutory guidance.

Approval at this stage will also ensure that community new governance arrangements for the unparished area of Boston are considered ahead of Local Government Reorganisation.

Other Options Considered

- Do nothing – rejected as inconsistent with the Council’s duty to keep governance arrangements under review and with public support for parishing; would leave the unparished area without a locally elected tier post-Local Government Reorganisation; or
- Alternative governance models – discounted due to weaker alignment with community identity (Stage 1 showed clear support for one council), increased complexity and cost, and greater risk of fragmented governance.

1. Background

- 1.1 On 3 March 2025, Full Council resolved to undertake a Community Governance Review under Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007. The review was prompted by the Government’s Local Government Reorganisation programme, which will abolish Boston Borough Council and create a new unitary authority.
- 1.2 The Terms of Reference for the review were approved and published on 14 July 2025, marking the formal start of the process. The scope includes whether a new parish council should be created for the unparished area of Boston, whether any changes should be made to existing parish boundaries, and what electoral arrangements should apply. A copy of the Terms of Reference is attached at Appendix 1.
- 1.3 To oversee the process, a CGR Working Group was established in June 2025. The Working Group has met six times between June and December 2025 to agree consultation strategies, analyse responses, and develop draft recommendations. Membership was updated in November and now comprises Councillors Anton Dani, Mike Gilbert, Paul Gleeson, Andy Izard, Barrie Pierpoint, Suzanne Welberry, and Stephen Woodliffe. At the CGR Working Group meeting on 20th November Councillor Mike Gilbert was appointed as Chairman.
- 1.4 The Stage 1 consultation ran from 14 July to 26 August 2025 and invited views from residents and stakeholders on future governance arrangements for Boston. A total of 126 responses were received, with strong support expressed for the creation of a parish council for Boston Town.

2. Report

2.1. Stage 1 Consultation

- 2.1.1. The consultation received 126 responses (125 online and 1 paper). Of these, 73% supported the creation of a parish council for Boston, and 82% preferred one council covering the whole town. Views on boundary changes were mixed, with 24% supporting changes, 48% opposing, and 28% unsure. Key themes included a desire for local accountability and civic pride, protection of Boston’s identity and traditions, and concerns about duplication and cost. The full consultation paper is attached at Appendix 2.

- 2.1.2. Postcode analysis confirmed responses were received from across the town and surrounding areas, including PE21, PE20, and PE22 districts, demonstrating broad geographic engagement. Qualitative feedback highlighted strong themes of civic pride, the importance of protecting Boston's heritage and identity, and retaining civic assets such as the mayoralty. Respondents also raised concerns about duplication of services and associated costs, particularly in relation to BTAC, alongside calls for greater local accountability and transparency. These insights provide a clear mandate for the Working Group's recommendations and demonstrate broad geographic engagement across Boston and its hinterland.

2.2. **Draft Recommendations and Methodology**

2.2.1. **Recommendation 1: Establish a single parish of Boston for the unparished area of Boston, covering the Boston Town Area Committee footprint.**

The recommendation to establish a single parish of Boston for the unparished area of Boston covering the BTAC footprint is based on clear evidence from the Stage 1 consultation, which demonstrated strong public support for parishing and a preference for one council covering the whole town. This approach meets the statutory tests under the Local Government and Public Involvement in Health Act 2007 by reflecting community identity and providing effective and convenient governance. A single council will ensure that Boston residents have a unified voice and avoid the complexity and duplication that would arise from multiple smaller councils. The Working Group considered alternative models, including multiple councils or maintaining the status quo, but these were discounted due to weaker public support and concerns about governance fragmentation. Benchmarking against similar reviews in Harrogate, Scarborough, and Grantham confirms that a single-council model is widely regarded as best practice for urban areas of comparable size.

2.2.2. **Recommendation 2: Alter the Wyberton parish boundary to incorporate two small unparished areas south of Boston (see Appendix 3) into the parish of Wyberton.**

Two small areas south of Boston currently fall outside any parish governance structure. The Working Group recommends transferring these areas into Wyberton Parish to maintain coterminosity and avoid fragmented boundaries. This proposal reflects natural community ties and service linkages between these areas and Wyberton, ensuring that governance arrangements remain practical and coherent. Further direct engagement with Wyberton Parish Council will take place during Phase Two consultation. This recommendation satisfies the statutory requirement to consider other arrangements for community representation and ensures that all residents are included within a parish governance framework. A map detailing the current and proposed Wyberton Parish boundary and electorate is attached at Appendix 3.

2.2.3. **Recommendation 3: That the Council size for the parish of Boston be 22 Councillors, based on national guidance and proportional representation for an electorate of approximately 23,000 (forecast to rise to 25,000 by 2030).**

The proposed council size of 22 members is based on national guidance from the National Association of Local Councils and research by Aston Business School,

which recommend between 21 and 24 councillors for towns with an electorate of over 20,000. Boston's current electorate is approximately 23,000, with forecasts indicating growth to 25,000 by 2030. Detailed modelling of elector-to-councillor ratios across proposed wards demonstrates that this number provides balanced representation while maintaining manageable workloads for councillors. A council of this size will also ensure sufficient capacity for committee structures and effective governance without creating an unnecessarily large body.

In developing this recommendation, the Working Group explored a range of options from 14 to 24 councillors, modelling allocations across wards to ensure proportional representation. This analysis considered both current electorate figures and forecasts for 2030, with adjustments made to maintain fairness and practicality. The final proposal of 22 councillors reflects national guidance and benchmarking while balancing effective governance with manageable council size.

2.2.4. Recommendation 4: That the parish of Boston be warded into seven wards (see Appendix 4), aligned with the existing borough ward boundaries to ensure clarity and coterminosity, as follows:

| Name of Parish Ward | Number of Councillors to be elected to the Parish Ward |
|--------------------------------|--|
| Fenside | 3 |
| Skirbeck | 5 |
| St Thomas | 2 |
| Staniland & Station (combined) | 4 |
| Trinity | 3 |
| West | 2 |
| Witham | 3 |

In line with paragraphs 163 and 166 of the government's guidance on community governance reviews (DCLG & LGBCE, 2010), the Council has considered the implications of electoral representation and warding arrangements. The guidance recognises that achieving perfect equality may not be possible without breaking established boundaries; therefore, the proposed model prioritises clarity and consistency with existing Ward boundaries while ensuring fair representation.

The Working Group proposes dividing the new parish into seven wards aligned to existing borough ward boundaries: Fenside, Skirbeck, St Thomas, Staniland & Station (merged), Trinity, West, and Witham. This approach maintains clarity for voters, simplifies electoral administration, and respects established community identities. Aligning parish wards with borough wards achieves coterminosity, meaning the boundaries of the new parish wards match the existing borough ward boundaries. This is considered best practice because it reduces confusion for electors, avoids creating polling districts that cross multiple boundaries, and supports efficient electoral management. It also provides a strong foundation for future reviews by the Local Government Boundary Commission for England, as coterminous boundaries are easier to maintain and use as building blocks for district and parliamentary boundaries. Merging Station and Staniland wards addresses a significant variance in elector ratios that would otherwise occur, ensuring proportional representation across the parish. Retaining familiar ward names supports community engagement and continuity, while alignment with

borough wards ensures simplicity and legal consistency. A map detailing the proposed Boston parish warding and electorate is attached at Appendix 4.

2.2.5. Recommendation 5: That the first elections for the proposed new and revised electoral arrangements be in May 2027, aligning with the ordinary parish council electoral cycle.

The recommendation that the first elections for the proposed new and revised electoral arrangements be held in May 2027 ensures alignment with the ordinary parish council electoral cycle and compliance with the statutory timetable for completing the review. This schedule provides sufficient time to conduct Phase Two consultation, agree final recommendations, and prepare the Reorganisation Order by July 2026, followed by necessary updates to the electoral register. Holding the elections in May 2027 as part of the standard cycle will minimise disruption and costs while providing clarity and certainty for residents and electoral administrators. This approach reflects best practice adopted in other areas undertaking similar governance reviews.

3. Updated Project Timeline

- 3.1. The project remains on track for delivery. Key milestones include publication of draft recommendations in January 2026, Phase Two consultation in February and March 2026, final recommendations to Full Council in May 2026, and preparation of the Reorganisation Order by July 2026.

4. Second Consultation Proposal

- 4.1. The second stage will seek views on the draft recommendations, including the proposed parish boundary, council size, and warding arrangements. The consultation will run between February and March 2026 and will include an online survey and dedicated webpage; targeted mailings and social media campaigns; and community events.

4. Conclusion

- 4.1. The Stage 1 consultation demonstrates clear support for creating a parish council for Boston. The draft recommendations meet statutory requirements, reflect community identity, and propose practical arrangements that can be delivered within the published timetable.

Implications

South and East Lincolnshire Councils Partnership

None.

Corporate Priorities

The Community Governance Review will support wider corporate plan objectives by ensuring that community governance is appropriate within the Borough.

Staffing

Dedicated resources are in place to manage delivery of this review.

Workforce Capacity Implications

Community governance reviews are resource intensive and require significant input from a range of services such as Legal, Democratic, Elections, Communications and Consultation.

Community Governance Reviews are ordinarily scheduled to be undertaken between major election periods as this provides the necessary time to concentrate on the CGR process which can be complex and require significant officer resource. The Council is also having to consider proposals for Local Government Reorganisation in Lincolnshire.

Dedicated resources are in place to manage delivery of this review.

Constitutional and Legal Implications

These proposals have been developed in accordance with Section 93 of the LGPIHA 2007 and meet the three legal tests:

1. Community identity and interests – The proposals reflect the distinct identity of Boston Town and the views expressed during consultation.
2. Effective and convenient governance – A single council for Boston will streamline decision-making.
3. Consideration of other arrangements – Existing structures such as BTAC have been considered and will be transitioned appropriately.

The Council has had regard to the statutory guidance issued by the Secretary of State and the LGBCE, including the importance of transparency, consultation, and the use of parish boundaries as building blocks for future electoral arrangements.

Data Protection

There are no specific data protection implications relating to the consultation as no personal data was requested. The postcode data was requested in short form to avoid unnecessary identification of personal addresses. Consultation responses are kept for a maximum of 3 years in line with the Council's retention policy. Where consultees have concerns, they are directed to the Data Protection policy on the website and the Data Protection Officer.

Financial

The Community Governance Review will incur resourcing, professional advice and consultation related costs which will be funded from the allocated budget of £50,000 approved at Full Council in March 2025.

Risk Management

The following key risks have been identified:

- Resourcing and timing of the review – As set out in the workforce capacity implications section of the report there are identified resourcing challenges in undertaking this Community Governance Review. The aim will be to mitigate these through the use of additional dedicated resources and careful timetabling within the review.
- Non-compliance with Government policy and legislation – This will be mitigated through review of legislation, statutory guidance and acquiring legal and other professional advice during the review.
- Local Government Reorganisation – Decisions taken through this process could impact on the delivery of the review.
- Transitional arrangements – Should the outcome of the review be the creation of a new Parish and Council then transitional arrangements will require considering, for example precept arrangements. These will be further explored as plans develop as part of the Review.

Stakeholder / Consultation / Timescales

Public consultation is taking place in accordance with the Terms of Reference, Legislation, Statutory Guidance and the principles of consultation.

Reputation

None.

Contracts

None.

Crime and Disorder

None.

Equality and Diversity / Human Rights / Safeguarding

The review will invite communities to input into the governance arrangements that affect them. Equality and Diversity implications will be considered throughout the Community Governance Review, particularly in relation to the consultation process to ensure that all residents and stakeholders are able to participate and submit their views.

Health and Wellbeing

None.

Climate Change and Environment Impact Assessment

Not undertaken.

Acronyms

CGR – Community Governance Review

DCLG – Department of Communities and Local Government

LGBCE – Local Government Boundary Commission for England
LGPIHA – Local Government and Public Involvement in Health Act 2007

Appendices

Appendices are listed below and attached to the back of the report:

| | |
|------------|--|
| Appendix 1 | Terms of Reference |
| Appendix 2 | Phase 1 Consultation Feedback |
| Appendix 3 | Map of current and proposed Wyberton Parish Boundary |
| Appendix 4 | Map of proposed Boston Parish Warding |

Background Papers

Background papers used in the production of this report are listed below: -

| Document title | Where the document can be viewed |
|--|---|
| Guidance on community governance reviews (DCLG and LGBCE) 2010 | https://assets.publishing.service.gov.uk/media/5a78e983ed915d0422066530/1527635.pdf |

Chronological History of this Report

A report on this item has not been previously considered by a Council body.

Report Approval

| | |
|---------------------------|--|
| Report author: | Amanda Dickinson, Democratic Services Team Leader Amanda.Dickinson@boston.gov.uk |
| Signed off by: | John Medler, Assistant Director – Governance & Monitoring Officer John.Medler@e-lindsey.gov.uk |
| Approved for publication: | Councillor Mike Gilbert, Chairman of the Community Governance Review Working Group Mike.Gilbert@boston.gov.uk |

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BOSTON BOROUGH COUNCIL

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

**COMMUNITY GOVERNANCE REVIEW OF THE UNPARISHED AREA WITHIN THE BOROUGH OF
BOSTON**

TERMS OF REFERENCE

1. INTRODUCTION

1.1. Boston Borough Council ('the Council') has resolved to undertake a community governance review ('the review') of the unparished area within the Borough of Boston with a view to the creation of a parish or parishes and council(s) to serve all or part of that area.

1.2. The review will consider:

- I. whether any changes should be made to community governance arrangements within the area under review, including whether any new parish(es) should be created and whether any new parish council(s) should cover only some or all of the currently unparished area,
- II. whether any existing parish boundaries should be amended to include areas within the unparished area ;
- III. the electoral arrangements for any proposed parish council(s) or existing Parish Councils impacted by the review.
- IV. Any other relevant issues that are submitted in response to the review consultation process.

1.3. In undertaking this review the Council will have regard to the Guidance on Community Governance Reviews issued in March 2010 by the Secretary of State for Communities and Local Government and will comply with Part 4 of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act') as amended, the relevant parts of the Local Government Act 1972 and regulations issued under those acts.

1.4. Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the council to publish its terms of reference for a review, clearly setting out the focus of the review. These terms of reference fulfil this requirement by setting out information including the reasons for the review, its projected process and timescale, the matters that it will address and principles that the Council considers should guide the review. The terms of reference will be published on the Council's website and in hard copy and will be made available at the Council offices. The Chief Executive will have delegated powers to modify and republish the Terms of Reference.

Why undertake a Community Governance Review?

1.5. Town and parish councils are the most local tier of government in England. They are democratically elected and can play an important role in representing their local community, delivering services to meet local needs and promoting community wellbeing.

They may exercise a variety of powers and duties including the delivery of some local services and may also enter into discussions with the principal councils (e.g. Boston Borough Council, Lincolnshire County Council and any future unitary authority) about the transfer of services, budgets and assets subject to mutual agreement. Town and parish councils are funded principally through an annual precept – an additional amount added to the Council Tax in their area. A Parish Council may resolve to be called a Town Council. There is no difference between a Parish Council or Town Council in terms of powers or duties.

- 1.6. The Council is undertaking the review as currently there is an unparished area within the Borough of Boston. Any new Councils established could play a full and proper part, alongside existing parish councils representing all other areas in Boston, in future negotiations with any proposed Unitary Authority (established in accordance with the Government's English Devolution White Paper) on any local devolution framework plans.
- 1.7. Town or parish councils may promote community engagement and effective local government. Government guidance states that it is good practice for principal councils to conduct a community governance review every 10-15 years, except in areas with very low populations.

Community governance reviews

- 1.8. A community governance review is a review of the whole or part of a principal council's area to consider one or more of the following:
 - (i) Creating, merging, altering or abolishing parishes;
 - (ii) The naming of parishes and the style of new parishes;
 - (iii) Whether a parish council should be established for a new parish area;
 - (iv) The electoral arrangements for parishes (the ordinary year of election; council size; the number of councillors to be elected to the council, and any parish warding); and/or
 - (v) Grouping parishes under a common parish council or de-grouping parishes.
- 1.9. In accordance with the 2007 Act the Council will have regard to the need to secure community governance within the area under review which:-
 - (i) Is reflective of the identities and interests of the community in that area;
 - (ii) Provides for effective and convenient local government; and
 - (iii) Takes into account any other arrangements for the purposes of community representation or community engagement in the area.
- 1.10. In accordance with Government guidance, when considering the above criteria the Council will also take into account the impact of community governance arrangements on community cohesion and the size, population and boundaries of a local community or parish; and will seek to make recommendations that bring about improved community engagement, better local democracy and result in more effective and convenient delivery of local services.

Responsibility for the review

- 1.11. As the relevant principal council, Boston Borough Council is responsible for conducting any community governance review within its electoral area and for deciding whether to give effect to the recommendations of the review.
- 1.12. In accordance with regulations issued under the Local Government Act 2000, functions relating to Community Governance Reviews are not to be the responsibility of an authority's executive.
- 1.13. The management of the review will be the responsibility of officers. The Chief Executive will have delegated powers to undertake the review including authority to modify and republish the Terms of Reference.
- 1.14. The review will be overseen by the Community Governance Review Working Group who will prepare draft proposals for consultation and propose final recommendations. The Council itself will agree the draft proposals for consultation, final recommendations and make any Reorganisation of Community Governance Order required to implement the outcome of the review.

2. CONSULTATION

- 2.1. In coming to its recommendations in the review, the Council will take account of the views of local people and stakeholders. Legislation requires the Council to consult the local government electors for the area under review and any other person or body who appears to have an interest in the review, and to take the representations that are received into account by judging them against the criteria in the 2007 Act.
- 2.2. In order to promote community engagement and transparency in the community governance review, the Council will:-
 - (i) Publish these terms of reference;
 - (ii) Publicise the review as widely as possible including using electronic means and social media and seek to engage the local media in reporting the issues under review;
 - (iii) Consult local electors and other residents, business organisations, community groups, other local organisations, political parties and elected representatives for the areas under review, Lincolnshire County Council and parish councils which neighbour the unparished area;
 - (iv) Make key documents available at the Council offices;
 - (v) Accept submissions by post or via e-mail or the Council's website;
 - (vi) Take into account representations received in connection with the review; and
 - (vii) Publicise the recommendations and outcome of the review.
- 2.3. The Council will consider each matter under review on its merits and on the basis of the information and evidence provided during the course of the review.

3. THE TIMETABLE FOR THE REVIEW

- 3.1. The Review begins when the council publishes its terms of reference and concludes when it publishes the recommendations made in the review. These terms of reference will be published formally (following approval by council) prior to the first meeting of the Working Group at which review business is to be considered.
- 3.2. Information about the stages of the review will be published on the council's website with key documents available to view at Municipal Buildings, West St, Boston PE21 8QR (by appointment).

4. THE AREA TO BE COVERED BY THE REVIEW

- 4.1. The review will cover the currently unparished area of Boston.
- 4.2. The plan attached at Appendix A shows the area under review including the existing parish and district ward boundaries within that area.

5. ISSUES FOR CONSIDERATION IN THE REVIEW

Parish areas and parish councils

- 5.1. The review will consider whether any changes should be made to the community governance (parish) arrangements within the area under review , including:-
 - (i) whether or not a new parish or parishes should be created in areas that are currently unparished, or any other arrangements for some or all of those areas;
 - (ii) in the event that a new parish or parishes are created, whether they should have a council or councils;
 - (iii) whether any new parish council for Boston should cover only some or all of the currently unparished area; and
 - (iv) whether any changes should be made to the boundaries of any existing parish(es).
- 5.2. In considering the above, the review will have regard to current and projected patterns of population, development, community identity and linkages in the area under review; to the viability of existing and any potential parish areas and the delivery of local services.
- 5.3. The 2007 Act provides that where a new parish is created which has 1,000 or more electors, the principal council must recommend that the parish has a council. Where a new parish is created that has between 151 and 999 electors the principal council may decide whether or not it should have a council.
- 5.4. In relation to previously unparished areas, the 2007 Act requires a principal council in undertaking a review to take into account other (non-parish) forms of community governance that have been, or could be, made for the purpose of community representation or engagement in the area under review. These might include community partnerships/forums, area committees, residents' and tenants' associations, neighbourhood management programmes or community associations. In accordance with Government

guidance the review will consider whether such arrangements could be alternatives to, or stages towards, the establishment of parish councils. The Council notes however that the guidance also states ‘what sets parish councils apart from other kinds of governance is the fact they are a democratically elected tier of local government, independent of other council tiers and budgets, and possess specific powers’ and ‘their directly elected parish councillors represent local communities in a way that other bodies, however worthy, cannot since such organisations do not have representatives directly elected to those bodies’.

Names and style of parishes

- 5.5. In the event that a new parish is proposed to be created, the review will make recommendations as to the name of the new parish and as to whether or not any council should be a parish council or have one of the alternative styles (community, neighbourhood or village). A council that is created as a parish council may decide that it shall have the status of a town council.

Electoral arrangements

- 5.6. The review will consider what electoral arrangements should apply to any new parish council that is created and whether any changes should be made to the electoral arrangements of any existing parish council. ‘Electoral arrangements’ means:-
- (i) The ordinary year in which elections are held;
 - (ii) The number of councillors to be elected to the council;
 - (iii) The division (or not) of the parish into wards for the purpose of electing councillors;
 - (iv) The number and boundaries of any such wards;
 - (v) The number of councillors to be elected for any such ward; and
 - (vi) The name of any such ward.
- 5.7. In relation to the year of election, the ordinary election of parish councillors takes place in 2027 and at four-yearly intervals thereafter. However, a principal council may decide, following a community governance review, that the first elections to any new parish council shall take place in another year, with the councillors elected serving an adjusted term of office to bring future elections back into line with the normal cycle.
- 5.8. In relation to the number of parish councillors, legislation provides that the number of councillors for each council shall not be fewer than five. There is no maximum number. Government guidance is that ‘each area should be considered on its own merits, having regard to its population, geography and the pattern of communities’.
- 5.9. In relation to warding of a parish, the 2007 Act requires that in considering whether a parish should be divided into wards the Council should consider
- (i) whether the number, or distribution, of the local government electors for the parish would make a single election of councillors impracticable or inconvenient; and
 - (ii) whether it is desirable that any area or areas of the parish should be separately represented on the council.

Electorate forecasts

- 5.10. When the Council comes to consider the electoral arrangements of the town or parish councils in its area, it is required to consider the number of local government electors in the area under review, and any change in that number or the distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts.
- 5.11. Current electorate figures for each of the parishes and polling districts in both the parished and unparished parts of the area under review will be published as soon as possible after the launch of the review.
- 5.12. Electorate forecasts, taking into account information on developments underway or planned based on extant planning permissions and the local development framework, will also be published to inform the consultation process as early as possible during the review.
- 5.13. In accordance with legislation, population estimates will be used to apportion assets where significant changes, including the creation of new parishes, are recommended.

Other matters

- 5.14. The review will consider any other issues raised during the consultation process which are relevant to the review.
- 5.15. In the event that the review recommends the creation of any new council(s), the review will also consider what preparatory and transitional arrangements should apply to the establishment of that council or councils.

6. PRINCIPLES THAT WILL GUIDE THE REVIEW

Parishes

- 6.1. There is an evidence base which demonstrates that town or parish councils can play an important role in empowering and representing communities.
- 6.2. The Council notes the Government's continued commitment to town and parish councils and its guidance that it 'expects to see a trend in the creation, rather than the abolition, of parishes'.
- 6.3. It is important that the creation of any parish(es) should reflect distinctive and recognisable communities of interest, with their own sense of identity and that electors should be able to identify clearly with the parish in which they are resident. This information will therefore need to be gathered as part of the review.
- 6.4. The Council will wish to balance carefully the consideration of changes that have happened over time, for example through population shifts or additional development and that may have led to a different community identity, with historic traditions in the area.
- 6.5. The Council wishes to ensure that parishes should be viable as an administrative unit and should possess a precept that enables them effectively to promote the well-being of their residents and contribute to the provision of services in their area in an economic and

efficient manner. Nevertheless it is recognised that in a rural area a strong sense of community can prevail over a sparsely populated area.

Boundaries

- 6.6. The Council notes that the boundaries between parishes will often reflect the ‘no-man’s land’ between communities represented by areas of low population or pronounced physical barriers, either natural or man-made; and that ideally boundaries should be, and be likely to remain, easily identifiable.

Names

- 6.7. With regard to the names of any parish councils or parish wards established, the Council believes that these should reflect existing local or historic place names and there will be a presumption in favour of names proposed by local interested parties.

The number of parish councillors

- 6.8. When considering the number of councillors to be elected for any parish council, in addition to applying the statutory rules described above, the Council will have regard to:-
- (i) the recommended guidance issued by the National Association of Local Councils (NALC) and indicative national data on representation;
 - (ii) existing levels of representation, the pattern of existing council sizes which have stood the test of time and the take-up of seats at elections; and
 - (iii) the desirability of a broadly equitable allocation of councillors to parish councils across Boston, whilst acknowledging that local circumstances may merit variation.

Warding

- 6.9. The Council will give careful consideration both to traditional community identities and to any changes that have happened over time, for example population movements or new development, that may have led to a different community identity in any part of the area under review.
- 6.10. The Council notes Government guidance that ‘there is likely to be a stronger case for the warding of urban parishes ... [where] ... community identity tends to focus on a locality ... [and] ... each locality is likely to have its own sense of identity’. The Council will seek to secure that any warding arrangements should have relevance for the electorate, be in the interests of effective and convenient local government and not be wasteful of a town or parish council’s resources.
- 6.11. In reaching conclusions on the boundaries between any wards, the Council will have regard to community identity and interests and will consider whether any particular ties or linkages might be broken by the drawing of particular ward boundaries. The Council will also have regard to guidance by the Local Government Boundary Commission for England (LGBCE) that the principal council ward boundaries should not split an unwarded parish and that no parish ward should be split by such a boundary.

- 6.12. When deciding the number of councillors to be elected for any ward, the Council will take into account the view of the LGBCE that it is not in the interests of effective and convenient local government, either for voters or councillors, to have significant differences in levels of representation.

7. COMPLETION OF THE REVIEW AND IMPLEMENTATION OF ANY DECISIONS

- 7.1. The review will be completed when the Council publishes its final recommendations. The Council will take steps to inform interested parties of the recommendations and outcome of the review. In accordance with Government guidance the Council will issue maps to illustrate each recommendation at an appropriate scale wherever possible.
- 7.2. If the review results in any changes to community governance, at the conclusion of the review the Council will make a Reorganisation of Community Governance Order. Copies of this order, the map(s) that show the effects of the order in detail, and the document(s) which set out the reasons for the Council's decisions (including where it has decided to make no change following the review) will be deposited at the Council's offices, published on its website, and provided to the clerk of any council affected.
- 7.3. In accordance with legislation, copies of any order and associated maps will be deposited with the Secretary of State and the LGBCE. Prints of the maps will also be supplied to Ordnance Survey, the Registrar General, the Land Registry, the Valuation Office Agency and the Boundary Commission for England.
- 7.4. Subject to the final recommendations of the review, the provisions of any order will take effect for financial and administrative purposes no later than 1 April following the adoption of the order. Any revised electoral arrangements for a new or existing parish council will come into effect in accordance with the provisions of any Reorganisation Order. The Order can be made at any time following a review.

8. CONSEQUENTIAL MATTERS

- 8.1. A Reorganisation Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the Order. These may include the transfer and management or custody of property, the setting of precepts for new parishes, provision with respect to the transfer of any functions, property, rights and liabilities and/or provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters.
- 8.2. In these matters, the Council will be guided by the relevant regulations issued following the 2007 Act. In particular, the Council notes that the regulations regarding the transfer of property, rights and liabilities require that any apportionments shall use the population of the area as estimated by the proper officer of the Council as an appropriate proportion.
- 8.3. In relation to the establishment of a precept for any new parish council, the Council will comply with the requirements of the Local Government Finance (New Parishes) Regulations 2008..

Principal area boundaries

- 8.4. Any changes to parish or parish ward boundaries as a result of this review will not automatically change the corresponding principal council ward or division boundaries.
- 8.5. In the event of a Reorganisation Order making such a change the Council may recommend to the LGBCE that the principal council ward/division boundaries are realigned to coincide with the revised parish or parish ward boundaries and it would be for the LGBCE to decide if and when these related alterations should be made.
- 8.6. The LGBCE would require evidence that the Council has consulted on the recommendations as part of the review. The Council will therefore seek to include any such draft recommendations for consultation at the earliest possible opportunity should they appear desirable.

Contact details for the review

Enquiries regarding the review process and/or comments on the matters set out in these terms of reference should be directed to:

Community Governance Review

c/o Democratic Services Team

Boston Borough Council, Municipal Buildings, West St, Boston, PE21 8QR

E-mail: DemServices@boston.gov.uk

APPENDIX A

The map overleaf shows the existing unparished area boundaries in the scope of the review area together with the Boston Borough Council Wards and the surrounding parishes.

The area within review includes the Boston Borough Council Wards of Fenside, Skirbeck, Staniland, Station, St Thomas', Trinity, West, Witham and the unparished area of Wyberton.

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**Boston Borough Council
Community Governance Review
Consultation Report
Published**



Introduction to this consultation

1. This report details the responses received for the 'Creation of a Parish or Town Council for Boston' consultation undertaken between 14th July 2025 and 26th August 2025.
2. The exercise was performed to seek residents' views on whether Boston should have its own Parish or Town Council as part of the Community Governance Review (CGR). Residents were advised that unlike many other towns in Lincolnshire, Boston does not currently have a Town Council. Since 1974, local decision-making and accountability have been the responsibility of Boston Borough Council. In contrast, other areas benefit from Parish or Town Councils made up of locally elected representatives who may manage community events, advocate for local services, protect community assets, invest in parks, and contribute to planning consultations.
3. Residents were also advised that Boston Borough Council has a Mayor. The role of the Mayor of Boston Borough Council is primarily ceremonial and civic. The Mayor represents the borough at official events, supports local charities and community initiatives, and acts as an ambassador for Boston.
4. Boston Borough Council asked whether residents thought that Boston should have its own Parish or Town Council. All those that completed the consultation were asked to read the page on the Council's website explaining that the consultation was part of a Community Governance Review (CGR) which gave residents the opportunity to share whether they would prefer more localised decision-making or if they were satisfied with the current arrangements.

Methodology

5. A media release was issued to local newspapers to promote the consultation and social media activity was ongoing throughout the consultation period.
6. A link to the electronic questionnaire was made available on Boston Borough Council's website.
7. The consultation was shared with a range of partners and stakeholders, a full list is included below:
 - Richard Tice MP
 - Dame Andrea Jenkyns DBE, Greater Lincolnshire Mayor
 - Lincolnshire County Council/Councillors
 - Parish Councils/Councillors
 - Local Government Boundary Commission for England
 - BBC/DWP Reception area
 - Boston Market
 - Boston Stump
 - Pescod Square
 - Boston Library

- GMLC
- Boston United
- Local businesses/banks etc in the Market Place
- Paid advertising on Facebook
- Interview on Endeavour FM by Cllr Cresswell
- Promoted as part of other consultation events by Boston Town Board

8. It should be noted that base data has been rounded to the nearest number (so may add up to between 99% and 101%).

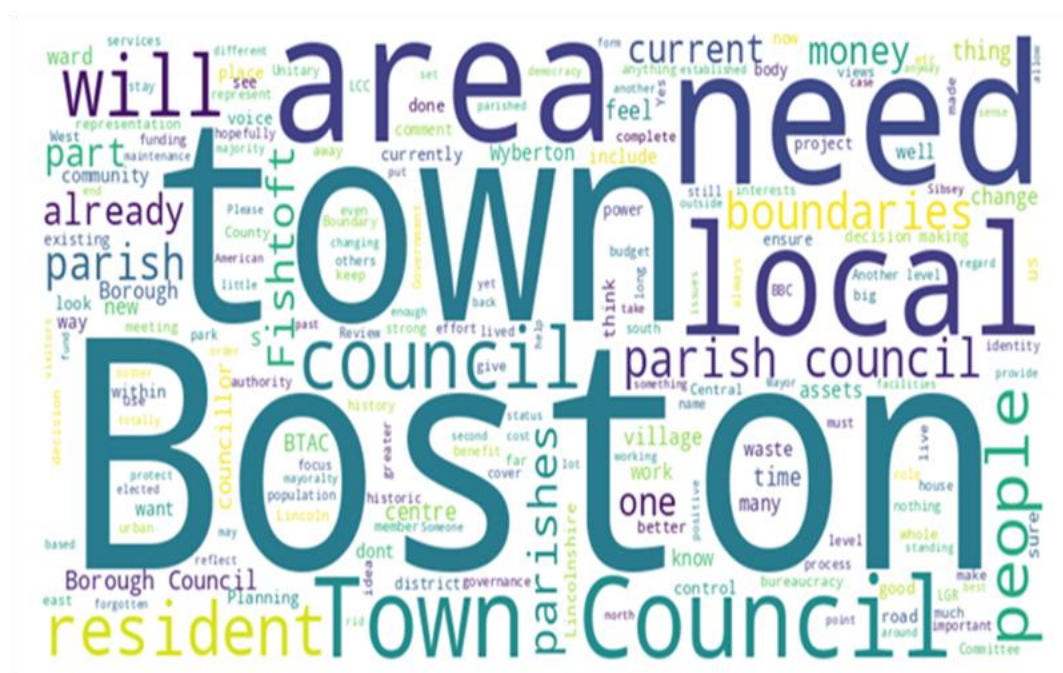
Response Rate

9. 125 electronic responses and 1 paper copy were received.

At A Glance

Common Themes in Responses

10. Open-ended responses revealed recurring themes such as the need for local representation, concerns about bureaucracy, and protection of Boston's identity and assets.

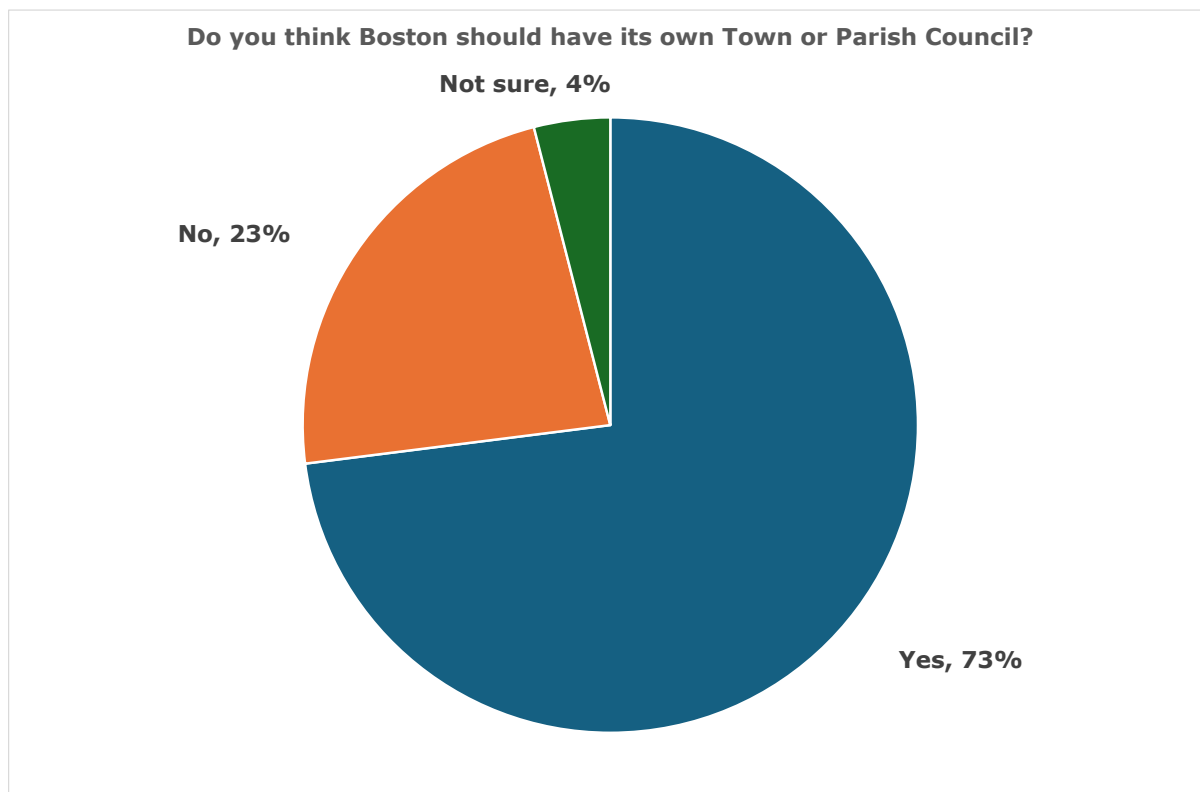


Geographic Representation

11. Feedback was predominantly from central Boston (PE21), with representation from surrounding areas such as PE20 and PE22.

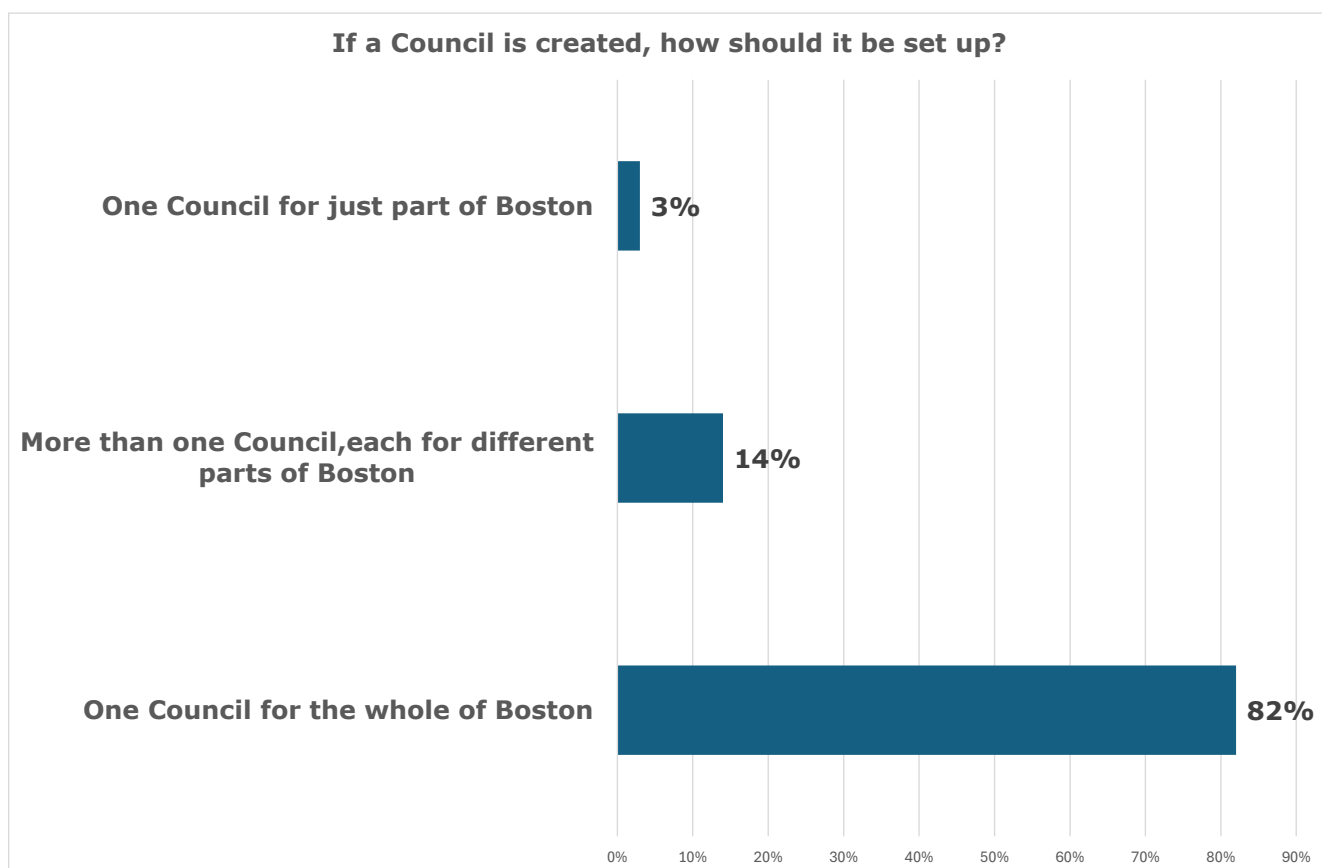
Detailed Results and Analysis

12. All respondents were asked if Boston should have its own Town or Parish Council. The Chart below shows that nearly three quarters (73%) of respondents thought that Boston should, 23% thought it should not, with the remaining 4% stating that they were 'Not sure' if Boston should have its own Town or Parish Council.



13. All respondents were asked why they had given their answer above. The full verbatim comments are set out at the back of this document, summarised below by response and theme.
14. Yes, Boston should have its own Town or Parish Council:
- Local voice/representation/input/funding/decision making
 - In response to Local Government Re-organisation (LGR)
 - Size/importance of the Town and its heritage
 - Protection of community assets/civic pride
 - In line with other towns/parishes
15. No, Boston should not have its own Town or Parish Council:
- Unnecessary layers of government/politics/bureaucracy
 - Things should stay as they are
 - Too much focus on the town
 - Duplication/cost
16. Unsure:
- It depends on how it's done
 - No power

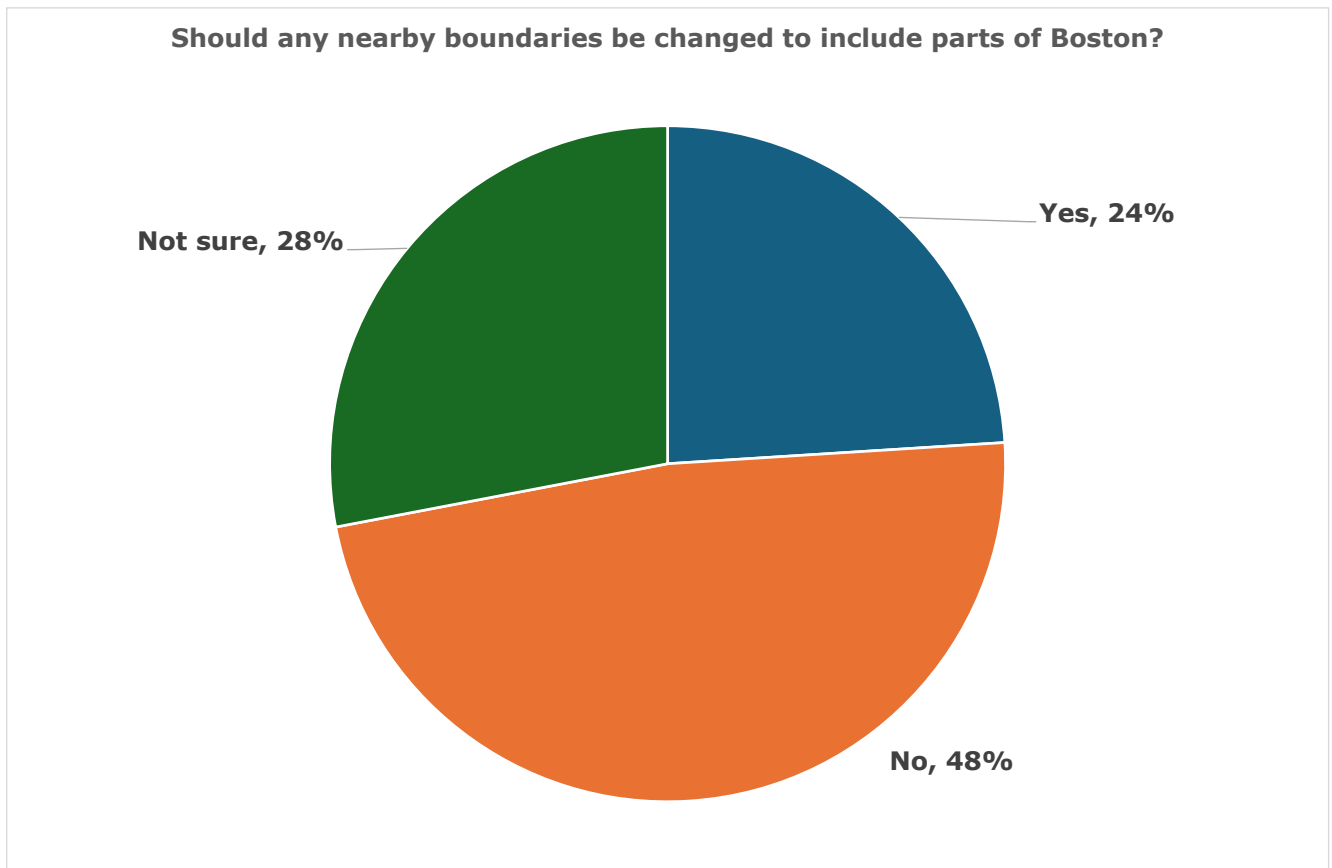
17. All respondents were provided with three options, and asked, if a Council was created, how they thought it should be set up. The chart below shows that 82% of all respondents thought it should be set up as 'One Council for the whole of Boston', 14% thought it should be set up as 'More than one Council, each for different parts of Boston', with the remaining 3% stating it should be set up as 'One Council for just part of Boston'.



Those respondents that selected 'More than one Council' or 'Part of Boston' were asked which areas they meant. The full verbatim comments are set out at the back of this document, summarised below by theme.

- BTAC/Town Centre/existing wards
- Centre then four around the boundaries.
- Spilt equally across four

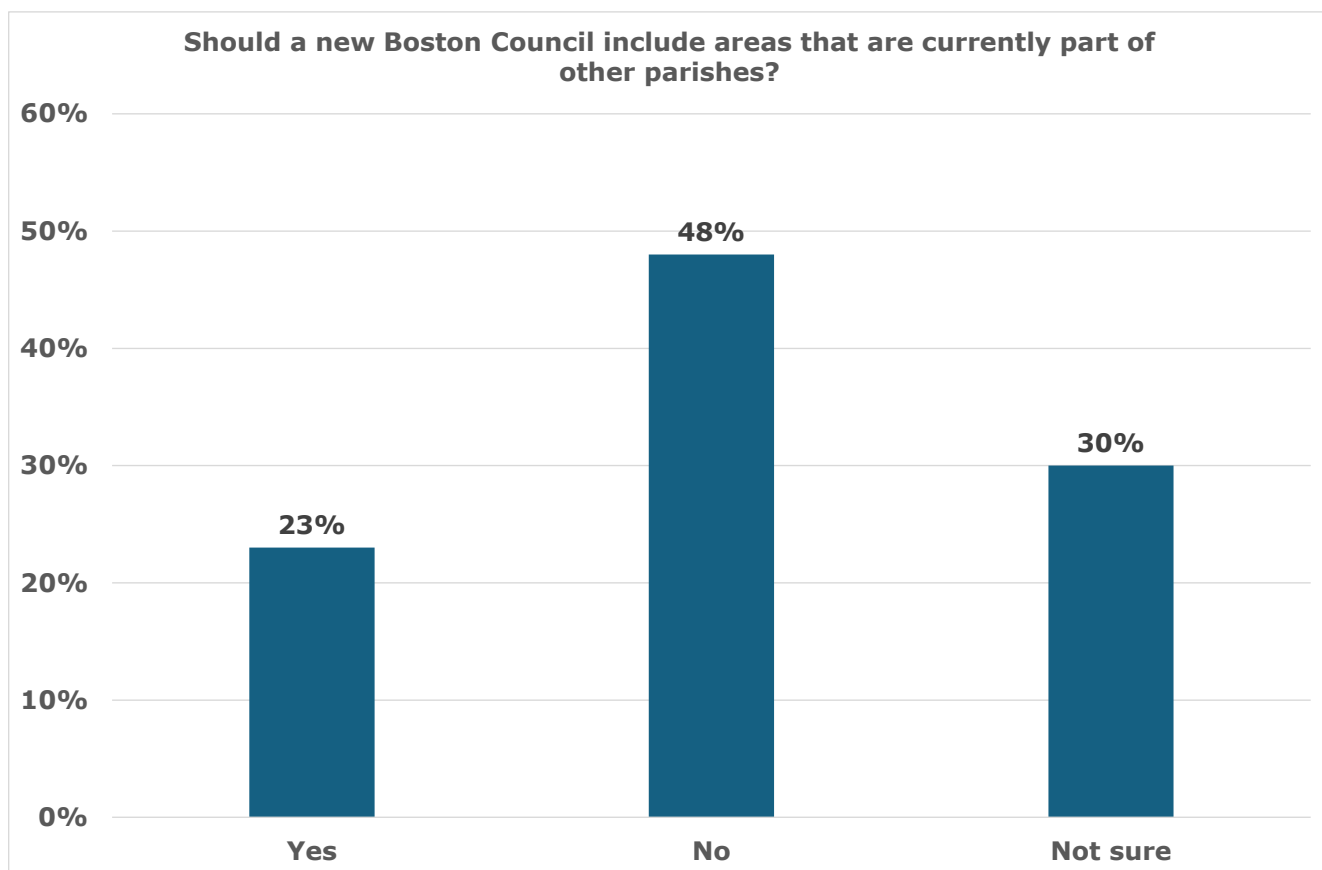
18. The chart below shows that 24% of all respondents thought that any nearby Parish boundaries should be changed to include part of Boston, nearly half (48%) of all respondents thought they should 'Not', with the remaining 28% of all respondents stating they were 'Not sure' if any nearby Parish boundaries should be changed to include part of Boston.



All respondents were asked to explain their response. The full verbatim comments are set out at the back of this document, summarised below by theme.

- No, Boston town and parishes have their own identity
- No, changing boundaries would cause problems
- Yes, more inclusive and clearer
- Unsure on current boundaries/impact
- Other, waste of time/why bother

19. The chart below shows that 23% of all respondents thought that a new Boston Council should include areas that were currently part of other parishes, 48% of all respondents thought it should not, with the remaining 30% stating they were 'Not sure' if a new Boston Council should include areas that were currently part of other parishes.



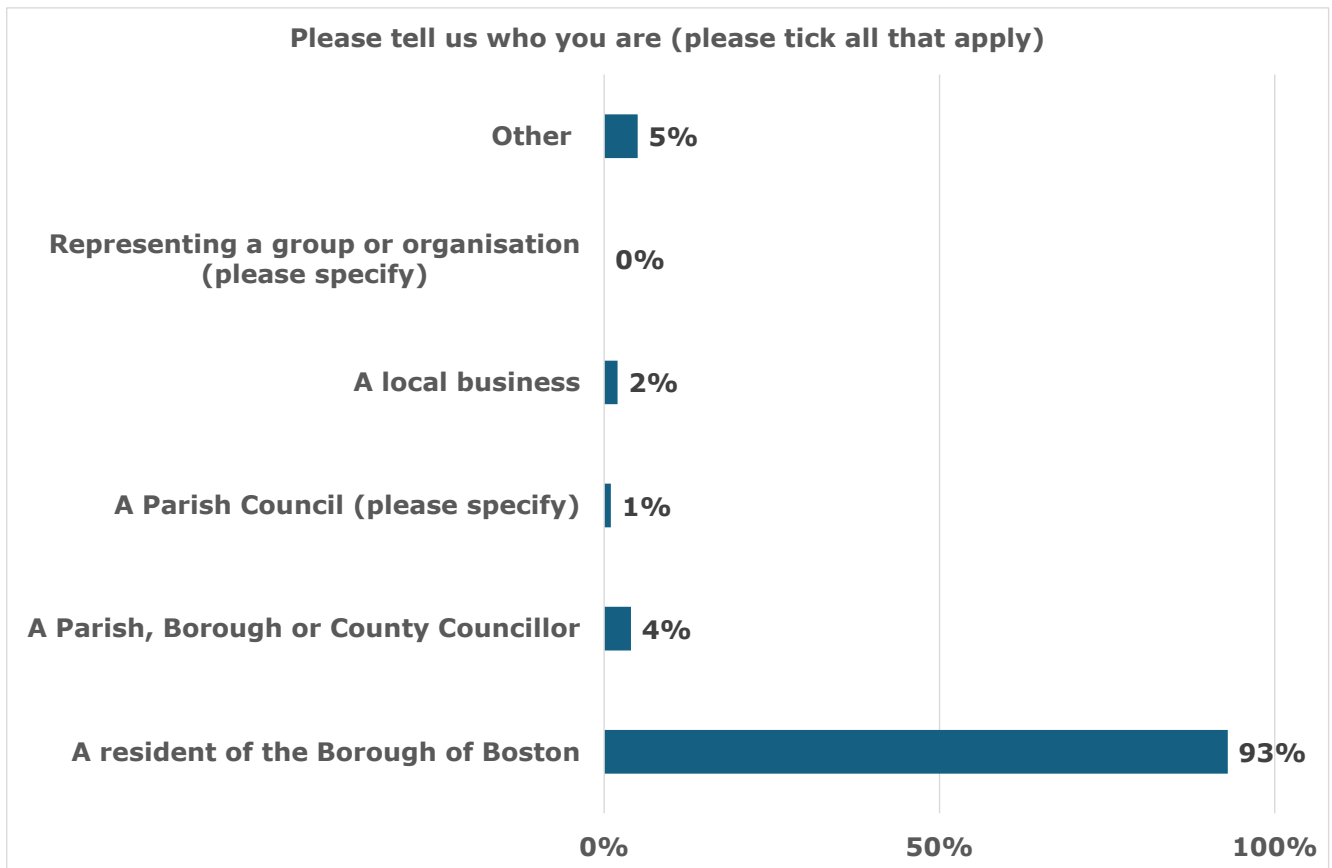
The full verbatim comments are set out at the back of this document, summarised below by theme.

- Fishtoft/Wyberton
- Sibsey
- General comments re villages/parishes

20. All respondents were given the opportunity to provide any other comments. The full verbatim comments are set out at the back of this document, summarised below by theme.

- Local democracy/voice/assets
- Councillors/representation
- Too much bureaucracy/layers of government

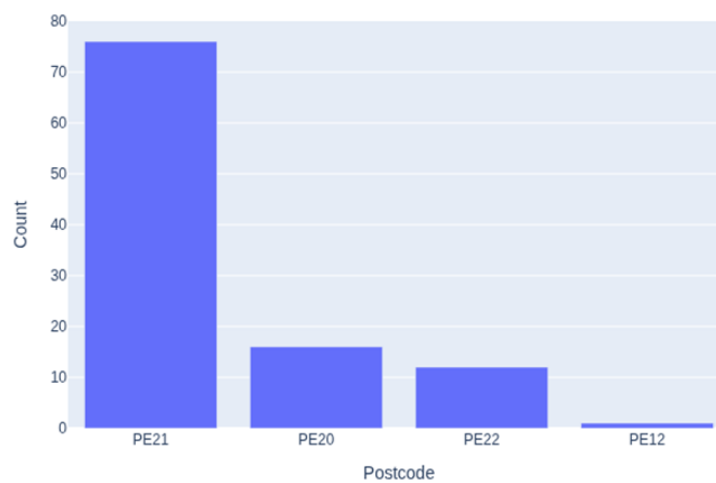
21. All respondents were asked in what capacity they had completed the survey. (Please note that the figures in the chart do not add up to 100% as respondents were asked to select all options that applied). However, the chart clearly shows that the majority of respondents completed the survey in the capacity of a 'A resident of the Borough of Boston'



Geographic Representation

22. The chart below shows that feedback was predominantly from central Boston (PE21), with representation from surrounding areas such as PE20 and PE22.

Top Postcode Areas Represented



Verbatim comments by question:

Should Boston have its own Town or Parish Council?

Comments in favour

Local voice/representation/input/funding/decision making:

- Because it needs local people to help organise it
- Creative planning and decision making for the benefit of the 'local' residents. Opportunity for the sole residents of the town to express concerns, share views and ideas.
- Local voice
- More individual and not just a blanket set of rules
- We the locals are not getting value for the amount of taxes we pay. Boston Council Tax is already more than Kensington, yet the vast majority of that money is whisked away and spent, and sometimes waisted on projects that we have no control.
- We need a way to reflect the views of the residents of the town, otherwise we may get ignored!
- We need to get local control
- A Town Council would give Boston more direct local representation, independent decision-making powers, and greater control over services like parks, events, and community funding. It would increase accountability and allow residents to influence local priorities more effectively than the current arrangements under BTAC.
- Local decision making and protection of assets
- More might be done this town is a terrible place to many immigrants and feels unsafe to local people now.
- Boston people need to decide about Boston things not by people forty miles away
- Yes, because it gives the residents that live within the particular areas to have a voice.
- It would give people in the town to have an elected body to decide what they want to happen in the town
- We need something local
- This will ensure the town has its own voice for local matters especially if it ends up part of a huge new district. Everywhere else in Boston district is parished (as is most of Lincolnshire) so no reason Boston its self shouldn't.
- We should have people who know the area and lived in the town for a long time who will know what is needed for the town. We need someone who will advocate for the good of the local people and communicate well with other areas to work together to do this for the towns people
- To have a voice in Lincolnshire
- Need local decision makers
- Its big enough to need to listen to its residents
- We need to keep control of our town, so we keep what matters to locals
- To get more funds spent locally and decisions based on our needs
- Why would we not want a team with our town a priority
- So local input can be made well. Lincolnshire is a big county and diverse areas.

- A statutory body that hopefully will listen to Boston residents, then champion and deliver beneficial changes for the good of all.
- I think the parish councils should be the eyes and ears of local people, representing their views

In response to Local Government Re-organisation (LGR):

- In the case of LGR, it is to ensure that the interests of Boston and its residents, are prioritised.
- provide representation for post devolution
- With an unitarian authority being forced upon us, it is crucial that the residents of Boston have representation and a say at a local level.
- LGR will abolish the Borough Council, so there needs to be a level of democracy below any Unitary Council, further it is vital to protect Boston's Borough status and for an organisation to exist to hold the assets which rightfully belong to the Town and People of Boston
- With the abolition of the borough council, we must have something that represents and works for the people of Boston. Lincoln have not got a very good history of supporting Boston.
- If it is clear that the current borough council has to fold, then it is essential Boston continues to have good local governance and should replace it with a whole town Council. Boston has a remarkable heritage for a small town, and many believe it should have City Status. 2030 brings the four hundred anniversaries of the founding of Boston Mass. in the USA. This should be a time of growth and development which hopefully will attract many US visitors and is a chance to put our Boston town on the map
- Because it would provide Boston residents with a focus point re local issues and a sense of identity which could be lacking when Boston as a town gets swallowed up by the plans for Local Government. It is very evident that Boston citizens have a strong sense of pride in their town and a wish to identify with and contribute to Boston
- Local Government Review. The town needs its own Council. One that is local and will be a voice for Boston. We will get forgotten in LGR.
- A unitary authority would be too remote and not have Boston's best interests at the forefront

Size/importance of the Town and its heritage:

- It needs a Town Council because of the size of the town
- Boston is the second largest urban centre in Lincolnshire It has ample and significant heritage and history Boston has many assets that should be retained, preserved, and enhanced by a Town Council
- It's in the name "Boston Town"
- Boston should stay as a town
- historical and ceremonial stuff in Boston would otherwise be lost to some other place when unitary authority is imposed on us; also, Boston residents deserve representation
- Boston has always been a town council; the history of the town is a town council and the American visitors from whom see Boston as their historic place their land came.

- Boston has all ways been a town
- Boston is second most important town in County
- Boston has always been a town

Protection of community assets/civic pride/funding:

- Protection of mayoralty and civic pride. Community assets are protected and funded by precept. Focus on local community and projects.
- To finance the area of the Town Council and retain the historic nature of the town and, hopefully, the Mayoralty
- We need focused decision-making regarding fund allocations and services.
- To protect the civic role of the mayor and assets

In line with other towns/parishes:

- Most towns and villages do

Comments against

Unnecessary layers of government/politics/bureaucracy:

- Another level of politics and another level of members to ensure are happy.
- As it's not fit for the area
- Feels like it is a way to keep jobs for certain people. Not sure I trust the people meant to be representing the town at present so why would this be any different? Maybe a fresh start would be for the best.
- Another level of bureaucracy
- With the borough council being based in Boston I don't think we need a second committee to oversee what the borough can already see.
- No. there is no funding and if no funding then it has no teeth
- We already have BTAC so if we end up having a Parish or Town Council, BTAC should be dissolved
- We already have the Boston Town Area Committee . . . made up of councillors and appointed by councillors. Democracy should include everyone living in the old Boston town area, and the residents have their say. The villages already have their own parish councils, and that should be sufficient.
- We have no need for another level of authorities to go through BBC are able to do that role. Plus, we cannot afford to waste money on this scheme which will result in the majority of cases in the same people from BBC standing to be Parish Councillors and then earn more money in expense and attendance claims.
- We already have BTAC. Why waste taxpayers money on more bureaucracy
- Don't want to be increasing councillor numbers
- Already far too many people with far too many fingers in too many pies. Nothing ever gets done because there are too many layers of governance as it is
- I have never noticed BTAC doing anything of use to ordinary Bostonians.
- It's more bureaucracy and cost and unnecessary

Things should stay as they are:

- As it should stay as the Borough council
- Stay as we are

Too much focus on the town:

- I feel that too much of Boston Borough Councils focus is on the town centre and that other areas on the borough are forgotten about

Duplication/cost:

- Duplication of roles, added cost

Unsure

It depends on how it's done:

- It depends on how it is done and who might benefit

No power:

- Parish Council - The current Fishtoft Parish Council although well-meaning has little or no power whatsoever - it is totally ruled both financially and by way of governance by Boston Borough Council. The current Parish Councillors because of this lack of power end up as little more than 'names on a list of officers.' A prime example is the strong and factual arguments put forward by the current Chairman of Fishtoft on Boston Planning Application B/23/0379 - 89 houses to be built on the rear of the Scout Hut Gaysfield Road Fishtoft at the Planning Meetings on 6th May and 1st July 2025. The Chairman was treated with complete disdain by the Chair of Planning and her arguments were totally ignored even belittled on several occasions. Town Council - I have no doubt should Boston have a Town Council it will carry on as currently with no regard for the residents of Boston - i.e. what they want with regard to their residencies and surrounds. Again, application B/23/0379 clearly shows this with the Planning Committee having no regard of Fishtoft villagers' comments and how the Village of Fishtoft, the community and they residents will all have their and their children's lives changed for ever and not for the better. To introduce a housing estate with little road access no infrastructure, no doctors, dentists, secondary schools, transport facilities, entertainment etc. etc. can only be to the detriment of village life. But they don't care. Confirmation came from the Planning Development Manager and members of the Committee with comments which showed they didn't even know where Fishtoft and yet they decided our future.

If a Council was created, how should it be set up?

BTAC/Town Centre/existing wards:

- The area covered by BTAC
- It should be the same with north south west east Boston and all villages should keep the own as it is
- It could be divided up by areas like the elected councillors are now .
- Would be best to stick as far as possible to already existing ward boundaries. 'If it works (as it does) don't try to fix it'!
- It could be done as each council ward

- Based upon one or more wards
- Town centre, the area that doesn't already have a Parish council
- Some areas are worse than other e.g. town centre and surrounding areas need more help.
- Within the Boston town area.

Additional areas:

- Boston Wyberton Kirton
- Centre then four around the boundaries.
- Freiston, Fishtoft, Benington Wyberton Frampton as well as Boston town -to cover the outlying parishes too
- Central/ town, Fishtoft, Wyberton, Sibsey etc
- Spilt equally across four

Should any nearby boundaries be changed to include other parts of Boston?

No, Boston town and parishes have their own identity:

- The town needs its own council, the Parishes already cover the areas outside of the town
- Boston town has its own identity.
- No, I feel that the current boundaries represents the town of Boston.
- The body needs to reflect the views of the whole town clearly.
- Boston's urban area has distinct needs and identity that differ from surrounding parishes. Changing parish boundaries could complicate governance and dilute the focus on Boston-specific issues. A dedicated Town Council for Boston, within its current boundaries, would provide clearer representation and better serve the town's interests.
- Existing Parishes boundaries need to be respected
- Existing parish councils manage their area well so why change what's working for the parish councils.
- Parishes should autonomous
- No need, Wyberton and Fishtoft have their own parish councils.
- Each parish needs locals who understand the area each area has a councillor who should lease with the Parish councils in any case and know the feelings of residents
- As previously stated, no valid reason to change the way Boston wards are organised not to remove Boston's autonomy
- The parishes around Boston should maintain their individuality.

No, changing boundaries would cause problems:

- They are established and have strong understandings and relationships with their residents as it stands currently. Forcing Parish boundaries to change will cause nothing but annoyance from residents and utter carnage from the members.
- As people already know the boundaries
- Why mess with tradition

- This will take too long to expedite if a Town Council is to be set up in time to receive the Town's assets before Vesting Day (the point at which the Borough Council cannot hand anything over, and it transfers to the Unitary). A Boundary Review should be done once a Town Council is established. Moreover, anything which requires the Local Government Boundary Commission to undertake a review will simply add to delay.
- Don't fix what isn't broke!
- You should not change anything which was from the past, that's our history for the town.
- As people know where the boundaries are and should not have to learn a new boundary
- the new Boston town council should include all the parishes that were included in the earlier Boston rural and Boston urban districts. it should not be necessary to change parish boundaries except perhaps to include areas not designated in parishes
- Don't want to be increasing councillor numbers
- If a village already has a parish council that should stay in place
- Most cost and unrequired changes.
- Let's make this process as simple as possible and not include other established parishes

Yes:

- Yes, because we should cover local villages that are serviced by the current council
- All under one parish would make it more practical and shorten decision making in the long run
- One single decision-making group
- Just a Boston Borough Council, to cover the town and all its parishes
- More inclusive and efficient
- There needs to be sufficient number of households so a decent amount of precept can be raised. It may make sense to merge all adjoining parishes for a greater area and funds to be raised.
- the border between Wyberton and Boston, parish and town, borough council ward boundaries etc. is unclear - some people don't know whether they're in or out of both
- Because some villagers are forgotten about
- Yes
- If there was a council set up, you can have centre then north east south west as other areas.
- They could follow the present election areas in the town
- The part of the town in Fishtoft parish (namely the part east and north east of Skirbeck) could be added to Boston.
- yes, they should as the town is spreading out towards the villages now with all the new building
- Living in Swineshead I think this should be included so we do not get neglected for things like road maintenance, green areas maintenance, green waste and refuse collection and local facilities

- I feel that it would be beneficial to include all parishes within a 4-mile radius of the town centre.
- Wyberton. It's a suburb of Boston anyway.
- If this supported a positive impact for the parishes and Boston
- There needs to be a definitive boundary to allow concentrated use of funding in order to bring the town back to standard.
- One entire council

Unsure:

- Unsure on current Parish borders.
- Not sure you have explained the impact and reasoning for anyone to be able to complete this survey honestly and accurately.
- What are the current parish councils? What drain are payments to councillors on the public purse? We need to save money, not waste it on politicians
- I'm uncertain
- Not sure where all boundaries are
- I don't have a map !
- Not sure I understand the need if we haven't had it before
- Depends on where the boundaries cross

Other:

- get rid of parish councils altogether - a complete waste of time and effort
- Why bother - no one takes any notice of our comments anyway. It is only for show.

Should a new Boston Council include areas that are currently part of other parishes? If yes, please specify

Fishtoft/Wyberton:

- There is a chunk outside of the current Boston boundaries (to the East), that are within Fishtoft boundaries, but that are very much connected to the rest of Boston in reality. These areas are separated by fields from the rest of Fishtoft, so certainly feel more a part of Boston than Fishtoft.
- The town areas of Fishtoft and Wyberton where they form part of the main urban area of Boston as defined in the local plan.
- Some parts of Wyberton and Fishtoft relate more to Boston than their own official parishes
- Pilley's Lane and Sibsey Road which are closer to Boston than Fishtoft Parish

Sibsey:

- Sibsey only down the road. Should be part of Boston i.m.o

General comments:

- yes, the areas of Boston can be divided to include the villages close to them, but it will not be an easy task deciding on the parish boundaries

- Some rural parishes that currently form greater Boston there can be confusion between ecclesiastical parish council and local authority parish council, every effort should be made to clarify this
- To include entire geographic areas not streets or roads split down the middle.
- Boston should be governed as a whole
- All

Any other comments?

Local democracy/voice/assets:

- Areas not currently within a town council should be part of a new town council. Other parishes should be fine as they are.
- A Town Council should protect the mayoralty and community assets which should be transferred to the town council. This will allow local community projects and partnerships to form for the betterment of the Town.
- I believe that a lot of significant issues get passed through LCC, if BBC handled our town, it would essentially be handled by us for us.
- It looks as if we are not being treated fairly by others. Do we get value for money from LCC Highways??? and others. The recycle centre is LCC, yet the waste is dumped onto BBC land. Health provision needs looking at, but no one seems sure of who runs the decisions. Simple things as grass cutting should be looked at. (The other week it took 6 big tractors to cut the grass outside of my house, and I'm told that is the cheapest} Central Government, no matter what party are in at the moment, seem to want to collect as much money as they can to spend it on their chosen project. Local Governments are controlled by their Party Policy that is controlled by their organisation, often clashing and not considering local needs.
- Creating a Town Council is a positive step toward stronger local democracy and more tailored services for Boston residents. It's important that the new council actively engages with the community to ensure transparency and responsiveness. Clear communication about the council's powers, budget, and decisions will help build trust and encourage participation. Additionally, careful planning is needed to avoid duplication of services with the Borough and County Councils.
- Formation of town Council should ensure that Boston's interests and assets are protected, before LGR swallows it all up!
- Boston town is a historic town with a large American following, we need to do more to have the American connection after the Mayflower ship left from Boston after the crew were in jail in the guild hall. The more we go away from our town history is killing the visitors who need to find their historic background and in 2025 the town is changing too far away from what we should be . When you look at French and Dutch towns, they make their houses still look like they would have been in the early years and now it's like going back in time and lots of visitors.
- Boston has got to look after Boston not LCC because Boston and the small villages are poor relations to over big towns like Lincoln how many new roads do they have. Were others can't even get pot holes repaired
- Great idea as Boston and south of County always loses out when control is in Lincoln

- I do not base my responses to my experience only. I have lived in Boston since 1989, but have lived in other places, South Wales where I grew up and continue to visit regularly, West Yorkshire, briefly, London, North and West London and worked in Central and West London. I can look at Boston objectively and can deduce that it needs to retain its autonomy and identity, having its own Town Council would enable this and empower the local residents, some of whom have lived here all their lives and have strong, long-standing family ties, others who have moved here and settled developing a great love and loyalty to Boston
- I confess I don't know much about politics but I don't think us not having control is a good idea, we already have a tough time getting things we need like facilities for local disabled residents and I feel it would be even harder if we didn't have a local council to fight our corner
- Not sure what you mean. An example would be good in order to comment. The new council needs to ask locals what we think of new projects instead of wasting money on things we don't need i.e. where the bus station is the redevelopment. I think is waste of money and time. We need investment from big name shops and free parking, things for youngsters to do either free or for few pounds to get them off streets causing havoc. Something to attract people not more shops just use the ones we have that are empty. Somewhere for clubs to use for adults in the evenings. Not less parking and a new park. Put landscaping in central park with a pond like there used to be. Bourne memorial gardens park is a far nicer walk than ours.
- The town has changed fundamentally and how the Indigenous population and integrated incomers cope with that change must reflect both the change and the concerns of the inhabitants of each and every part of the town and how they and their children live their lives and live alongside each other in harmony
- We have Boston Borough Council. We do neither want nor need another body. You approve more and more housing, but the infrastructure remains at 1998 levels. Talk to the local reform MP and together you can look at savings, streamlining processes, meetings, maintenance, efficiency. This can be done as part of the current schedule.
- The town needs regeneration. It needs to be cared for and promoted. There needs to be a move away from the thuggish, domineering presence within the town. We have a massive benefits culture, drug and homelessness problem. Underfunding and underachieving schools. The town centre would benefit from the introduction of a mixed residential and commercial use of properties, to promote local concentration of economic spending. I appreciate that we have a dense migrant population due to the nature of the local work available, however, we also have a large population of people who do not have leave to remain. They need to be addressed. We have houses being used as homes, which are not fit for purpose. We have spaces and public areas not maintained. We can do better. We must aspire to be better.
- It is important this doesn't become just holding onto the past. It must be positive and represent the community. Not meeting for meeting sake. Promoting the good things and encourages growth. A lot to ask for but it's the only way things will change for the better.
- If unitary control is to be successful It should include representatives from all areas to ensure voices are heard.

- I've read everything and feel that I can't work out the pros and cons, lack of information. I'm assuming Boston Borough Council will continue. My preference is that in any re-organisation we must have a Boston Borough Council.

Councillors/representation:

- The councillor that standing at the moment should all resign and reform as most have turn the backs on the leader of the council so I can only see nothing been done in Boston
- Just that this whole thing feels very dodgy to keep certain people in power! I do not currently feel represented so this would not be any different.
- The most important thing is to get on with it and quickly. I would suggest running with the existing Town boundaries and existing Borough/BTAC ward boundaries as changing either will delay the whole process and both can be reviewed at leisure on the other side. I would suggest doubling up on the seats-per-Ward to give a 28-member Council which feels manageable and compares helpfully to Skegness (21) which is a smaller town. The Borough/BTAC wards were last revised ahead of 2015, so are sufficiently up to date on population for these purposes, and again any review can be undertaken on the other side of Town Council. Things which will need working out are names/titles. The Borough status and charter rights will need transferring to the Town Council when the existing District-level Borough Council is wound up. Eventually the Borough of Boston Town Council should meet in the Chamber in the Municipal Buildings, but arrangements would need to be in place in the meantime.
- If we are forced to have a Boston Parish or Town Council, then you need to dissolve BTAC. What is the reasoning behind requiring the Boston town centre to have a Parish or Town Council? We as residents need to know more regarding the thought process and why this has come up? What will be their responsibilities, and will they be any different to what BTAC are supposed to do for us?
- The parish council should be called Boston Town Council and assets should be transferred at point of order being made to establish.
- borough ward boundaries do not represent real communities but were devised as a convenience by now retired council officers (e.g. the splits along Brothertoft, Fydell and Argyll); all residents should be surveyed to see where and the extent of the 'new' wards they prefer
- Maybe get rid of the mayor roll
- These areas could work like separate Parish councils but have council representative at each meeting. Major decisions would be made jointly by a majority vote . They would be responsible for their own budgets with a central budget for major projects . Each area could invite businesses to give their views and probably investment. This council would obviously still be answerable to a governing body
- I think all areas in England should be parished. In Lincolnshire Grimsby, Scunthorpe and Spalding are unparished and if Lincoln district is abolished Lincoln will also need to be parished.
- Newark Town Council currently has parish council powers, and it works reasonably well. Boston is a similar sized town, and I think it would work well enough there.
- Not enough information as to why this is happening. What is the difference being proposed to what is currently in place and WHY ????

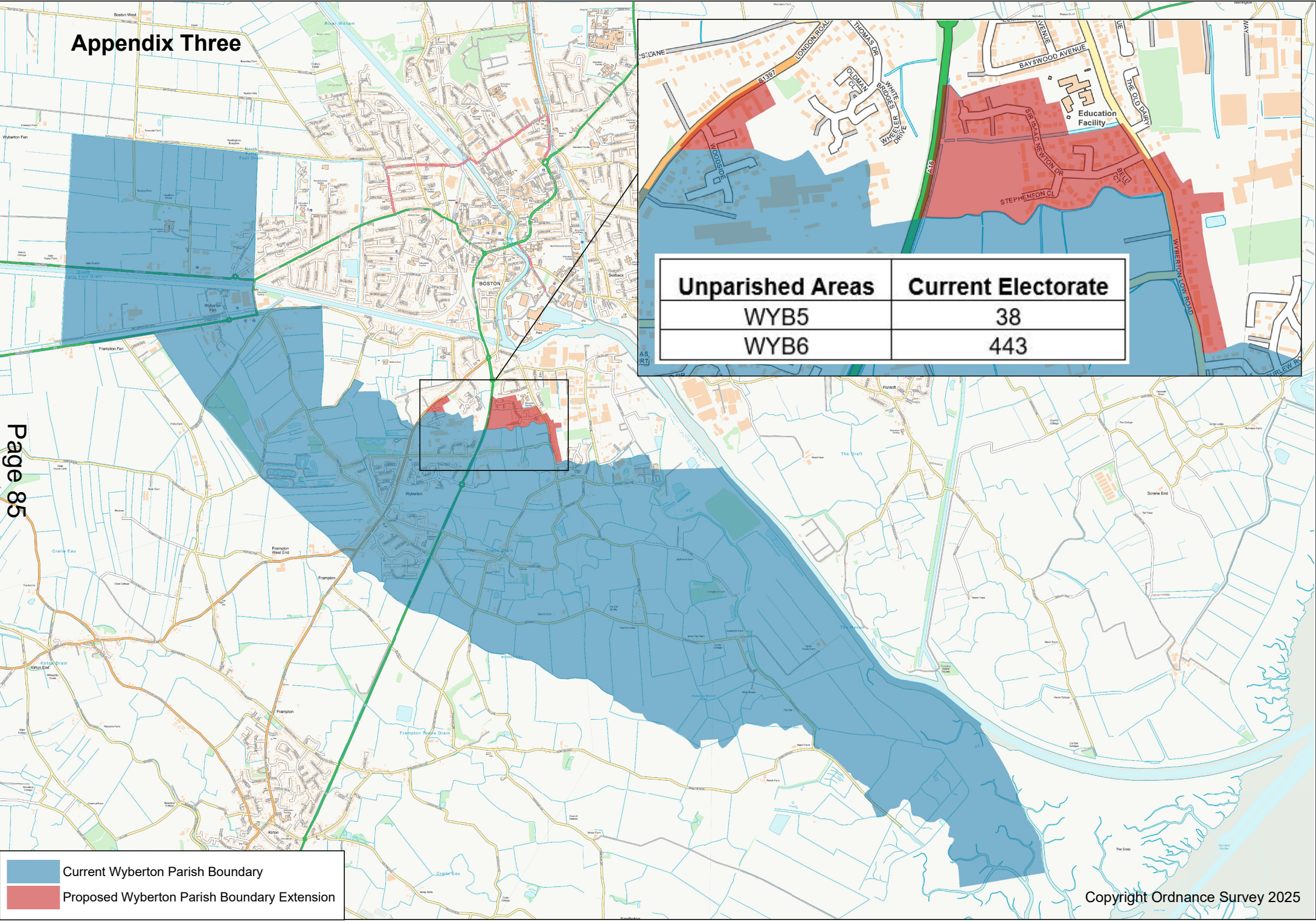
- Difficult to make a comment when we are not sure of boundaries/areas of parish councils, we are not represented by our county council members very well as other areas of Lincolnshire seem to have a louder voice
- All parish councils should be answerable to an independent body. Some only become a parish councillor for the kudos and do virtually nothing for their area
- We don't want "Career Councillors" my suggestion is no more than three elected terms as a Councillor- then you're out/ retired. 2) We don't need a mayor anymore
- split equally that way each council section is responsible for their part it prevents over working staff and hopefully betters the people of Boston
- Why have a debate between parish and town councils if they are the same? Why debate on ideas that the borough has no answers for and they still have to debate?
- This is another complete waste of time, effort, and money - coming out of the Council's budget. Why bother? Over the past 5 years I have always argued that if one does not vote or the part in questionnaires such as this, we have no right to complain. Now - I am not so sure - hence why bother - no one takes any notice of you anyway. Once in office - they all do as they like.

Too much bureaucracy/layers of government:

- This would be a lengthy and drawn-out process that could decide rather than succeed
- There is too much bureaucracy without adding another layer which we have to pay for
- Bureaucracy should be reduced. I thought the Greater Lincolnshire Authority was to get rid of all these councils.
- This is a complete waste of time and money. The town centre looks like a third world dump, the grass around most of the town is 4 ft high, the weeds are ever bigger. Stop wasting time and money and effort on creating more council roles and wasting time and money and sort out the bare essentials first.

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Appendix Three

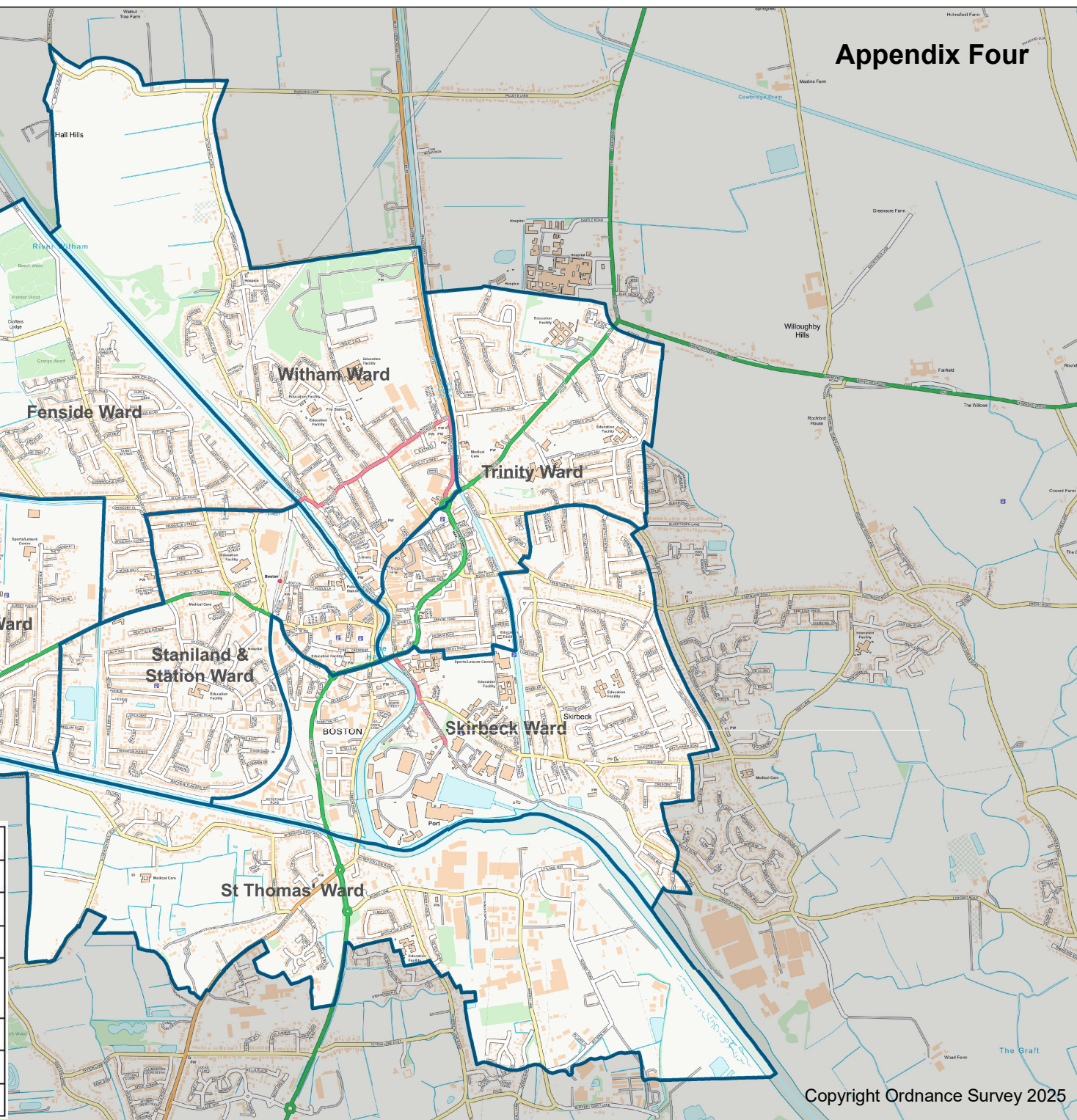


Current Wyberton Parish Boundary

Proposed Wyberton Parish Boundary Extension

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| Ward | Current Electorate |
|-----------------------------------|-----------------------|
| Fenside | 3225 |
| Skirbeck | 5130 |
| St Thomas | 1883 |
| Staniland & Station (combined) | 4301 (2893 + 1408) |
| Trinity | 3386 |
| West | 1766 |
| Witham | 3164 |



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| | |
|--------------------------|--|
| Report To: | Council |
| Date: | 12 th January 2026 |
| Subject: | Proposed Amendments to the Council's Contract Procedure Rules |
| Purpose: | To introduce a new updated version of the Contract Procedure Rules |
| Key Decision: | N/A |
| Portfolio Holder: | Councillor Sandeep Ghosh, Portfolio Holder for Finance and Economic Growth |
| Report Of: | John Medler, Assistant Director – Governance & Monitoring Officer |
| Report Author: | Martin Gibbs, Head of Procurement & Contracts (PSPSL) |
| Ward(s) Affected: | All |
| Exempt Report: | No |

Summary

The purpose of this report is to present to Council a revised draft set of Contract Procedure Rules for adoption.

The Audit & Governance Committee considered the proposed amendments to the Contract Procedure Rules at its meeting on the 17th November 2025.

Cabinet approved the Delegation to Officers at **Appendix 2**, subject to the Contract Procedure Rules being approved at Council at its meeting on the 10th December 2025. Cabinet also recommended the Contract Procedure Rules at **Appendix 1a** to be approved at Council.

Recommendations

That the Council agrees to adopt the revised Contract Procedure Rules at **Appendix 1a** to this report.

Reasons for Recommendations

- To ensure that the Council has robust, up-to-date Contract Procedure Rules that provide clarity to officers, members, and potential suppliers.
- To ensure a clear and consistent approach in the award of contracts and safeguard the public's trust and confidence and promote public accountability and procurement practice.
- To help avoid governance failures in the Council's procurement activity.

Other Options Considered

To do nothing – which would result in the retention of the existing Contract Procedure Rules. This would not be deemed best practice as the Contract Procedure Rules have not been reviewed or updated for 3 years.

1. Report

- 1.1 In accordance with Section 135 of the Local Government Act 1972 every Local Authority must adopt standing orders with respect to the making by them or on behalf of contracts for the supply of goods or materials or for the execution of works.
- 1.2 The basic principles in relation to public procurement require all procurement procedures must:
 - 1.2.1 Ensure all stages of the procurement process are open and clearly documented, allowing stakeholders to understand how decisions are made.
 - 1.2.2 Ensure fairness and equal treatment in allocating public contracts.
 - 1.2.3 Be consistent with the highest standards of integrity.
 - 1.2.4 Achieve best value for public money spent.
 - 1.2.5 Comply with all legal requirements
 - 1.2.6 Support the Council's corporate and departmental aims and aligns with the Council's corporate Procurement Strategy and other relevant policies.
- 1.3 The draft Contract Procedure Rules at **Appendix 1a (Clean Version) and 1b (Tracked Changes)** to this report seek to ensure, as a minimum, the Council meets these basic principles.
- 1.4 The Council's current Contract Procedure Rules were approved by Council in January 2023. Public procurement legislation has changed since then (with the implementation of the Procurement Act 2023 in February 2025).
- 1.5 The intention is to seek adoption of the amended CPR (shown at **Appendix 1a**) and the Delegations to Officers (shown at **Appendix 2**) across the three Councils that make up the South & East Lincolnshire Councils Partnership (SELCP) to ensure continued alignment of the Contract Procedure Rules, as they currently are. The adoption of the proposed Rules ensure the Council has Rules that reflect the current public procurement legislation. The CPRs also set out clarity of the

appropriate authority aligned to the value of the contract, and these are reflected in the Delegated Decisions (shown at **Appendix 2**).

- 1.6 Following recent Audit & Governance committee meetings across the SELCP, there have been minor amendments made to **Appendix 1a**. The first of these being at Section 1.5 where the wording has been revised to clarify that there is a section within the Contract Procedure Rules that refers to exclusive of VAT figures. The second change is at Section 1.6 which now confirms that breaches must be reported promptly.
- 1.7 Further consideration was also given to a query raised at the Audit & Governance Committee Meeting regarding the value at which written evaluation reports (which set out whether purchasing needs and contracting objectives have been met) are required (Rule 26.5). This clause is not required by law and consideration was given to its removal as the Rules (26.1) already require that all contracts are monitored irrespective of value and lessons learned are captured as standard practice. On balance it is considered that retaining the requirement for a written evaluation report and focussing it on high-value contracts provides a proportionate, added value, approach in the context of the overall CPRs.
- 1.8 The only amendment to **Appendix 2** is aligning values with the proposed CPR thresholds.
- 1.9 The key changes being proposed are explained fully at **Appendix 3** of this report.

Implications

South and East Lincolnshire Councils Partnership

The revised rules provide an opportunity to continue to work more collaboratively across the SELCP through the proposed continued alignment of the Rules.

Corporate Priorities

The Contract Procedure Rules are essential components of the Council's governance framework which underpins delivery of its corporate strategy priorities.

Staffing

None

Workforce Capacity Implications

None

Constitutional and Legal Implications

By virtue of Section 135 of the Local Government Act 1972 every Local Authority must adopt 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.

It is imperative that the CPRs are kept under review and reflect current legal requirements.

Data Protection

None

Financial

The financial implications and specifically the procurement thresholds are referenced throughout the draft Contract Procedure Rules, and the Delegations to Officers.

Risk Management

By reviewing the CPRs and updating them to reflect current best practice, the Council can seek to mitigate against the risk of acting unlawfully in respect of its procurement activity.

Stakeholder / Consultation / Timescales

The SELCP Senior Leadership Team have been consulted and approved the proposed CPRs to go through the governance process for review / approval.

The Portfolio Holder for Finance has been consulted regarding the proposed amendments.

The Audit and Governance Committee and Cabinet were consulted on the proposed amendments.

Reputation

Improper procurement activity can have a direct impact on the reputation of the Council, officers, and Members. It is important therefore, that the Council adopts up to date, robust CPRs, to mitigate against this potential for adverse reputational impact.

Contracts

None

Crime and Disorder

None

Equality and Diversity / Human Rights / Safeguarding

None

Health and Wellbeing

None

Climate Change and Environment Impact Assessment

Not undertaken

Acronyms

CPR – Contract Procedure Rules

SELCP – South & East Lincolnshire Councils Partnership

Appendices

Appendices are listed below and attached to the back of the report:

| | |
|-------------|---|
| Appendix 1a | Proposed Contract Procedure Rules – Clean Version |
| Appendix 1b | Proposed Contract Procedure Rules – Tracked Changes |
| Appendix 2 | Revised Delegations to Officers |
| Appendix 3 | Key Changes document |

Background Papers

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

Chronological History of this Report

| Name of Body | Date |
|--------------------|--------------------------------|
| Audit & Governance | 17 th November 2025 |
| Cabinet | 10 th December 2025 |

Report Approval

| | |
|---------------------------|--|
| Report author: | Martin Gibbs, Head of Procurement & Contracts (PSPSL) martin.gibbs@pspsl.co.uk |
| Signed off by: | John Medler, Assistant Director – Governance & Monitoring Officer john.medler@e-lindsey.gov.uk |
| Approved for publication: | Councillor Sandeep Ghosh, Portfolio Holder for Finance and Economic Growth Sandeep.Ghosh@boston.gov.uk |

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CONTRACT PROCEDURE RULES

1. INTRODUCTION

- 1.1 These Contract Procedure Rules set out the rules that apply to all Officers, Members and agents acting on behalf of the Council, involved in procurement and contract management. The rules must be read in conjunction with relevant laws, regulations and policies/procedures including the Councils' Financial Procedure Rules.
- 1.2 These Contract Procedure Rules form part of the Council's Constitution
- 1.3 These Rules seek to protect the Council's reputation by minimising the risk of allegations of unfair process, dishonesty, and failure to meet legal obligations. If in doubt and/or if advice on these Rules / associated legislative requirements (such as the Procurement Act 2023) is required, please contact the Procurement & Contracts service.
- 1.4 Should a conflict be found between these Rules and the law, the order of precedence shall be the law and then these Rules.
- 1.5 All values referred to in these Rules are inclusive of VAT, excluding the table at 13.3 where it explicitly notes the exclusive of VAT figures too.
- 1.6 In the case of a breach to these Contract Procedure Rules, the Responsible Officer must inform the Head of Procurement & Contracts as soon as they are aware of the breach, detailing the nature of the breach and any management action taken to address the issues arising from the breach. The Procurement & Contracts service will maintain a record of all such breaches which will be reported to the Senior Leadership Team periodically.

2. BASIC PRINCIPLES

- 2.1 All procurement procedures must
 - 2.1.1 deliver value for money by awarding contracts that have the most advantageous contribution to delivering the Council's objectives,
 - 2.1.2 maximise public benefit
 - 2.1.3 be consistent with the highest standards of integrity,
 - 2.1.4 operate in a transparent manner,
 - 2.1.5 ensure fairness in allocating public contracts including managing conflicts of interest,
 - 2.1.6 comply with all legal requirements including but not limited to the Procurement Act 2023 and the Procurement Regulations 2024.*,
 - 2.1.7 support all relevant Council priorities and policies, including the Medium-Term Financial Plan.

**Where a procurement / contract was started under the Public Contract Regulations 2015, that procurement or contract continues to be governed by those Regulations until the contract expiry date.*

NB: These Rules shall be applied to the contracting activities of any partnership for which the Council is the accountable body unless the Council expressly agrees otherwise (*see the Delegations to Officers for details of Officers who may action this rule*).

- 2.2 Procurements must also have regard to the National Procurement Policy Statement which sets out the national priorities for procurement.

3. RELEVANT CONTRACTS

3.1 All Relevant Contracts must comply with these Contract Procedure Rules. A Relevant Contract is any arrangement made by, or on behalf of, the Council for the carrying out of works, supplies, goods, materials, or services.

3.2 Relevant Contracts do not include:

- 3.2.1 contracts of employment which make an individual a direct employee of the authority,
- 3.2.2 agreements regarding the acquisition, disposal, or transfer of land (to which the Financial Procedure Rules apply),
- 3.2.3 the payment of grants to third parties
- 3.2.4 The lending or borrowing of money by the Council.
- 3.2.5 Contracts between Local Authorities as defined by Schedule 2, Paragraph 2 of the Procurement Act 2023
- 3.2.6 Contracts between Local Authorities as defined by Clause 1 of the Local Authorities (Goods and Services) Act 1970.
- 3.2.7 Section 75 NHS Act 2006 arrangements (although details must be recorded on the Council's Contract Register).

Please note, the Council cannot simply choose to treat a project as a Grant in order to avoid complying with these Contract Procedure Rules. Grants will have different conditions with regards to procurement.

Generally, procurement is required when the Council is acquiring goods, services, or works to meet its own needs, and it retains control over the specification and delivery of those services. A grant is awarded to support an activity that aligns with the Council's objectives but is initiated and delivered by the recipient, who retains a degree of autonomy over the process.

Where there is any clarity required, please contact the Procurement & Contracts service.

4. OFFICER RESPONSIBILITIES

4.1 Responsible Officers

4.1.1 Officers will:

- (a) comply with these Contract Procedure Rules (CPRs),
- (b) comply with the Council's Constitution,
- (c) have the appropriate authorisation to procure, complying with the Delegations to Officers;
- (d) declare both, prior to the commencement of the procurement process and throughout the procurement process / contract, any personal interest / conflict of interest they may have in that process;
- (e) ensure all tenders/quotations are kept confidential;
- (f) ensure a written contract is issued and signed by both parties, or a purchase order is issued before the supply of goods, services or carrying out of works begin;

- (g) where appropriate ensure that the contracts for which they are responsible are effectively managed (ensuring a named Contract Manager is allocated to the relevant contract) and monitored ensuring the contract delivers as intended.
- (h) ensure a review of each contract is carried out at an appropriate stage;
- (i) comply with all legal requirements; and
- (j) ensure contracts with a value over £6,000 are recorded on the Contracts Register as held and maintained by the Procurement and Contracts Service;

Officers must ensure that any agents, consultants, and contractual partners acting on their behalf also comply.

4.1.2 Officers must:

- (a) keep any necessary records (such as a record of decisions made or minutes from any meetings) required by these Contract Procedure Rules,
- (b) take all necessary procurement, legal, financial, and professional advice, taking into account the requirements of these Contract Procedure Rules,
- (c) prior to letting a contract on behalf of the Council, check whether:
 - (i) the Contracts Register lists an appropriate contract in place for the Council, or:
 - (ii) an appropriate national, regional, or other collaborative contract is already in place.

Where the Council already has an appropriate contract in place, then this must be used unless it can be established that the contract does not fully meet the Council's specific requirements in this particular case, and this is agreed following consultation with the Procurement & Contracts Service.

Where an appropriate national, regional, or collaborative contract is available, consideration should be given to using this, provided the contract offers value for money.

- (d) ensure that when any employee, either of the Council or of a service provider, may be affected by any transfer arrangement, then any Transfer of Undertaking (Protection of Employment) issues are considered and legal and HR advice from within the Council is obtained prior to proceeding with the procurement exercise.

4.1.3 Failure to comply with any of the provisions of these Contract Procedure Rules, the Council's Constitution or any legal requirements may be brought to the attention of the Monitoring Officer, Head of Internal Audit, or other relevant Officers as appropriate. Depending on the nature of the non-compliance this may result in disciplinary action being taken.

4.1.4 A contract may be let through any framework agreement to which the Council has access. Where the contract to be let is subject to the Procurement Act 2023, or any other relevant UK Legislation, use of such framework agreement shall be subject to compliance with those regulations (*see the Delegations to Officers for details of Officers who may action this rule*).

4.2 Chief Officer/Deputy Chief Officers

4.2.1 Chief Officer/Deputy Chief Officers will:

- (a) ensure their Service complies fully and are familiar with the requirements of these Contract Procedure Rules.
- (b) ensure compliance with English Law and UK legislation and Council policy.
- (c) ensure value for money and optimise risk allocation in all procurement matters.
- (d) ensure compliance with any guidelines issued in respect of these Contract Procedure Rules.
- (e) take immediate action in the event of a breach of the Contract Procedure Rules or any Code of Practice within their directorate or service area.
- (f) ensure that all existing and new contracts anticipated during the forthcoming financial year are clearly itemised in the Budget supporting documentation.
- (g) ensure original contract documents with a total value over £6,000 are forwarded to the Procurement and Contracts Service for safekeeping.
- (h) ensure effective contract management, contract reviews and monitoring during the lifetime of all contracts in their areas.
- (i) seek and act upon advice from the Procurement and Contracts Service where necessary to ensure compliance with these responsibilities.

5. CONFLICTS OF INTEREST

- 5.1 Officers must take all reasonable steps to identify and keep under review any conflicts of interest or potential conflicts of interest. This obligation starts when the need for the procurement is first identified and continues until the termination of the contract.
- 5.2 Officers must take all reasonable steps to ensure that a conflict of interest does not put a supplier at an unfair advantage or disadvantage. If the Officer deems that that advantage or disadvantage cannot be avoided, they must contact the Procurement & Contracts service before progressing further with the procurement.
- 5.3 Where the procurement is valued over the Procurement Act 2023 thresholds a conflicts assessment must be prepared by the Officer in conjunction with the Procurement & Contracts service. The Procurement & Contracts service have a template document for Officers to complete, which includes the provision for details of all conflicts or potential conflicts of interest and any mitigating steps that the Council has taken or will take.
- 5.4 This conflicts assessment must be kept under review and revised as necessary during the procurement and contract term.
- 5.5 Any Officer or Member who fails to declare a conflict of interest may be subject to disciplinary proceedings and risks being prosecuted under the Bribery Act 2010.

6. PRE-MARKET ENGAGEMENT

- 6.1 When Officers are undertaking pre-market engagement, they must ensure it is utilised for the following purposes:
 - 6.1.1 Developing the Council's requirements and approach to the procurement.
 - 6.1.2 Designing a procurement procedure, conditions of participation or award criteria.
 - 6.1.3 Preparing the tender notice and associated tender documents, including the proposed terms and conditions.
 - 6.1.4 Understanding market conditions and identifying potential suppliers.

- 6.1.5 Understanding the resourcing limitations and capacity requirements of suppliers in relation to the procurement process and anticipated timetable.
- 6.2 Suppliers must not be put at an unfair advantage, or disadvantage, when undertaking pre-market engagement. If an Officer deems that a supplier has been put at an unfair advantage, or disadvantage, they must contact the Procurement & Contracts service before progressing further with the procurement.
- 6.3 When engaging with potential suppliers, the Council may use any advice in the planning and conduct of the procurement procedure, provided that it does not have the effect of distorting competition and does not result in a violation of the principles of non-discrimination and transparency.
- 6.4 The Council shall take appropriate measures to ensure that competition is not distorted by the participation of a candidate or tenderer who has provided any advice by ensuring all other candidates and tenderers are provided with all of the information the advising candidate or tenderer has received or given and that all candidates or tenderers are given sufficient time to respond to the tender or quote.
- 6.5 When undertaking any pre-market engagement activities above £60,000, the Officer responsible must seek advice from the Procurement & Contracts Service.

7. EXEMPTIONS

- 7.1 Except where the Procurement Act 2023 thresholds are exceeded, the Cabinet/Executive has the power to waive any requirements within these Contract Procedure Rules for specific projects. An exemption under this Rule 7 allows a contract to be placed by direct negotiation with one or more suppliers rather than in accordance with Rule 13.
- 7.2 These Contract Procedure Rules may be exempted where the circumstances meet any of the following criteria within 7.3. An exemption form must be completed and sent to the Head of Procurement & Contracts in the first instance to allow comments which will assist with the approval or rejection of the exemption.
- 7.3 The Head of Procurement & Contracts will then pass this through to the Section 151 Officer, the Chief Executive, the Portfolio Holder for the relevant area, and the Portfolio Holder for Finance for approval / sign-off. This process must be followed in advance of the award of contract, and in compliance with the criteria set out in the Delegations to Officers. Please see the circumstances for an exemption below:
 - 7.3.1 for works, supplies, or services which are either patented or of such special character that it is not possible to obtain competitive prices.
 - 7.3.2 for supplies purchased or sold in a public market or auction.
 - 7.3.3 with an organisation already engaged by the Council for a similar and related procurement and where there is significant benefit to extending the contract to cover this additional requirement that does not breach legal requirements such as the Procurement Act 2023.
 - 7.3.4 involving such urgency that it is not possible to comply with the Contract Procedure Rules and there is a significant risk to the council of not acting with urgency.
 - 7.3.5 for the purchase of a work of art or museum specimen, or to meet the specific requirements of an arts or cultural event which cannot be procured competitively due to the nature of the requirement.

- 7.3.6 in relation to time-limited grant funding from an external body, where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this.
 - 7.3.7 where relevant legislation not otherwise referred to in these Contract Procedure Rules prevents the usual procurement process from being followed.
 - 7.3.8 goods, works or services contracts may be awarded directly to a legal person where that legal person meets the criteria as set out in Schedule 2, Paragraph 2 of the Procurement Act 2023. (formerly known as "Teckal" companies);
 - 7.3.9 where building development opportunities are available to the Council, and have been proven to be financially viable, and the value is under the Procurement Act 2023 Thresholds for Works (as per Appendix 2 – Procurement Act 2023 Thresholds).
 - 7.3.10 where an existing contract is being re-procured and there are delays to that procurement process which means that the new contract cannot start at the expiry of the existing contract (this exemption cannot be for longer than 6-months and cannot make the contract a “convertible contract” under the Procurement Act 2023 by exceeding the applicable threshold).
- 7.4 Every exemption must be recorded on the Council’s Procurement Exemption Form at Appendix 1 to these Contract Procedure Rules and the form will be recorded on a master register to be maintained by the Procurement & Contracts Service.
- 7.5 Where an exemption is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to Council services, the Chief Officer/Deputy Chief Officer may approve the exemption but must prepare a report for the next meeting of the Cabinet/Executive to support the action taken.
- 7.6 The Procurement & Contracts service must monitor the use of all exemptions.

8. RECORDS

- 8.1 The Procurement Act 2023 requires contracting authorities to maintain the following comprehensive records of procurement activities:
- 8.1.1 sufficient documentation to justify decisions at all stages of the procurement process
 - 8.1.2 contract details including value
 - 8.1.3 selection decision
 - 8.1.4 justification for use of the selected procedure
 - 8.1.5 names of bidding organisations, both successful and unsuccessful
 - 8.1.6 reasons for selection
 - 8.1.7 reasons for abandoning a procedure
- 8.1A Most contracts and extensions to contracts will be awarded by Officers making a decision under delegated authority (see Delegations to Officers). All such Officer decisions must be published unless the decision is administrative, minor, or not closely connected to the discharge of an executive function. Some decisions will be subject to Call-in. Where Call-in applies, the winning contractor must be advised that the award of contract is subject to Call-in and will not be confirmed until the Call-in period has expired.
- 8.2 For contracts up to £60,000 the following records must be kept:
- 8.2.1 invitations to quote (where applicable)
 - 8.2.2 all tenders/quotes returned;

- 8.2.3 notification to the successful, and unsuccessful (where applicable) bidders of the outcome of the quotation exercise
 - 8.2.4 the contract;
 - 8.2.5 a written record of:
 - (a) any exemptions and reasons for it; and
 - (b) the reasons if the lowest price is not accepted
- 8.3 For contracts where the total value is greater than £60,000.00 but less than £120,000.00 for works, supplies of goods materials or services, the Procurement and Contracts Service must be made aware of any procurement requirements at the earliest opportunity to assist with this process. Where formal advertising via a Request for Quotation is recommended by these rules, the Council's e-Tendering portal should be used. The following records must be kept:
- 8.3.1 invitations to quote/tender;
 - 8.3.2 all communication with suppliers;
 - 8.3.3 all tenders/quotes returned;
 - 8.3.4 a completed evaluation sheet with scores and comments justifying the score awarded, where a formal process is used;
 - 8.3.5 a decision log, including details of why a bidder has been selected, where an informal process is used;
 - 8.3.6 assessment summaries / feedback to the unsuccessful bidders;
 - 8.3.7 all communications with the successful contractor;
 - 8.3.8 the contract;
 - 8.3.9 a written record of:
 - (a) any exemptions and reasons for it; and
 - (b) the reasons if the lowest price is not accepted
 - 8.3.10 written records of communications with the successful contractor.
- 8.4 Where the total value exceeds £120,000.00 for works, supplies of goods, materials or services, the Officer must record the same details as in Rule 8.3 above and any further records as advised by the Procurement & Contracts Service.
- 8.5 Written records required by this Rule 8 must be kept for six years (twelve years if the contract is under seal) after the final settlement of the contract. All documents which relate to unsuccessful candidates (tender responses, feedback letters etc.) must be kept for 12 months from award of contract provided there is no dispute about the award or where there is a dispute, once the dispute is resolved, 12 months from resolution of the dispute.
- 8.6 Prospective candidates must be notified simultaneously in writing and as soon as possible of any contracting decision. If a candidate requests in writing the reasons for a contracting decision, the officer must give the reasons in writing within 15 days of the request.
- 8.7 The Freedom of Information Act 2000 gives a general right of public access to all types of 'recorded' information held by public authorities, sets out exemptions from that general right, and places a number of obligations on public authorities with regard to the disclosures of information. The Council will, as a general rule, allow public access to recorded information where possible and the contractor shall agree to the Council making any disclosures in accordance with the Act.

9. RISK MANAGEMENT / ASSESSMENT

- 9.1 Officers must create a robust risk assessment as part of the procurement planning process for all contracts valued over £120,000 in conjunction with the Procurement & Contracts service.
- 9.2 The risk assessment must be reviewed and updated regularly during the procurement process and throughout the contract term.
- 9.3 Where key risks are identified at the pre-procurement stage which may lead to a future contract modification, these risks must be stated clearly in the tender notice and in relevant procurement documents.

10. ADVERTISING

The Contracts and Procurement Service will ensure that the minimum advertising requirements in the Procurement Act 2023 and as outlined in Rule 8 are met.

11. FRAMEWORKS

- 11.1 Framework has the same meaning as in the Procurement Act 2023. “..a contract between a Contracting Authority and one or more supplier(s) that provides for the future award of contracts by the authority to the supplier(s).”
- 11.2 Contracts based on Frameworks may be awarded in one of two ways, as follows:
 - 11.2.1 Where the terms of the agreement are sufficiently precise to cover the particular call-off, by applying the terms laid down in the Framework Agreement without re-opening competition (Direct Award), or
 - 11.2.2 Where the terms laid down in the Framework Agreement are not precise or complete enough for the particular call-off, by holding a further competition in accordance with the following procedure (Further Competition):
 - (a) Inviting the organisations within the Framework that are capable of executing the subject of the contract, to submit bids, with an appropriate time limit for responses, considering factors such as the complexity of the subject of the contract,
 - (b) Awarding each contract to the bidding organisation who has submitted the most advantageous tender on the basis of the relevant Award Criteria set out in the Framework.
- 11.3 The term of a Framework must not exceed four years when utilising a Closed Framework, or eight years when utilising an Open Framework, as defined in the Procurement Act 2023.
- 11.4 A contract of any value can be procured through a framework. If the proposed contract value is over £60,000, the Procurement & Contracts service must be consulted before the procurement is started.
- 11.5 A framework is considered a compliant procurement route when:
 - 11.5.1 It has been entered into by the Council in compliance with these Rules, or
 - 11.5.2 Another contracting authority, purchasing consortium or central government organisation has tendered the framework in compliance with the relevant

procurement legislation and the Council is named as a potential user of the arrangement (e.g., ESPO / CCS).

- 11.5.3 When using a framework as per 11.5.2, officers must ensure that all of the necessary documentation is completed. Officers must consult with the Procurement & Contracts service before entering into a call-off contract as per 11.5.2.
- 11.6 Officers must carry out due diligence checks at contract award to evidence fulfilment of any conditions of participation and that there are no grounds for exclusion.
- 11.7 Approval to procure and award must be in compliance with the Delegations to Officers.
- 11.8 Most contracts will then be awarded by Officers making a decision under delegated authority. All such Officer decisions must be published unless the decision is administrative, minor, or not closely connected to the discharge of an executive function. Some decisions will be subject to Call-in. Where Call-in applies the winning contractor must be advised that the award of contract will not be confirmed until the Call-in period has expired.

12. DYNAMIC MARKETS

- 12.1 A dynamic market as defined in the Procurement Act 2023 is an open list of qualified suppliers eligible to participate in future procurements (via Further Competition only). Suppliers can join the dynamic market at any time if they meet the specified conditions, enabling the ability to streamline a procurement process by allowing continuous admission of suppliers.
- 12.2 Officers must ensure that there is no existing Council contract, framework or Dynamic Market available before undertaking an alternative procurement.
- 12.3 Only procurements valued over the relevant UK Procurement threshold may be procured via a Dynamic Market.
- 12.4 A dynamic market is considered a compliant procurement route when:
 - 12.4.1 It has been entered into by the Council in compliance with these Rules, or
 - 12.4.2 Another contracting authority, purchasing consortium or central government has tendered the framework in compliance with the relevant procurement legislation and the Council is named as a potential user of the arrangement (e.g., ESPO / CCS).
- 12.5 Officers must seek advice and support from the Procurement & Contracts service whenever they wish to establish or use a Dynamic Market.

13. PROCUREMENT THRESHOLDS

- 13.1 Officers must establish the total value of the procurement including whole life costs, incorporating any potential extension periods which may be awarded. Where the

Procurement Act 2023 rules apply, Officers must also ascertain the value of a contract in accordance with those rules.

13.2 Contracts must not be artificially under / over-estimated or divided into two or more separate contracts where the effect is to avoid the application of the thresholds below.

13.3 Where the estimated total value is within the values in the table below, the corresponding tendering procedure must be followed. (see the Delegations to Officers for details of Officers who may actions this rule).

| Procurement Values (exclusive of VAT) | Procurement Values (inclusive of VAT) | Tendering Procedure |
|---|---|---|
| £0 to £6,250 | £0 to £7,500 | One written quote - this should be a local provider wherever possible. A purchase order must be raised. |
| £6,250.01 - £12,500 | £7,500.01 - £15,000 | Two written quotes – one should be a local provider wherever possible. A purchase order must be raised. |
| £12,500.01 - £50,000 | £15,000.01 - £60,000 | At least three written quotes shall be sought. Local providers must be given an opportunity to provide a quote, wherever possible. A purchase order must be raised |
| £50,000 - £100,000 | £60,000.01 - £120,000 | At least three written quotations shall be sought. A Request for Quotation via the e-Tendering Portal is recommended. The Procurement & Contracts service must be involved. Where a formal Request for Quotation process is not utilised, the Procurement & Contracts service must agree the alternative process (e.g., retrieving quotations from suppliers via email etc.). Local providers must be given an opportunity to provide a quote, wherever possible. A purchase order must be raised. |
| £100,000.01 up to Procurement Act 2023 thresholds | £120,000.01 up to Procurement Act 2023 thresholds | Open tender via the E-Tendering Portal & a below-threshold notice published on Find a Tender. Social value must be considered as part of the specification / award criteria. A purchase order must be raised |
| Above Procurement Act 2023 thresholds | Above Procurement Act 2023 thresholds | UK Public Procurement Procedure – via E-Tendering Portal & Find a Tender notice. Social value must be considered as part of the specification / award criteria. A purchase order must be raised |

* As per Appendix 2 – Above Procurement Act 2023 thresholds*

13.4 Written quotations must include the following information as a minimum:

13.4.1 Details of the goods, services or works to be supplied;

13.4.2 Where and when the delivery is to take place (where applicable);

13.4.3 The total value of the contract; and

13.4.4 The terms and conditions to apply including the price and payment terms

- 13.5 Officers must provide contractual details to the Procurement & Contracts service for contracts over £6,000 so that the contract can be added to the Council's Contracts Register.
- 13.6 Officers must provide contractual details to the Procurement & Contracts service for contracts £30,000 & above where the Procurement & Contracts service have not been involved in the procurement. This must be provided for within 30 days of contract award to allow a Contract Details Notice to be published.
- 13.7 Officers must contact the Procurement & Contracts service for any procurement requirements £60,000.01 & above. For spend of £60,000 and below, Officers can procure without the need to involve the Procurement & Contracts service, following the procurement thresholds above. Where there are any queries, the Procurement & Contracts service should be contacted to avoid non-compliance.
- 13.8 Where the Procurement Act 2023 thresholds apply, Officers must consult the Procurement & Contracts service to determine the procedure for conducting the procurement exercise.
- 13.9 Where it can be determined that there are insufficient suitably qualified candidates to meet the threshold requirements as per the table above, all suitably qualified candidates must be invited. (see the Delegations to Officers for details of Officers who may action this rule.)
- 13.10 Where services are currently purchased internally, i.e., from within the Council, for internal provision, the requirement to obtain other quotations or tenders does not apply. However, the purchaser may choose to seek alternative quotations/tenders for the purpose of market testing.

14. **EVALUATING TENDERS** (see the *Delegations to Officers for details of Officers who may action this rule*):

- 14.1 In any procurement exercise the successful bid should be the one which:
- 14.1.1 Offers the most advantageous proposal based on the award criteria.
- 14.1.2 Such criteria may include:
- (a) Quality including technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental, and innovative characteristics and trading and its conditions;
 - (b) After-sales service and technical assistance, delivery conditions such as delivery date, delivery process and delivery period or period of completion.
 - (c) Price / Commercial approach
 - (d) Social Value / sustainability commitments

- 14.2 Evaluation must be conducted in accordance with the published criteria. Evaluators must undertake evaluations individually initially followed by moderation to reach an agreed tender score.
- 14.3 All criteria must relate to the subject matter of the contract, must be objectively quantifiable and non-discriminatory.
- 14.4 The procurement documentation must clearly explain the basis of the decision to bidding organisations, making clear how the evaluation criteria specified in the process will be applied, the overall weightings to be attached to each of the high-level criteria, whether the high-level criteria are divided into any sub-criteria and the weightings attached to each of those sub-criteria.

15. INVITATION TO TENDER / REQUEST FOR QUOTATION *(see the Delegations to Officers for details of Officers who may action this rule)*

- 15.1 Invitations to Tender/Requests for Quotation must be issued in accordance with the requirements of these Contract Procedure Rules.
- 15.2 All Invitations to Tender shall include the following:
 - 15.2.1 A specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers, together with the terms and conditions of contract that will apply.
 - 15.2.2 A requirement for candidates to declare that the tender content, price or any other figure or particulars concerning the tender submitted by the candidate has not been disclosed by the candidate to any other party (except where such disclosure is made in confidence for a necessary purpose).
 - 15.2.3 A requirement for candidates to complete fully and sign all tender documents including a form of tender and certificates relating to canvassing and non-collusion.
 - 15.2.4 Notification that tenders are submitted to the Council on the basis that they are compiled at the candidate's expense.
 - 15.2.5 A description of the award procedure and, unless defined in a prior advertisement, a definition of the award criteria in objective terms and the percentage weighting of each criterion in the evaluation.
 - 15.2.6 The method by which arithmetical errors discovered in the submitted tenders are to be dealt with. In particular, whether the overall price prevails over the rates in the tender or vice versa.
- 15.3 The Invitation to Tender or Requests for Quotation must state that the Council is not bound to accept any tender or quotation.
- 15.4 All candidates invited to tender, or quote must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis. Where a candidate asks a clarification question regarding the tender or quote, the question and the answer will be provided to all candidates.
- 15.5 Tenders received after the tender deadline date and time or tenders which are not submitted in accordance with these Rules and any criteria set out in the procurement documentation will be disqualified unless otherwise agreed by the Monitoring Officer
- 15.6 If there is an obvious ambiguity or error in the tender and that ambiguity or error appears to have a simple explanation, bidders may be invited to correct their tender response.

Advice must be sought from the Procurement & Contracts service before further action is taken.

- 15.7 Under the Procurement Act 2023, the Council is required to request an explanation of the price or costs proposed in a tender where that price or those costs appear to be **abnormally low** in relation to the requirement. If the bidder is unable to demonstrate that the price offered is not abnormally low, its tender may be disregarded. Advice must be sought from the Procurement & Contracts service during this process.

16. SHORTLISTING

Any shortlisting (i.e., supplier selection or conditions of participation) must have regard to the financial standing, legal capacity, and the technical ability of the candidates to deliver the required goods, services or works.

17. SUBMISSION, RECEIPT AND OPENING OF TENDERS / QUOTATIONS *(see the Delegations to Officers for details of Officers who may action this rule):*

17.1 Tenders

- 17.1.1 Bidding organisations must be given an adequate period in which to prepare and submit a proper quotation or tender, consistent with the complexity of the contract requirements.
- 17.1.2 When advertising a tender for a procurement above the Procurement Act 2023 thresholds, the tenders must be advertised for the minimum number of days as specified in the Procurement Act 2023 legislation.
- 17.1.3 Tender Contents:
Each tender must contain, where relevant:
- (a) An undertaking signed by the tenderer that to the best of their knowledge and belief they have complied with all the relevant provisions of the Health and Safety at Work Act 1974 and regulations made under it or where they have not complied, an explanation of the remedial action they have taken to ensure compliance;
 - (b) A statement that the tenderer will comply with all current relevant British Standard Specification or Code of Practice or equivalent international standards offering guarantees of safety, reliability, and fitness for purpose;
 - (c) A statement by the tenderer that they will not try to obtain or receive by whatever means any information which gives or is intended to give the tenderer or another party any unfair advantage over any other tenderer (including the Council's own workforce) in relation to the tendering for and award of any contract;
 - (d) A statement that the Council shall not be liable for expenses incurred in the preparation of tenders; nor shall the Council be bound to accept the lowest or any tenders submitted; and shall have reserved to them the right to invite fresh tenders should they consider that course desirable.

17.2 Electronic Arrangements

- 17.2.1 Tenders, Request for Quotations, Framework Further Competition bids and Conditions of Participation stages will be received electronically and will be opened by the Procurement & Contracts service on the e-Tendering portal. The system will not allow any quotations to be opened until the allocated return date / time has passed.

17.3 Hard Copy Arrangements

- 17.3.1 In the limited circumstances where a Quotation, Further Competition bid or Tender cannot be received electronically, the Procurement and Contracts Service will consult with the Monitoring Officer to agree a suitable way to receive the Quotation, Further Competition bid or Tender.

18. CLARIFICATION PROCEDURES AND POST TENDER NEGOTIATIONS

- 18.1 Seeking clarification of a tender received whether in writing or by way of a meeting is permitted. However, any such clarification must not involve changes to the basic features of the bidding organisation's submission and all tenderers must be treated equally (*see the Delegations to Officers for details of Officers who may action this rule*).
- 18.2 Post tender negotiation means negotiations with any tenderer after submission of a tender and before the award of the contract with a view to obtaining an adjustment in price, delivery, or content. *Where the value of the Tender is above the threshold in the Procurement Act 2023 advice must be sought from the Procurement & Contracts Service. Where post tender negotiation results in a fundamental change to the specification (or contract terms) the contract must not be awarded but re-tendered (see the Delegations to Officers for details of Officers who may action this rule).*
- 18.3 If post tender negotiations are necessary after a single stage tender or at the final stage of a multiple-stage tender, then such negotiations shall only be undertaken with the tenderer who has previously been identified as submitting the best tender. Tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the tender documents. Officers appointed by the Chief Officer/Deputy Chief Officer to carry out post tender negotiations should ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.
- 18.4 Post tender negotiation must only be conducted in accordance with guidance given by the Monitoring Officer and the Procurement & Contracts Service.
- 18.5 The Monitoring Officer and the Procurement & Contracts Service must be consulted and agree:
- 18.5.1 Wherever it is proposed to enter into post tender negotiation;
 - 18.5.2 About whether negotiation is with all tenderers;
 - 18.5.3 To either accept or reject late submissions before opening any of the responses. Late submissions must only be accepted in exceptional circumstances.
- 18.6 Negotiations must be conducted by a team of at least two officers, one of whom must be from a section independent to those leading negotiations (*see the Delegations to Officers for details of Officers who may action this rule*).

19. AWARD OF CONTRACT, AND DEBRIEFING OF ORGANISATIONS

- 19.1 **Award of Contract and Contract Extensions** (*see the Delegations to Officers for details of Officers who may action this rule*):
- 19.1.1 The Council is required to notify successful and unsuccessful bidders of the outcome of a procurement process, in writing, in as timely a fashion as possible.

- 19.1.2 Where a contract was advertised with an extension option and that extension option forms part of the contract, the decision to extend the contract may be made after ensuring that taking up the extension option delivers value for money.
- 19.1.3 Decisions on award of contract and contract extensions must be made in accordance with the Delegations to Officers.
- 19.1.4 For the avoidance of doubt, extensions are not permitted where they are not provided for in the original contract.

19.2 Assessment Summaries

- 19.2.1 Assessment Summaries (detailed feedback) will be sent by the Procurement & Contracts Service, in line with the relevant Officer's evaluation comments.

20. CONTRACT DOCUMENTS

20.1 Format of Contract Documents

- 20.1.1 Every Relevant Contract/must be in writing and must state clearly:
 - (a) what is to be supplied (description and quality)
 - (b) payment provisions (amount and timing and seeking electronic invoices)
 - (c) when the Council will have the right to terminate the contract
 - (d) that the contract is subject to the law as to prevention of corruptionThe Council's standard terms and conditions must be used where possible.
- 20.1.2 In addition, every Relevant Contract for purchases over £30,000.00 for works, supplies of goods, materials or services must also as a minimum state clearly:
 - (a) that the contractor may not assign or sub-contract without prior written consent
 - (b) any insurance and liability requirements
 - (c) health and safety requirements
 - (d) ombudsman requirements
 - (e) data protection requirements if relevant
 - (f) that charter standards are to be met if relevant
 - (g) requirements under all applicable Equality legislation
 - (h) a right of access to relevant documentation and records of the contractor for monitoring and audit purposes, including obligations under the FOI Act 2000 and 2015 Transparency Code
 - (i) requirements under the Counter-Terrorism and Security Act 2015 and Prevent Strategy where applicable
 - (j) obligations under the Public Interest Disclosure Act 1998 including employee whistleblowing.
 - (k) Statement requirements under the Modern Slavery Act 2015.
- 20.1.3 All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the Monitoring Officer. An award letter is insufficient.
- 20.1.4 All contracts must include the following paragraph:

‘The Contractor recognises that the Council is under a duty to act in a manner which is compatible with the Convention rights as defined by Section 1(1) of the Human Rights Act 1998 ('Convention Rights'). This duty includes a positive obligation on the Council to ensure that contractors providing services on the Council's behalf act in a way which is compatible

with the Convention Rights. The Contractor therefore agrees to provide the Services and comply with its other obligations under this contract in a manner which is compatible with the Convention Rights.'

20.1.5 The Officer responsible for securing the signature of the contractor must ensure that the person signing for the contracting party has authority to bind it.

20.2 Contract Signature *(see the Delegations to Officers for details of Officers who may action this rule):*

20.2.1 A contract entered into by or on behalf of the Council must:

- (a) Where the contract is in the form of a deed (see below), be made under the Council's seal and attested as required by the Constitution, or;
- (b) Where the contract is in signed under hand, it must:
 - (i) be signed by at least two officers of the Council authorised as required by the Constitution (see Delegations to Officers), or;

20.2.2 A contract must be in the form of a deed (see below) and sealed where;

- (a) The Council wishes to enforce the contract for more than six years after it ends; or
- (b) The price paid or received under the contract is a nominal price and does not reflect the value of the goods or services; or
- (c) Where there is any doubt about the authority of the person signing for the contracting party.

A contract in the form of a deed must state in the signature pages that the Contractor and the Council are executing the contract as a deed. Where an Officer is unsure whether a Contract should be signed under hand, or sealed, they must contact the Procurement & Contracts service to seek advice.

20.3 Legal Services Review of Tenders and Contracts

20.3.1 To ensure the integrity of the procurement process:

- (a) All proposed Invitations to Tender, where they are not in compliance with the Council's harmonised contract documentation or standard terms and conditions issued by a relevant professional body, will be reviewed by the Procurement and Contracts service.
Where the Procurement and Contracts service are unable to advise, it will be escalated to the Deputy Chief Officer with the recommendation that external legal advice is sought.

21. LIQUIDATED DAMAGES, SERVICE CREDITS, BONDS AND PARENT COMPANY GUARANTEES

21.1 Where a bond or guarantee is required to ensure satisfactory contract performance and/or to protect the Council, the requirement must be notified to bidders in the procurement documentation and must be in place no later than four (4) weeks after contract signature.

21.2 Every formal written contract which exceeds £120,000.00 in value and is for the execution of works shall provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed.

21.3 Every formal written contract that includes Key Performance Indicators / Service Level Agreements shall consider reasonable service credits to include within the contract where performance / service standards are not being met.

21.4 The Officer must consult the Deputy Chief Officer when a tenderer is a subsidiary of a parent company and the Officer does not think that a parent company guarantee is necessary, and:

21.4.1 The total value exceeds £120,000.00

21.4.2 Award is based on evaluation of the parent company, or

21.4.3 There is some concern about the stability of the supplier.

21.5 The officer must consult the Deputy Chief Officer about whether a bond is needed:

21.5.1 Where the total value exceeds £120,000.00.

21.5.2 Where it is proposed to make stage payments or other payments in advance of receiving the whole of the subject matter of the contract, or

21.5.3 There is some concern about the stability of the supplier.

22. PREVENTION OF CORRUPTION

22.1 Rules and regulations pertaining to the prevention of corruption are outlined in the Council's Financial Procedure Rules and must be adhered to.

22.2 The following clauses must be put in every written Council contract:

'The Council may terminate this contract and recover all its loss if the Contractor, its employees, or anyone acting on the Contractor's behalf do any of the following things:

22.2.1 Offer, give, or agree to give anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done); or

22.2.2 Commit an offence under the Bribery Act 2010 or Section 117(2) of the 1972 Act; or

22.2.3 Commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors, or employees.

Any clause limiting the Contractor's liability shall not apply to this cause.'

22.3 Any suspected irregularity shall be referred to the the Monitoring Officer where necessary. Any examination of contractors' or tenderers' books and records as a result of any such suspected irregularity shall be conducted by the Head of Procurement & Contracts. If, in the investigation of any irregularity, the Monitoring Officer considers that disciplinary procedures may need to be invoked, the appropriate Chief Officer/Deputy Chief Officer shall also be notified.

23. DECLARATION OF INTERESTS

Rules and regulations pertaining to the Declaration of Interests are outlined in the Code of Conduct for Employees within the Constitution and must be adhered to.

24. CONTRACT MANAGEMENT / MONITORING

- 24.1 All contracts must have an appointed Contract Manager for the entirety of the contract. The responsible Deputy Chief Officer must ensure a Contract Manager is designated prior to award.
- 24.2 The Contract Manager must monitor the overall performance of the contract in line with the specification, agreed service levels and contract terms.
- 24.3 The Contract Manager must ensure that they undertake contract management meetings with the supplier in line with the agreed timescales as per the contract.
- 24.4 The Officer named in the Contract Register will act as the Contract Manager and will be responsible for ensuring the obligations of these Rules. The Procurement & Contracts service are available to be contacted for any contract management support.

25. CONTRACT MODIFICATIONS

- 25.1 Before modifying a contract, the Procurement & Contracts service must be consulted to ensure the correct modification / variation process is being undertaken.
- 25.2 If the contract is valued above the Procurement Act 2023 threshold, advice from the Procurement & Contracts service must be sought before a modification is made to understand whether the modification is substantial or not, and whether a Contract Change Notice must be published, as per the Procurement Act 2023.
- 25.3 A substantial modification is one which would:
 - 25.3.1 Increase or decrease the term of the contract by more than 10% of the maximum term provided for, or
 - 25.3.2 Materially change the scope of the contracts, or
 - 25.3.3 Materially change the economic value of the contract in favour of the supplier.
- 25.4 A Contract Change Notice would not be required where:
 - 25.4.1 The modification increases or decreases the estimated value of the contract in the case of goods/services by less than 10% or in the case of works by less than 15%, or
 - 25.4.2 The modification increases or decreases the term of the contract by less than 10%.

26. POST CONTRACT MONITORING AND EVALUATION

- 26.1 During the life of the contract the Contract Manager must monitor in respect of:
 - 26.1.1 performance
 - 26.1.2 compliance with specification and contract
 - 26.1.3 cost
 - 26.1.4 any Best Value requirements
 - 26.1.5 user satisfaction and risk management
 - 26.1.6 social value or any other contractual obligations to deliver additional value arising from the contract

- 26.2 Where the total value of the contract exceeds £5,000,000, the Contract Manager must assess performance at least once every 12 months. A Contract Performance Notice must be published – the Procurement & Contracts service can do this providing the relevant Officer provides them with the required information.
- 26.3 If the supplier has breached the contract and the breach results in termination (or partial termination), award of damages, or a settlement agreement between both parties, a Contract Performance Notice must be published within 30 days of the relevant breach.
- 26.4 Where a contract naturally expires or is terminated, a Contract Termination Notice must be published.
- 26.5 Where the Total Value of the contract exceeds £1,000,000.00 the Officer must make a written report evaluating the extent to which the purchasing need and contract objectives were met by the contract. This should be done normally when the contract is completed. Where the contract is to be re-let, a provisional report should also be available early enough to inform the approach to re-letting of the subsequent contract.
- 26.6 For contracts awarded under £120,000, if, at any point during the delivery of the contract, the cost looks likely to exceed £120,000 the Contract Manager must notify the Procurement & Contracts Service who will assess options with the Contract Manager and recommend the best option for that particular project.

27. INTERNAL PROVIDERS

Where an in-house Service is bidding in competition for the provision of goods, works or services, care must be taken to ensure a fair process between the in-house provider Service and external bidding organisations.

28. EXTERNAL BODY GRANT FUNDING

- 28.1 Where a procurement process is funded, in whole or part, by grant funding which has been awarded to the Council by an external funding body, the Procurement & Contracts Service must ensure that any rules or conditions imposed by the funding body are adhered to, in addition to the requirements of these Contract Procedure Rules.
- 28.2 Where there is any conflict between these Contract Procedure Rules and the rules or conditions imposed by the funding body, the stricter requirement should be followed.

29. REVIEW AND AMENDMENT OF CPR

These Contract Procedure Rules shall be reviewed and updated, as necessary.

30. TERMINATION OF CONTRACTS *(see the Delegations to Officers for details of Officers who may action this rule)*

The Delegations to Officers details which Officers may terminate a contract. Any termination must be strictly in accordance with the terms of the contract and subject to consultation with the Monitoring Officer and Section 151 Officer and in some cases with the relevant Portfolio Holder.

CONTRACT PROCEDURE RULES

1. INTRODUCTION

- 1.1 These Contract Procedure Rules set out the rules that apply to all Officers, Members and agents acting on behalf of the Council, involved in procurement and contract management. The rules must be read in conjunction with relevant laws, regulations and policies/procedures including the Councils' Financial Procedure Rules.
- 1.2 These Contract Procedure Rules form part of the Council's Constitution
- 1.3 These Rules seek to protect the Council's reputation by minimising the risk of allegations of unfair process, dishonesty, and failure to meet legal obligations. If in doubt and/or if advice on these Rules / associated legislative requirements (such as the Procurement Act 2023) is required, please contact the Procurement & Contracts service.
- 1.4 Should a conflict be found between these Rules and the law, the order of precedence shall be the law and then these Rules.
- 1.5 All values referred to in these Rules are inclusive of VAT, excluding the table at 13.3 where it explicitly notes the exclusive of VAT figures too.
- 1.6 In the case of a breach to these Contract Procedure Rules, the Responsible Officer must inform the Head of Procurement & Contracts as soon as they are aware of the breach, detailing the nature of the breach and any management action taken to address the issues arising from the breach. The Procurement & Contracts service will maintain a record of all such breaches which will be reported to the Senior Leadership Team periodically.

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2. BASIC PRINCIPLES

- 2.1 All procurement procedures must:
- 2.1.1 realise/deliver value for money by awarding contracts that have the most economically advantageous contribution to delivering the Council's objectives.
- 2.1.2 maximise public benefit
- 2.1.3 be consistent with the highest standards of integrity.
- 2.1.4 operate in a transparent manner.
- 2.1.5 ensure fairness in allocating public contracts including managing conflicts of interest.
- 2.1.6 comply with all legal requirements including but not limited to the Procurement Act 2023 or successor legislation and the Procurement Regulations 2024.*.
- 2.1.7 support all relevant Council priorities and policies, including the Medium-Term Financial Plan.

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**Where a procurement / contract was started under the Public Contract Regulations 2015, that procurement or contract continues to be governed by those Regulations until the contract expiry date.*

NB: These Rules shall be applied to the contracting activities of any partnership for which the Council is the accountable body unless the Council expressly agrees otherwise (see the Delegations to Officers for details of Officers who may action this rule).

2.2 Procurements must also have regard to the National Procurement Policy Statement which sets out the national priorities for procurement,
"written" or "in writing" means any expression consisting of words or figures which can be read, reproduced, and subsequently communicated, including information transmitted and stored by electronic means.

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3. RELEVANT CONTRACTS

—All Relevant Contracts must comply with these Contract Procedure Rules. -A Relevant Contract is any arrangement made by, or on behalf of, the Council for the carrying out of works, supplies, goods, materials, or services. These include arrangements for:

—the supply or disposal of goods or materials;
—the hire, rental or lease of goods or equipment;
—execution of works;

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3.1 the delivery of services, including (but not limited to) those related to:

—the recruitment of staff
—land and property transactions
—financial and consultancy services
—the supply of staff by employment agents, consultants, or any other companies

3.2 Relevant Contracts do not include:

3.2.1 contracts of employment which make an individual a direct employee of the authority.

3.2.2 agreements regarding the acquisition, disposal, or transfer of land (to which the Financial Procedure Rules apply).

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3.2.3 the payment of grants to third parties

3.2.4 The lending or borrowing of money by the Council.

3.2.5 Contracts between Local Authorities as defined by Schedule 2, Paragraph 2 of the Procurement Act 2023

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—Contracts between Local Authorities as defined by Clause 17 of the Concession Contracts Regulations 2016

3.2.6 Contracts between Local Authorities as defined by Clause 1 of the Local Authorities (Goods and Services) Act 1970.

3.2.7 Section 75 NHS Act 2006 arrangements (although details must be recorded on the Council's Contract Register).

Please note, the Council cannot simply choose to treat a project as a Grant in order to avoid complying with these Contract Procedure Rules. Grants will have different conditions with regards to procurement.

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Generally, procurement is required when the Council is acquiring goods, services, or works to meet its own needs, and it retains control over the specification and delivery of those services. A grant is awarded to support an activity that aligns with the Council's objectives but is initiated and delivered by the recipient, who retains a degree of autonomy over the process.

Where there is any clarity required, please contact the Procurement & Contracts service.

NB: While grants are not covered by these Contract Procedure Rules, there are rules on the awarding of grants which do need to be observed. The Council cannot simply choose to treat procurement as a grant in order to avoid conducting a competitive process.

1. BASIC PRINCIPLES

1.1 All procurement procedures must:

- 1.1.1 realise value for money by awarding contracts that have the most economically advantageous contribution to delivering the Council's objectives;
- 1.1.21.1.1 be consistent with the highest standards of integrity;
- 1.1.31.1.1 operate in a transparent manner;
- 1.1.41.1.1 ensure fairness in allocating public contracts including managing conflicts of interest;
- 1.1.51.1.1 **comply with all legal requirements including but not limited to the Procurement Act 2023 or successor legislation;**
- 1.1.61.1.1 support all relevant Council priorities and policies, including the Medium-Term Financial Plan.

NB: These Rules shall be applied to the contracting activities of any partnership for which the Council is the accountable body unless the Council expressly agrees otherwise (see the Delegations to Officers for details of Officers who may action this rule).

1.21.1 "written" or "in writing" means any expression consisting of words or figures which can be read, reproduced, and subsequently communicated, including information transmitted and stored by electronic means.

2.4. OFFICER RESPONSIBILITIES

2.4.1 Responsible Officers

2.4.14.1.1 Officers will make sure that:

- (a) **they** comply with these Contract Procedure Rules (CPRs);
- (b) **they** comply with the Council's Constitution;
- (c) have the appropriate authorisation to procure**they**, complying with the Delegations to Officers;
- (d) **they** declare both, prior to the commencement of the procurement process and throughout the procurement process / contract, any personal interest / conflict of interest**interest** they may have in that process;
- (e) ensure all tenders/quotations are kept confidential;
- (f) ensure a written contract is issued and signed by both parties, or a purchase order is issued before the supply of goods, services or carrying out of works begin;
- (g) Where appropriate identify a Contract Manager with responsibility for ensuring the contract delivers as intended; where appropriate ensure that the contracts for which they are responsible are effectively managed (ensuring a named Contract Manager is allocated to the relevant contract) and monitored ensuring the contract delivers as intended.
- (h) a ensure a review of each contract is carried out at an appropriate stage; **and**
- (i) they comply with all legal requirements; **and**.

- (j) ensure contracts with a value over £56,000 are recorded on the Contracts Register as held and maintained by ~~the~~ Contracts and Procurement and Contracts Service;
(+)

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Officers must ensure that any agents, consultants, and contractual partners acting on their behalf also comply.

2.1.24.1.2 Officers ~~will~~ must:

- (a) keep any necessary records (such as a record of decisions made or minutes from any meetings) required by these Contract Procedure Rules,
- (b) take all necessary procurement, legal, financial, and professional advice, taking into account the requirements of these Contract Procedure Rules,
- (c) prior to letting a contract on behalf of the Council, check whether:
 - (i) the Contracts Register lists an appropriate contract in place for the Council, or:
 - (ii) an appropriate national, regional, or other collaborative contract is already in place.

Where the Council already has an appropriate contract in place, then this must be used unless it can be established that the contract does not fully meet the Council's specific requirements in this particular case, and this is agreed following consultation with the Contracts and Procurement & Contracts Service.

Where an appropriate national, regional, or collaborative contract is available, consideration should be given to using this, provided the contract ~~contract~~ offers value for money.

- (d) ensure that when any employee, either of the Council or of a service provider, may be affected by any transfer arrangement, then any Transfer of Undertaking (Protection of Employment) issues are considered and legal and HR advice from within the Council is obtained prior to proceeding with the procurement exercise.

2.1.34.1.3 Failure to comply with any of the provisions of these Contract Procedure Rules, the Council's Constitution or any legal requirements may be brought to the attention of the Monitoring Officer, Head of Internal Audit, or other relevant Officers as appropriate. Depending on the nature of the non-compliance this may result in disciplinary action being taken.

2.1.44.1.4 A contract may be let through any framework agreement to which the Council has access. Where the contract to be let is subject to the Procurement Act 2023, or any other relevant UK Legislation, use of such framework agreement shall be subject to compliance with those regulations (see the Delegations to Officers for details of Officers who may action this rule).

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2.2.2 Chief Officer/Deputy Chief Officers

2.2.14.2.1 Chief Officer/Deputy Chief Officers will:

- (a) ensure their Services complies fully and are familiar with the requirements of these Contract Procedure Rules;

- ~~(b)(a) ensure contracts with a value over £5,000 are recorded on the Contracts Register as held and maintained by a Contracts and Procurement Service;~~
- ~~(e)(b) ensure compliance with English Law and U.K. legislation and Council policy;~~
- ~~(d)(c) ensure value for money and optimise risk allocation in all procurement matters;~~
- ~~(e)(d) ensure compliance with any guidelines issued in respect of these Contract Procedure Rules;~~
- ~~(f)(e) take immediate action in the event of a breach of the Contract Procedure Rules or any Code of Practice within their directorate or service area;~~
- ~~(g)(f) ensure that all existing and new contracts anticipated during the forthcoming financial year are clearly itemised in the Budget supporting documentation;~~
- ~~(h) make appropriate arrangements for the opening of tenders and their secure retention using secure electronic means;~~
- ~~(i)(g) ensure original contract documents with a total value over £56,000 are forwarded to the Contracts and Procurement and Contracts Service for safekeeping;~~
- ~~(j)(h) ensure effective contract management, contract reviews and monitoring during the lifetime of all contracts in their areas;~~
- ~~(i) seek and act upon advice from the Contracts and Procurement and Contracts Service and Performance team where necessary to ensure compliance with these responsibilities; and~~
- ~~(k)~~

keep records of variations and exemptions of any provision of these Contract Procedure Rules.

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5. CONFLICTS OF INTEREST

- 5.1 Officers must take all reasonable steps to identify and keep under review any conflicts of interest or potential conflicts of interest. This obligation starts when the need for the procurement is first identified and continues until the termination of the contract.
- 5.2 Officers must take all reasonable steps to ensure that a conflict of interest does not put a supplier at an unfair advantage or disadvantage. If the Officer deems that that advantage or disadvantage cannot be avoided, they must contact the Procurement & Contracts service before progressing further with the procurement.
- 5.3 Where the procurement is valued over the Procurement Act 2023 thresholds a conflicts assessment must be prepared by the Officer in conjunction with the Procurement & Contracts service. The Procurement & Contracts service have a template document for Officers to complete, which includes the provision for details of all conflicts or potential conflicts of interest and any mitigating steps that the Council has taken or will take.
- 5.4 This conflicts assessment must be kept under review and revised as necessary during the procurement and contract term.
- 5.5 Any Officer or Member who fails to declare a conflict of interest may be subject to disciplinary proceedings and risks being prosecuted under the Bribery Act 2010.

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6. PRE-MARKET ENGAGEMENT

- 6.1 When Officers are undertaking pre-market engagement, they must ensure it is utilised for the following purposes:
 - 6.1.1 Developing the Council's requirements and approach to the procurement.
 - 6.1.2 Designing a procurement procedure, conditions of participation or award criteria.

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6.1.3 Preparing the tender notice and associated tender documents, including the proposed terms and conditions.

6.1.4 Understanding market conditions and identifying potential suppliers.

6.1.5 Understanding the resourcing limitations and capacity requirements of suppliers in relation to the procurement process and anticipated timetable.

6.2 Suppliers must not be put at an unfair advantage, or disadvantage, when undertaking pre-market engagement. If an Officer deems that a supplier has been put at an unfair advantage, or disadvantage, they must contact the Procurement & Contracts service before progressing further with the procurement.

~~Council may consult potential suppliers, prior to the issue of the Invitation to Tender or Request for Quotation, in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential organisation (see the Delegations to Officers for details of Officers who may action this rule).~~

6.3 When engaging with potential suppliers, the Council may use any advice in the planning and conduct of the procurement procedure, provided that it does not have the effect of distorting competition and does not result in a violation of the principles of non-discrimination and transparency.

6.4 The eCouncil shall take appropriate measures to ensure that competition is not distorted by the participation of a candidate or tenderer who has provided any advice by ensuring all other candidates and tenderers are provided with all of the information the advising candidate or tenderer has received or given and that all candidates or tenderers are given sufficient time to respond to the tender or quote.

6.5 ~~When~~In undertaking any market testing pre-market engagement activities above £60,000, the Officer responsible must seek advice from a Contracts and Procurement Service the Procurement & Contracts Service.

2.2.2 Chief Officer/Deputy Chief Officers must keep a register of

- (a) ~~contracts entered into by or on behalf of the Council, and~~
- (b) ~~exemptions recorded under Rule 3 and satisfy themselves that the use of exemptions has been monitored and a record kept by a Contracts and Procurement Service.~~

3.7. EXEMPTIONS

3.17.1 Except where the Procurement Act 2023 thresholds are exceeded applies, the Cabinet/Executive has the power to ~~waive~~ waive any requirements within these Contract Procedure Rules for specific projects. An exemption under this Rule 3.7 allows a contract to be placed by direct negotiation with one or more suppliers rather than in accordance with Rule 9.13.

3.27.2 These Contract Procedure Rules may be exempted where the circumstances meet any of the following criteria within 3.7.3. An exemption form must be completed and sent to the Head of Procurement & Contracts in the first instance to allow comments which will assist with the approval or rejection of the exemption.

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7.3 The Head of Procurement & Contracts will then pass this through to the Section 151 Officer, ~~for approval prior to consideration by~~ the Chief Executive, ~~and~~ the Portfolio Holder for the relevant area, ~~as well and as~~ the Portfolio Holder for Finance ~~for approval / sign-off~~. This process must be followed in advance of the award of contract, and in compliance with the criteria set out in the Delegations to Officers. Please see the circumstances for an exemption below:

3.3

3.3.47.3.1 for works, supplies, or services which are either patented or of such special character that it is not possible to obtain competitive prices;

3.3.27.3.2 for supplies purchased or sold in a public market or auction;

7.3.3 with an organisation already engaged by the Council for a similar and related procurement and where there is significant benefit to extending the contract to cover this additional requirement that does not breach legal requirements such as the Procurement Act 2023.

3.3.3

3.3.47.3.4 involving such urgency that it is not possible to comply with the Contract Procedure Rules and there is a significant risk to the council of not acting with urgency;

3.3.57.3.5 for the purchase of a work of art or museum specimen, or to meet the specific requirements of an arts or cultural event which cannot be procured competitively due to the nature of the requirement;

3.3.67.3.6 in relation to time-limited grant funding from an external body, where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this;

3.3.77.3.7 where relevant legislation not otherwise referred to in these Contract Procedure Rules prevents the usual procurement process from being followed;

3.3.87.3.8 goods, works or services contracts may be awarded directly to a legal person where that legal person meets the criteria as set out in Schedule 2, Paragraph 2 of the Procurement Act 2023. (formerly known as "Teckal" companies);

7.3.9 where building development opportunities are available to the Council, and have been proven to be financially viable, and the value is under the Procurement Act 2023 Thresholds for Works (as per Appendix 2 – Procurement Act 2023 Thresholds..

3.3.97.3.10 where an existing contract is being re-procured and there are delays to that procurement process which means that the new contract cannot start at the expiry of the existing contract (this exemption cannot be for longer than 6-months and cannot make the contract a "convertible contract" under the Procurement Act 2023 by exceeding the applicable threshold).

3.4 In addition to approval by a Contracts and Procurement Service:

3.4.1 ~~the Monitoring Officer must be consulted where purchases are to be made using standing arrangements with another local authority, government department, health authority, primary care trust or statutory undertaker.~~

3.4.2 ~~The Monitoring Officer must be consulted where the contract is an extension to an existing contract and a change of supplier would cause:~~

- ~~(a) Disproportionate technical difficulties~~
- ~~(b) Diseconomies~~
- ~~(c) Significant disruption to the delivery of Council services.~~

3.57.4 Every ~~variation~~ exemption must be recorded on the Council's Procurement Exemption Form at Appendix 1 to these Contract Procedure Rules and the form will be recorded on

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a master register to be maintained by ~~thea~~ Contracts and Procurement & Contracts Service.

~~3.67.5~~ Where an exemption a variation/exemption is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to Council services, the Chief Officer/Deputy Chief Officer may approve the exemption but must prepare a report for the next meeting of the Cabinet/Executive to support the action taken.

~~3.7~~ Where grant conditions require expenditure to be incurred within a financial year, and notification of grant is received so late as to prevent compliance with Rule 9, an exemption may be approved by the Chief Executive on receipt of a report from the relevant service where the Section 151 Officer and Monitoring Officer have been consulted.

~~3.87.6~~ A Contracts and Procurement Service The Procurement & Contracts service must monitor the use of all exemptions.

4.1. RELEVANT CONTRACTS

~~4.1.1.1~~ All Relevant Contracts must comply with these Contract Procedure Rules. A Relevant Contract is any arrangement made by, or on behalf of, the Council for the carrying out of works, supplies, goods, materials, or services. These include arrangements for:

- ~~4.1.11.1.1~~ the supply or disposal of goods or materials;
- ~~4.1.21.1.1~~ the hire, rental or lease of goods or equipment;
- ~~4.1.31.1.1~~ execution of works;
- ~~4.1.41.1.1~~ the delivery of services, including (but not limited to) those related to:
 - (a) the recruitment of staff
 - ~~(b)(a)~~ land and property transactions
 - ~~(c)(a)~~ financial and consultancy services
 - ~~(d)(a)~~ the supply of staff by employment agents, consultants, or any other companies

~~4.2.1.1~~ Relevant Contracts do not include:

- ~~4.2.11.1.1~~ contracts of employment which make an individual a direct employee of the authority;
- ~~4.2.21.1.1~~ agreements regarding the acquisition, disposal, or transfer of land (to which the Financial Procedure Rules apply);
- ~~4.2.31.1.1~~ the payment of grants to third parties
- ~~4.2.41.1.1~~ The lending or borrowing of money by the Council;
- ~~4.2.51.1.1~~ Contracts between Local Authorities as defined by Schedule 2, Paragraph 2 of the Procurement Act 2023
- ~~4.2.61.1.1~~ Contracts between Local Authorities as defined by Clause 17 of the Concession Contracts Regulations 2016
- ~~4.2.71.1.1~~ Contracts between Local Authorities as defined by Clause 1 of the Local Authorities (Goods and Services) Act 1970;
- ~~4.2.81.1.1~~ Section 75 NHS Act 2006 arrangements (although details must be recorded on the Council's Contract Register);

~~NB: While grants are not covered by these Contract Procedure Rules, there are rules on the awarding of grants which do need to be observed. The Council cannot simply choose to treat procurement as a grant in order to avoid conducting a competitive process.~~

5.8. RECORDS

~~5.48.1~~ The Procurement Act 2023 requires contracting authorities to maintain the following comprehensive records of procurement activities:

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- ~~5.1.48.1.1~~ sufficient documentation to justify decisions at all stages of the procurement process
- ~~5.1.28.1.2~~ contract details including value
- ~~5.1.38.1.3~~ selection decision
- ~~5.1.48.1.4~~ justification for use of the selected procedure
- ~~5.1.58.1.5~~ names of bidding organisations, both successful and unsuccessful
- ~~5.1.68.1.6~~ reasons for selection
- ~~5.1.78.1.7~~ reasons for abandoning a procedure

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~~58.1A~~ Most contracts and extensions to contracts will be awarded by Officers making a decision under delegated authority (see Delegations to Officers). All such Officer decisions must be published unless the decision is administrative, minor, or not closely connected to the discharge of an executive function. Some decisions will be subject to Call-in. Where Call-in applies, the winning contractor must be advised that the award of contract is subject to Call-in and will not be confirmed until the Call-in period has expired.

~~5.28.2~~ For contracts up to £~~460,000~~ the following records must be kept:

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- ~~5.2.48.2.1~~ invitations to quote (where applicable)
- ~~5.2.2~~ ~~all quotes returned~~
- ~~5.2.38.2.2~~ all tenders/quotes returned;
- ~~5.2.48.2.3~~ notification to the successful, and unsuccessful (where applicable) bidders of the outcome of the quotation exercise
- ~~5.2.58.2.4~~ the contract;
- ~~5.2.68.2.5~~ a written record of:
 - (a) any exemptions and reasons for it; and
 - (b) the reasons if the lowest price is not accepted

5.3

~~5.48.3~~ For contracts where the total value is greater than £60,000.00 but less than £120,000.00 for works, supplies of goods materials or services, A the Contracts and Procurement and Contracts Service should ~~must~~ be made aware of any procurement requirements at the earliest opportunity to assist with this process. Where formal advertising via a Request for Quotation is required recommended by these rules, the Council's e-Tendering portal should be used. competitive procurement processes must be advertised on the Council's e-Tendering portal. Where the total value is greater than £40,000.00 but less than £85,000.00 for works, supplies of goods materials or services, the following records must be kept:

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- ~~5.4.18.3.1~~ invitations to quote/tender;
- ~~5.4.28.3.2~~ all communication with suppliers;
- ~~5.4.38.3.3~~ all tenders/quotes returned;
- ~~8.3.4~~ a completed evaluation sheet with scores and comments justifying the score awarded, where a formal process is used;

8.3.5 a decision log, including details of why a bidder has been selected, where an informal process is used;

5.4.4 a completed evaluation sheet with scores and comments justifying the score awarded;

5.4.58.3.6 feedback assessment summaries letters-/ feedback to the unsuccessful bidders;

5.4.68.3.7 all communications with the successful contractor;

5.4.78.3.8 the contract;

5.4.88.3.9 a written record of:

(a) any exemptions and reasons for it; and

(b) the reasons if the lowest price is not accepted

5.4.98.3.10 written records of communications with the successful contractor.

5.5 For contracts up to £40,000 records should be kept following the principles as above but the actual record kept should be proportionate to the value of the contract.

5.68.4 Where the total value exceeds £85120,000.00 for works, supplies of goods, materials or services, the Officer must record the same details as in Rule 58.3 above and any further records as advised by a Contracts and Procurement Service the Procurement & Contracts Service.

5.78.5 Written records required by this Rule 58 must be kept for six years (twelve years if the contract is under seal) after the final settlement of the contract. All documents which relate to unsuccessful candidates (tender responses, feedback letters etc.) must be kept for 12 months from award of contract provided there is no dispute about the award or where there is a dispute, once the dispute is resolved, 12 months from resolution of the dispute.

5.88.6 Prospective candidates must be notified simultaneously in writing and as soon as possible of any contracting decision. If a candidate requests in writing the reasons for a contracting decision, the officer must give the reasons in writing within 15 days of the request.

8.7 The Freedom of Information Act 2000 gives a general right of public access to all types of 'recorded' information held by public authorities, sets out exemptions from that general right, and places a number of obligations on public authorities with regard to the disclosures of information. The Council will, as a general rule, allow public access to recorded information where possible and the contractor shall agree to the Council making any disclosures in accordance with the Act.

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6-9. RISK MANAGEMENT / ASSESSMENT

Officers must consider any risks in the procurement process including the skills and capacity within the Council to manage the procurement process. Where any risk assessment identifies a need for further specialist advice that specialist advice must be procured in accordance with these rules.

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9.1 Officers must create a robust risk assessment as part of the procurement planning process for all contracts valued over £120,000 in conjunction with the Procurement & Contracts service.

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9.2 The risk assessment must be reviewed and updated regularly during the procurement process and throughout the contract term.

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~~6.19.3~~ Where key risks are identified at the pre-procurement stage which may lead to a future contract modification, these risks must be stated clearly in the tender notice and in relevant procurement documents.

7.10. ADVERTISING

The Contracts and Procurement Service will ensure that the minimum advertising requirements in the Procurement Act 2023 and as outlined in Rule 98 are met.

8.11. FRAMEWORKS AGREEMENTS

8.1 Framework has the same meaning as in the Procurement Act 2023. "...a contract between a Contracting Authority and one or more supplier(s) that provides for the future award of contracts by the authority to the supplier(s)."s Agreements (see the Delegations to Officers for details of Officers who may action this rule):

11.1

~~Contracts based on Frameworks may be awarded in one of two ways, as follows:~~

~~where the terms of the agreement are sufficiently precise to cover the particular call-off, by applying the terms laid down in the Framework Agreement without re-opening competition, or~~

~~where the terms laid down in the Framework Agreement are not precise or complete enough for the particular call-off, by holding a further competition in accordance with the following procedure:~~

~~inviting the organisations within the Framework Agreement, that are capable of executing the subject of the contract, to submit bids, with an appropriate time limit for responses, taking into account factors such as the complexity of the subject of the contract,~~

~~awarding each contract to the bidding organisation who has submitted the most economically advantageous tender on the basis of the relevant Award Criteria set out in the Framework Agreement.~~

11.2 Contracts based on Frameworks may be awarded in one of two ways, as follows:

11.2.1 Where the terms of the agreement are sufficiently precise to cover the particular call-off, by applying the terms laid down in the Framework Agreement without re-opening competition (Direct Award), or

11.2.2 Where the terms laid down in the Framework Agreement are not precise or complete enough for the particular call-off, by holding a further competition in accordance with the following procedure (Further Competition):

(a) Inviting the organisations within the Framework that are capable of executing the subject of the contract, to submit bids, with an appropriate time limit for responses, considering factors such as the complexity of the subject of the contract,

(b) Awarding each contract to the bidding organisation who has submitted the most advantageous tender on the basis of the relevant Award Criteria set out in the Framework.

11.3 The term of a Framework must not exceed four years when utilising a Closed Framework, or eight years when utilising an Open Framework, as defined in the Procurement Act 2023.

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11.4 A contract of any value can be procured through a framework. If the proposed contract value is over £60,000, the Procurement & Contracts service must be consulted before the procurement is started.

11.5 A framework is considered a compliant procurement route when:

11.5.1 It has been entered into by the Council in compliance with these Rules, or

11.5.2 Another contracting authority, purchasing consortium or central government organisation has tendered the framework in compliance with the relevant procurement legislation and the Council is named as a potential user of the arrangement (e.g., ESPO / CCS).

11.5.3 When using a framework as per 11.5.2, officers must ensure that all of the necessary documentation is completed. Officers must consult with the Procurement & Contracts service before entering into a call-off contract as per 11.5.2.

11.6 Officers must carry out due diligence checks at contract award to evidence fulfilment of any conditions of participation and that there are no grounds for exclusion.

11.7 ~~Where a Framework Agreement is used and the arrangements under that Agreement Framework include further competition, the~~ Approval to procure and award must be in compliance with the ~~Delegations to Officers.~~

11.8 Most contracts will then be awarded by Officers making a decision under delegated authority. All such Officer decisions must be published unless the decision is administrative, minor, or not closely connected to the discharge of an executive function. Some decisions will be subject to Call-in. Where Call-in applies the winning contractor must be advised that the award of contract will not be confirmed until the Call-in period has expired.

12. DYNAMIC MARKETS

12.1 A dynamic market as defined in the Procurement Act 2023 is an open list of qualified suppliers eligible to participate in future procurements (via Further Competition only). Suppliers can join the dynamic market at any time if they meet the specified conditions, enabling the ability to streamline a procurement process by allowing continuous admission of suppliers.

12.2 Officers must ensure that there is no existing Council contract, framework or Dynamic Market available before undertaking an alternative procurement.

12.3 Only procurements valued over the relevant UK Procurement threshold may be procured via a Dynamic Market.

12.4 A dynamic market is considered a compliant procurement route when:

12.4.1 It has been entered into by the Council in compliance with these Rules, or

12.4.2 Another contracting authority, purchasing consortium or central government has tendered the framework in compliance with the relevant procurement legislation and the Council is named as a potential user of the arrangement (e.g., ESPO / CCS).

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12.5 Officers must seek advice and support from the Procurement & Contracts service whenever they wish to establish or use a Dynamic Market.
details which Officers may seek, receive, and evaluate quotations/tenders.

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8.1.1 Framework has the same meaning as in the Procurement Act 2023: "...a contract between a contracting authority and one or more suppliers that provides for the future award of contracts by the authority to the supplier(s)."

8.1.2 The term of a Framework Agreement must not exceed four years, when utilising a Closed Framework, or eight years when utilising an Open Framework, as defined in the Procurement Act 2023.

8.1.31.1.1 Contracts based on Frameworks may be awarded in one of two ways, as follows:

(a) where the terms of the agreement are sufficiently precise to cover the particular call off, by applying the terms laid down in the Framework Agreement without re-opening competition, or

(b)(a) where the terms laid down in the Framework Agreement are not precise or complete enough for the particular call off, by holding a further competition in accordance with the following procedure:

(i) inviting the organisations within the Framework Agreement, that are capable of executing the subject of the contract, to submit bids, with an appropriate time limit for responses, taking into account factors such as the complexity of the subject of the contract;

(ii)(i) awarding each contract to the bidding organisation who has submitted the most economically advantageous tender on the basis of the relevant Award Criteria set out in the Framework Agreement.

Where a Framework Agreement is used and the arrangements under that Agreement Framework include further competition, the Delegations to Officers details which Officers may seek, receive, and evaluate quotations/tenders.

8.1.4 Most contracts will then be awarded by Officers making a decision under delegated authority. All such Officer decisions must be published unless the decision is administrative, minor, or not closely connected to the discharge of an executive function. Some decisions will be subject to Call-in. Where Call-in applies the winning contractor must be advised that the award of contract will not be confirmed until the Call-in period has expired.

13. COMPETITION REQUIREMENTS / ASSETS FOR DISPOSALPROCUREMENT THRESHOLDS

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13.1 Officers must establish the total value of the procurement including whole life costs, incorporating any potential extension periods which may be awarded. Where the Procurement Act 2023 rules apply, Officers must also ascertain the value of a contract in accordance with those rules.

13.2 Contracts must not be artificially under / over-estimated or divided into two or more separate contracts where the effect is to avoid the application of the thresholds below.

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13.3 Where the estimated total value is within the values in the table below, the corresponding tendering procedure must be followed. (see the Delegations to Officers for details of Officers who may actions this rule).

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9.1 Competition Requirements

- 9.1.1 Chief Officers/Deputy Chief Officers must establish the total value of the procurement including whole life costs and incorporating any potential extension periods which may be awarded. Where the Procurement Act 2023 rules apply, Chief Officers/Deputy Chief Officers must also ascertain the value of a contract in accordance with those rules.
- 9.1.2 Contracts must not be artificially under or over-estimated or divided into two or more separate contracts where the effect is to avoid the application of Contract Procedure Rules, or the Procurement Act 2023.
- 9.1.3 Where the estimated total value for a purchase or concession is within the values in the first and second columns of the table below, the tendering procedure in the third column must be followed (see the *Delegations to Officers for details of Officers who may action this rule*).

| Procurement Values (exclusive of VAT) | Works and Concessions Supply of Goods, Materials and Services Procurement Values (inclusive of VAT) | Tendering Procedure |
|---|---|---|
| £0 to £6,250 | £0 to £57,0500 £0 to £5,000 | One <u>written</u> quote - this should be a local provider wherever possible. A purchase order must be raised. |
| £6,250.01 - £12,500 | £5,001 - £10,000 £7,500.01 - £15,000£5,001 - £10,000 | Two written quotes – one should be a local provider wherever possible. A purchase order must be raised. |
| £12,500.01 - £50,000 | £15,000.01 - £60,000£10,001 to £40,000 £10,001 to £40,000 | At least three written quotes shall be sought and two must be received . Local providers must be given an opportunity to provide a quote, wherever possible. A purchase order must be raised |
| £50,000.01 - £100,000 | £40,001 to £85,000£60,000.01 - £120,000 £40,001 to £85,000 | At least five three written quotations shall be sought. A via a Request for Quotation via the e-Tendering Portal is recommended. The Procurement & Contracts service must be involved. Where a formal Request for Quotation process is not utilised, the Procurement & Contracts service must agree the alternative process (e.g., retrieving quotations from suppliers via email etc.). Local providers must be given an opportunity to provide a quote, wherever possible. A purchase order must be raised. |
| £100,000.01 up to Procurement Act 2023 thresholds | £85,001 up to Procurement Act 2023 thresholds*£120,000.01 up to Procurement Act 2023 thresholds £85,001 up to Procurement Act 2023 thresholds* | Open tender —via the E-Tendering Portal & a below-threshold notice published on Find a Tender. A social value clause must be built into the specification and contract. (Public Service (Social Value) Act 2012Social value) must be considered as part of the specification / award criteria. A purchase order must be raised |
| Above Procurement Act 2023 thresholds | Above Procurement Act 2023 thresholds*Above Procurement Act 2023 thresholds* Above Procurement Act 2023 thresholds* | UK Public Procurement Procedure – via E-Tendering Portal & Find a Tender notice. <u>Social value must be considered as part of the specification / award criteria.</u> Local social value clause must be built into the specification of the |

* As per Appendix 2 – Above Procurement Act 2023 thresholds*

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13.4 Written quotations must include the following information as a minimum:

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13.4.1 Details of the goods, services or works to be supplied;

13.4.2 Where and when the delivery is to take place (where applicable);

13.4.3 The total value of the contract; and

13.4.4 The terms and conditions to apply including the price and payment terms

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13.5 Officers must provide contractual details to the Procurement & Contracts service for contracts over £6,000 so that the contract can be added to the Council's Contracts Register.

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13.6 Officers must provide contractual details to the Procurement & Contracts service for contracts £30,000 & above where the Procurement & Contracts service have not been involved in the procurement. This must be provided for within 30 days of contract award to allow a Contract Details Notice to be published.

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13.7 Officers must contact the Procurement & Contracts service for any procurement requirements £60,000.01 & above. For spend of £60,000 and below, Officers can procure without the need to involve the Procurement & Contracts service, following the procurement thresholds above. Where there are any queries, the Procurement & Contracts service should be contacted to avoid non-compliance.

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13.8 Where the Procurement Act 2023 thresholds apply, Officers must consult the Procurement & Contracts service to determine the procedure for conducting the procurement exercise.

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13.9 Where it can be determined that there are insufficient suitably qualified candidates to meet the threshold requirements as per the table above, all suitably qualified candidates must be invited. (see the Delegations to Officers for details of Officers who may action this rule.)

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13.10 Where services are currently purchased internally, i.e., from within the Council, for internal provision, the requirement to obtain other quotations or tenders does not apply. However, the purchaser may choose to seek alternative quotations/tenders for the purpose of market testing.

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9.1.4 Where it can be demonstrated that there are insufficient suitably qualified candidates to meet the competition requirements, all suitably qualified candidates must be invited (see the Delegations to Officers for details of Officers who may action this rule).

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9.1.5 Where services are currently purchased internally, i.e., from within the Council, for internal provision, the requirement to obtain other quotations or tenders does not apply. However, the purchaser may choose to seek alternative quotations/tenders for the purpose of market testing.

Where the Procurement Act 2023 thresholds apply, the procuring Officer shall consult a Contracts and Procurement Service to determine the procedure for conducting the procurement exercise.

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9.1.6

~~9.2 — Assets for Disposal (see the Delegations to Officers for details of Officers who may action this rule):~~

~~9.2.1 — Assets for disposal must be dealt with in accordance with the Council's Financial Procedure Rules.~~

~~9.2.2 — Assets for disposal must be sent to Public Sale except where better value for money is likely to be obtained by inviting quotations and tenders. In the latter event, the method for disposal of surplus or obsolete stocks/stores or assets other than land must be determined as follows:~~

Commented [MG1]: I have removed Asset Disposal section as agreed - it is covered within Finance Procedure Rules at each Council - although each differing slightly.

| Total Value | Procedure |
|--|---|
| Where the cost of disposal is likely to outweigh the value of the asset for disposal | By (in order of preference) 1. gifting to a local organisation if they can make use of the asset; 2. disposal for recycling; or 3. disposal by the most environmentally friendly option possible. |
| Up to £10,000 | Two written quotations or public sale |
| £10,000.01 and above | At least three written quotations or public sale, or an invitation to tender |

10. PRE-TENDER MARKET TESTING AND CONSULTATION

~~10.1 — The Council may consult potential suppliers, prior to the issue of the Invitation to Tender or Request for Quotation, in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential organisation (see the Delegations to Officers for details of Officers who may action this rule).~~

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~~10.2 — When engaging with potential suppliers, the Council may use any advice in the planning and conduct of the procurement procedure, provided that it does not have the effect of distorting competition and does not result in a violation of the principles of non-discrimination and transparency.~~

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~~10.3 — The council shall take appropriate measures to ensure that competition is not distorted by the participation of a candidate or tenderer who has provided any advice by ensuring all other candidates and tenderers are provided with all of the information the advising candidate or tenderer has received or given and that all candidates or tenderers are given sufficient time to respond to the tender or quote.~~

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~~10.4 — In undertaking any market testing activities, the Officer responsible must seek advice from a Contracts and Procurement Service.~~

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~~14. EVALUATION CRITERIA AND STANDARDSEVALUATING TENDERS~~ (see the Delegations to Officers for details of Officers who may action this rule);

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~~The evaluation of bids must be conducted in accordance with the evaluation criteria set out in the procurement documents provided to bidding organisations, and in line with any guidance given by a Contracts and Procurement Service.~~

~~The arithmetic in compliant tenders must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their tender. Alternatively, if the rates in the tender, rather than the overall price, were stated within the Invitation to Tender as being~~

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dominant, an amended tender price may be requested to accord with the rates given by the tenderer.

Deputy Chief Officers must ensure that submitted tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily.

11. _____

14.1 In any procurement exercise the successful bid should be the one which:

14.1.1 Offers the most advantageous proposal based on the award criteria.

14.1.2 Such criteria may include:

(a) Quality including technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental, and innovative characteristics and trading and its conditions;

(b) After-sales service and technical assistance, delivery conditions such as delivery date, delivery process and delivery period or period of completion.

(c) Price / Commercial approach

(d) Social Value / sustainability commitments

14.2 Evaluation must be conducted in accordance with the published criteria. Evaluators must undertake evaluations individually initially followed by moderation to reach an agreed tender score.

14.3 All criteria must relate to the subject matter of the contract, must be objectively quantifiable and non-discriminatory.

14.4 The procurement documentation must clearly explain the basis of the decision to bidding organisations, making clear how the evaluation criteria specified in the process will be applied, the overall weightings to be attached to each of the high-level criteria, whether the high-level criteria are divided into any sub-criteria and the weightings attached to each of those sub-criteria.

11.1 Evaluation Criteria

11.1.1 In any procurement exercise the successful bid should be the one which:

(a) offers the lowest price where payment is to be made by the Council, or offers the highest price if payment is to be received, or:

(b) offers the most advantageous balance between quality and price.

In the latter case, the Council will use criteria such as qualitative, environmental and/or social aspects, linked to the subject matter of the contract to determine that an offer is the most advantageous. Such criteria may include:

(i) quality, including technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental, and innovative characteristics and trading and its conditions;

(ii) organisation, qualification, and experience of staff assigned to performing the contract, where the quality of the staff assigned can

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- have a significant impact on the level of performance of the contract;
or
(iii) ~~after sales service and technical assistance, delivery conditions such as delivery date, delivery process and delivery period or period of completion.~~

- ~~11.1.2 Issues that are important to the Council in terms of meeting its corporate objectives can be used to evaluate bids. The criteria can include, for example sustainability considerations, support for the local economy, or the use of sub-contractors. The bidding organisations' approaches to continuous improvement and setting targets for service improvement or future savings could also be included. All criteria must relate to the subject matter of the contract, be in line with the Council's corporate objectives and must be objectively quantifiable and non-discriminatory.~~
- ~~11.1.3 The procurement documentation should clearly explain the basis of the decision to bidding organisations, making clear how the evaluation criteria specified in the process will be applied, the overall weightings to be attached to each of the high-level criteria, how the high-level criteria are divided into any sub-criteria and the weightings attached to each of those sub-criteria.~~
- ~~11.1.4 The evaluation criteria must not include:~~
- ~~(a) Non-commercial considerations~~
 - ~~(b) Matters which discriminate against suppliers who are signatories to the Government Procurement Agreement.~~

~~11.2 Standards~~

- ~~11.2.1 Relevant British and International standards which apply to the subject matter of the contract, and which are necessary to properly describe the required quality must be included within the contract.~~
- ~~11.2.2 Officers should refer to the Procurement and Contracts Service if they have any queries or require further guidance.~~

~~42.15. INVITATION TO TENDER / REQUEST FOR QUOTATION~~ (see the *Delegations to Officers for details of Officers who may action this rule*)

- ~~42.15.1~~ Invitations to Tender/Requests for Quotation must be issued in accordance with the requirements of these Contract Procedure Rules.

- ~~12.2 The Invitation to Tender shall state that no tender will be considered unless it is received by the date and time stipulated in the Invitation to Tender, subject to 15.5.3. No tender delivered in contravention of this Rule 12 shall be considered.~~

- ~~42.315.2~~ All Invitations to Tender shall include the following:

- ~~42.3.115.2.1~~ A specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers, together with the terms and conditions of contract that will apply.
- ~~42.3.215.2.2~~ A requirement for candidates to declare that the tender content, price or any other figure or particulars concerning the tender submitted by the candidate has not been disclosed by the candidate to any other party (except where such disclosure is made in confidence for a necessary purpose).
- ~~42.3.315.2.3~~ A requirement for candidates to complete fully and sign all tender documents including a form of tender and certificates relating to canvassing and non-collusion.
- ~~42.3.415.2.4~~ Notification that tenders are submitted to the Council on the basis that they are compiled at the candidate's expense.

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~~12.3.5~~15.2.5 A description of the award procedure and, unless defined in a prior advertisement, a definition of the award criteria in objective terms and the percentage weighting of each criterion in the evaluation.

~~12.3.6~~15.2.6 The method by which arithmetical errors discovered in the submitted tenders are to be dealt with. In particular, whether the overall price prevails over the rates in the tender or vice versa.

~~12.4~~15.3 The Invitation to Tender or Requests for Quotation must state that the Council is not bound to accept any tender or quotation.

15.4 All candidates invited to tender, or quote must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis. Where a candidate asks a clarification question regarding the tender or quote, the question and the answer will be provided to all candidates.

15.5 ~~Tenders received after the tender deadline date and time or tenders which are not submitted in accordance with these Rules and any criteria set out in the procurement documentation will be disqualified unless otherwise agreed by the Monitoring Officer~~

15.6 ~~If there is an obvious ambiguity or error in the tender and that ambiguity or error appears to have a simple explanation, bidders may be invited to correct their tender response. Advice must be sought from the Procurement & Contracts service before further action is taken.~~
~~12.5~~

12.6 Under the Procurement Act 2023, the Council is required to request an explanation of the price or costs proposed in a tender where that price or those

15.7 costs appear to be **abnormally low** in relation to the requirement. ~~If the bidder is unable to demonstrate that the price offered is not abnormally low, its tender may be disregarded. Advice must be sought from the Procurement & Contracts service during this process.~~

~~12.7 Advice should be sought from the Contracts & Procurement Service during this investigation process to ensure that the requirements of the Procurement Act 2023 are complied with.~~

13.16. SHORTLISTING

Any shortlisting (i.e., supplier selection or conditions of participation) must have regard to the ~~economic and~~ financial standing, legal capacity, and the technical ~~and professional~~ ability of the candidates to deliver the required goods, services or works.

14.17. SUBMISSION, RECEIPT AND OPENING OF TENDERS / QUOTATIONS (see the Delegations to Officers for details of Officers who may action this rule):

14.17.1 Tenders

17.1.1 Bidding organisations must be given an adequate period in which to prepare and submit a proper quotation or tender, consistent with the complexity of the contract requirements.

~~14.1.1~~17.1.2 When advertising a tender for a procurement above the Procurement Act 2023 thresholds, the tenders must be advertised for the minimum number of days as specified in the Procurement Act 2023 legislation.

~~14.1.2~~17.1.3 Tender Contents:
Each tender must contain, where relevant:

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- (a) An undertaking signed by the tenderer that to the best of their knowledge and belief they have complied with all the relevant provisions of the Health and Safety at Work Act 1974 and regulations made under it or where they have not complied, an explanation of the remedial action they have taken to ensure compliance;
- (b) A statement that the tenderer will comply with all current relevant British Standard Specification or Code of Practice or equivalent international standards offering guarantees of safety, reliability, and fitness for purpose;
- (c) ~~A~~ A statement by the tenderer that they will not try to obtain or receive by whatever means any information which gives or is intended to give the tenderer or another party any unfair advantage over any other tenderer (including the Council's own workforce) in relation to the tendering for and award of any contract;
- (d) A statement that the Council shall not be liable for expenses incurred in the preparation of tenders; nor shall the Council be bound to accept the lowest or any tenders submitted; and shall have reserved to them the right to invite fresh tenders should they consider that course desirable.

44.217.2 Electronic Arrangements

~~44.2.4~~17.2.1 Tenders, ~~Quotations~~Request for Quotations, Framework Further Competition bids and Conditions of Participation stages will be received electronically and will be opened by ~~a Contracts and Procurement Service~~the Procurement & Contracts service on the e-Tendering portal. The system will not allow any quotations to be opened until the allocated return date / time has passed. ~~(See the Delegations to Officers for details of Officers who may action this rule).~~

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44.317.3 Hard Copy Arrangements

~~44.3.4~~17.3.1 In the limited circumstances where a Quotation, Further Competition bid or Tender cannot be received electronically, ~~thea Contracts and Procurement and~~ Contracts Service will consult with the Monitoring Officer to agree a suitable way to receive the Quotation, Further Competition bid or Tender.

45.18. CLARIFICATION PROCEDURES AND POST TENDER NEGOTIATIONS

~~45.4~~18.1 Seeking clarification of a tender received whether in writing or by way of a meeting is permitted. However, any such clarification must not involve changes to the basic features of the bidding organisation's submission and all tenderers must be treated equally (see the Delegations to Officers for details of Officers who may action this rule).

~~45.2~~18.2 Post tender negotiation means negotiations with any tenderer after submission of a tender and before the award of the contract with a view to obtaining an adjustment in price, delivery, or content. *Where the value of the Tender is above the threshold in the Procurement Act 2023 advice must be sought from a Contracts and Procurement*the Procurement & Contracts Service. Where post tender negotiation results in a fundamental change to the specification (or contract terms) the contract must not be awarded but re-tendered (see the Delegations to Officers for details of Officers who may action this rule).

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~~45.3~~18.3 If post tender negotiations are necessary after a single stage tender or at the final stage of a multiple-stage tender, then such negotiations shall only be undertaken with the tenderer who has previously been identified as submitting the best tender. Tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the tender documents. Officers appointed by the Chief

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Officer/Deputy Chief Officer to carry out post tender negotiations should ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.

~~15.4~~18.4 Post tender negotiation must only be conducted in accordance with guidance given by the Monitoring Officer and ~~a Contracts and Procurement Service~~the Procurement & Contracts Service.

~~15.5~~18.5 The Monitoring Officer and ~~a Contracts and Procurement Service~~the Procurement & Contracts Service must be consulted and agree:

~~15.5.1~~18.5.1 Wherever it is proposed to enter into post tender negotiation;

~~15.5.2~~18.5.2 About whether negotiation is with all tenderers;

~~15.5.3~~18.5.3 To either accept or reject late submissions before opening any of the responses. Late submissions must only be accepted in exceptional circumstances.

~~15.6~~18.6 Negotiations must be conducted by a team of at least two officers, one of whom must be from a section independent to those leading negotiations (*see the Delegations to Officers for details of Officers who may action this rule*).

~~16.19.~~ **EVALUATION, AWARD OF CONTRACT, AND DEBRIEFING OF ORGANISATIONS**

~~16.1~~ **Evaluation** (*see the Delegations to Officers for details of Officers who may action this rule*):

~~16.1.11.1.1~~ The evaluation of bids must be conducted in accordance with the evaluation criteria set out in the procurement documents provided to bidding organisations, and in line with any guidance given by a Contracts and Procurement Service.

~~16.1.21.1.1~~ The arithmetic in compliant tenders must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their tender. Alternatively, if the rates in the tender, rather than the overall price, were stated within the Invitation to Tender as being dominant, an amended tender price may be requested to accord with the rates given by the tenderer.

~~16.1.31.1.1~~ Deputy Chief Officers must ensure that submitted tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily.

~~16.2~~19.1 **Award of Contract and Contract Extensions** (*see the Delegations to Officers for details of Officers who may action this rule*):

19.1.1 The Council is required to notify successful and unsuccessful bidders of the outcome of a procurement process, in writing, in as timely a fashion as possible.

19.1.2 Where a contract was advertised with an extension option and that extension option forms part of the contract, the decision to extend the contract may be made after ensuring that taking up the extension option delivers value for money.

~~16.2.2~~
19.1.3 Decisions on award of contract and contract extensions must be made in accordance with the Delegations to Officers.

19.1.4 *For the avoidance of doubt, extensions are not permitted where they are not provided for in the original contract.*

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~~16.2.3~~

~~16.3.1~~ 19.2 Debriefing Assessment Summaries

~~16.3.1~~ 19.2.1 ~~The debriefing of organisations will~~ Assessment Summaries (detailed feedback) will be sent by ~~at the Contracts and P~~ Procurement & Contracts Service, in line with the relevant Officer's evaluation comments.

17.20. CONTRACT DOCUMENTS

17.4.20.1 Format of Contract Documents

17.4.1.20.1.1 Every Relevant Contract/must be in writing and must state clearly:

- (a) what is to be supplied (description and quality)
 - (b) payment provisions (amount and timing and seeking electronic invoices)
 - (c) when the Council will have the right to terminate the contract
 - (d) that the contract is subject to the law as to prevention of corruption
- The Council's standard terms and conditions must be used where possible.

17.4.1.20.1.2 In addition, every Relevant Contract for purchases over ~~£2530,000.00~~ for works, supplies of goods, materials or services must also as a minimum state clearly:

- (a) that the contractor may not assign or sub-contract without prior written consent
- (b) any insurance and liability requirements
- (c) health and safety requirements
- (d) ombudsman requirements
- (e) data protection requirements if relevant
- (f) that charter standards are to be met if relevant

(g) —requirements under the Equalities Act 2010

~~(h)(g)~~ obligations under the Care Act 2014 in safeguarding adults and children all applicable Equality legislation

~~(h)~~ (h) a right of access to relevant documentation and records of the contractor for monitoring and audit purposes, including obligations under the FOI Act 2000 and 2015 Transparency Code

~~(j)(i)~~ (i) requirements under the Counter-Terrorism and Security Act 2015 and Prevent Strategy where applicable

~~(k)(i)~~ (i) obligations under the Public Interest Disclosure Act 1998 including employee whistleblowing.

~~(k)~~ (k) Statement requirements under the Modern Slavery Act 2015.

17.4.1.320.1.3 All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the Monitoring Officer. An award letter is insufficient.

17.4.1.420.1.4 All contracts must include the following paragraph:

'The Contractor recognises that the Council is under a duty to act in a manner which is compatible with the Convention rights as defined by Section 1(1) of the Human Rights Act 1998 ('Convention Rights'). This duty includes a positive obligation on the Council to ensure that contractors providing services on the Council's behalf act in a way which is compatible with the Convention Rights. The Contractor therefore agrees to provide the Services and comply with its other obligations under this contract in a manner which is compatible with the Convention Rights.'

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~~17.1.5~~20.1.5 The Officer responsible for securing the signature of the contractor must ensure that the person signing for the contracting party has authority to bind it.

~~17.2.2~~20.2 **Contract Signature** (see the Delegations to Officers for details of Officers who may action this rule):

~~17.2.1~~20.2.1 A contract entered into by or on behalf of the Council must:

- (a) Where the contract is in the form of a deed (see below), be made under the Council's seal and attested as required by the Constitution, or:
- (b) Where the contract is in signed under hand, it must be the form of an agreement, either:
 - (i) be signed by at least two officers of the Council authorised as required by the Constitution (see Delegations to Officers), or:
 - (ii) be formalised by the sending of an award letter and the subsequent issuing of a purchase order.

20.2.2 A contract must be in the form of a deed (see below) and sealed where;

~~17.2.2~~

- (a) The Council wishes to enforce the contract for more than six years after it ends; or
- (b) The price paid or received under the contract is a nominal price and does not reflect the value of the goods or services; or
- (c) Where there is any doubt about the authority of the person signing for the contracting party.

A contract in the form of a deed must state in the signature pages that the Contractor and the Council are executing the contract as a deed. Where an Officer is unsure whether a Contract should be signed under hand, or sealed, they must contact the Procurement & Contracts service to seek advice.

~~17.3~~20.3 **Legal Services Review of Tenders and Contracts**

~~17.3.1~~20.3.1 To ensure the integrity of the procurement process:

- (a) All proposed Invitations to Tender, where they are not in compliance with the Council's harmonised contract documentation or standard terms and conditions issued by a relevant professional body, will be reviewed by the Deputy Chief Officer, Procurement and Contracts service.
- (a) Any proposed Invitations to Tender which are subject to the Procurement Act 2023, or which are deemed to be of high risk, must be reviewed by the Deputy Chief Officer.
- (b) Any proposed contract where there is any deviation from the contract terms included in the invitation to tender must be reviewed by the Deputy Chief Officer. Where the Procurement and Contracts service are unable to advise, it will be escalated to the Deputy Chief Officer with the recommendation that external legal advice is sought.

~~18.21.~~ **LIQUIDATED DAMAGES, SERVICE CREDITS, BONDS AND PARENT COMPANY GUARANTEES**

21.1 Where a bond or guarantee is required to ensure satisfactory contract performance and/or to protect the Council, the requirement must be notified to bidders in the procurement documentation and must be in place no later than four (4) weeks after contract signature.

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21.2 Every formal written contract which exceeds £12085,000.00 in value ~~or amount~~ and is for the execution of works shall provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed.

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~~48.421.3~~ Every formal written contract that includes Key Performance Indicators / Service Level Agreements shall consider reasonable service credits to include within the contract where performance / service standards are not being met.

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~~48.221.4~~ The Officer must consult the Deputy Chief Officer when a tenderer is a subsidiary of a parent company and the ~~O~~fficer does not think that a parent company guarantee~~er~~ is necessary, and:

~~48.2.421.4.1~~ The total value exceeds £~~85,000.00-120,000.00~~

~~48.2.221.4.2~~ Award is based on evaluation of the parent company, or

~~48.2.321.4.3~~ There is some concern about the stability of the ~~tenderer~~supplier.

~~48.321.5~~ The officer must consult the Deputy Chief Officer about whether a bond is needed:

~~48.3.421.5.1~~ Where the total value exceeds £~~85120,000.00~~.

21.5.2 Where it is proposed to make stage payments or other payments in advance of receiving the whole of the subject matter of the ~~contract~~contract, or-

~~48.3.221.5.3~~ There is some concern about the stability of the supplier.

49.22. PREVENTION OF CORRUPTION

~~49.422.1~~ Rules and regulations pertaining to the prevention of corruption are outlined in the Council's Financial Procedure Rules and must be adhered to.

~~49.222.2~~ The following clauses must be put in every written Council contract:

'The Council may terminate this contract and recover all its loss if the Contractor, its employees, or anyone acting on the Contractor's behalf do any of the following things:

~~49.2.422.2.1~~ Offer, give, or agree to give anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done); or

~~49.2.222.2.2~~ Commit an offence under the Bribery Act 2010 or Section 117(2) of the 1972 Act; or

~~49.2.322.2.3~~ Commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors, or employees.

Any clause limiting the Contractor's liability shall not apply to this cause.'

~~49.322.3~~ Any suspected irregularity shall be referred to the ~~Audit Manager who shall notify~~ the Monitoring Officer where necessary. Any examination of contractors' or tenderers' books and records as a result of any such suspected irregularity shall be conducted by the ~~Audit Manager. Head of Procurement & Contracts.~~ If, in the investigation of any irregularity, the Monitoring Officer considers that disciplinary procedures may need to be invoked, the appropriate Chief Officer/Deputy Chief Officer shall also be notified.

20.23. DECLARATION OF INTERESTS

Rules and regulations pertaining to the Declaration of Interests are outlined in the Code of Conduct for Employees within the Constitution and must be adhered to.

24-24. **CONTRACT MANAGEMENT / MONITORING**

24.1 All contracts must have an appointed Contract Manager for the entirety of the contract. The responsible Deputy Chief Officer must ensure a Contract Manager is designated prior to award.

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24.2 The Contract Manager must monitor the overall performance of the contract in line with the specification, agreed service levels and contract terms.

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24.3 The Contract Manager must ensure that they undertake contract management meetings with the supplier in line with the agreed timescales as per the contract.

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24.4 The Officer named in the Contract Register will act as the Contract Manager and will be responsible for ensuring the obligations of these Rules. The Procurement & Contracts service are available to be contacted for any contract management support.

25. **CONTRACT MODIFICATIONS**

25.1 Before modifying a contract, the Procurement & Contracts service must be consulted to ensure the correct modification / variation process is being undertaken.

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25.2 If the contract is valued above the Procurement Act 2023 threshold, advice from the Procurement & Contracts service must be sought before a modification is made to understand whether the modification is substantial or not, and whether a Contract Change Notice must be published, as per the Procurement Act 2023.

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25.3 A substantial modification is one which would:

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25.3.1 Increase or decrease the term of the contract by more than 10% of the maximum term provided for, or

25.3.2 Materially change the scope of the contracts, or

25.3.3 Materially change the economic value of the contract in favour of the supplier.

25.4 A Contract Change Notice would not be required where:

25.4.1 The modification increases or decreases the estimated value of the contract in the case of goods/services by less than 10% or in the case of works by less than 15%, or

25.4.2 The modification increases or decreases the term of the contract by less than 10%.

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24.1 —

22-26. **POST CONTRACT MONITORING AND EVALUATION**

22-126.1 During the life of the contract the Contract Manager must monitor in respect of:

22-126.1.1 performance

22-126.1.2 compliance with specification and contract

22-126.1.3 cost

22-126.1.4 any Best Value requirements

~~22.1.5~~ 26.1.5 user satisfaction and risk management

26.1.6 social value or any other contractual obligations to deliver additional value arising from the contract

26.2 Where the total value of the contract exceeds £5,000,000, the Contract Manager must assess performance at least once every 12 months. A Contract Performance Notice must be published – the Procurement & Contracts service can do this providing the relevant Officer provides them with the required information.

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26.3 If the supplier has breached the contract and the breach results in termination (or partial termination), award of damages, or a settlement agreement between both parties, a Contract Performance Notice must be published within 30 days of the relevant breach.

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26.4 Where a contract naturally expires or is terminated, a Contract Termination Notice must be published.
~~22.1.6~~

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~~22.2~~ 26.5 Where the Total Value of the contract exceeds ~~£85,000.00~~ £1,000,000.00 the Officer must make a written report evaluating the extent to which the purchasing need and contract objectives were met by the contract. This should be done normally when the contract is completed. Where the contract is to be re-let, a provisional report should also be available early enough to inform the approach to re-letting of the subsequent contract.

26.6 For contracts awarded under £120,000, if, at any point during the delivery of the contract, the cost looks likely to exceed £120,000 the Contract Manager must notify the Procurement & Contracts Service who will assess options with the Contract Manager and recommend the best option for that particular project.

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~~For contracts awarded under £85,000, if, at any point during the delivery of the contract, the cost looks likely to exceed £85,000 the Contract Manager must notify a Contracts and Procurement Service. A Contracts and Procurement Service and the Contract Manager will consider the following options: Where the amount by which the total contract value exceeds £85,000 is significant and~~

~~the contract allows termination, terminate the existing contract, and retender.~~

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~~22.3~~

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~~Where the amount by which the total contract value exceeds £85,000 is not significant, allow the contract to run to its natural conclusion;~~

~~Where the amount by which the total contract value exceeds £85,000 is significant and the contract allows termination, terminate the existing contract, and retender.~~

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~~Where the amount by which the total contract value exceeds £85,000 is significant and the contract does not allow termination, or continuing with the contract represents value for money, allow the contract to run to its natural conclusion~~

23.27. INTERNAL PROVIDERS

Where an in-house Service is bidding in competition for the provision of goods, works or services, care must be taken to ensure a fair process between the in-house provider Service and external bidding organisations.

24.28. EXTERNAL BODY GRANT FUNDING

24.28.1 Where a procurement process is funded, in whole or part, by grant funding which has been awarded to the Council by an external funding body, ~~a Contracts and Procurement Service~~ **the Procurement & Contracts Service** must ensure that any rules or conditions imposed by the funding body are adhered to, in addition to the requirements of these Contract Procedure Rules.

24.28.2 Where there is any conflict between these Contract Procedure Rules and the rules or conditions imposed by the funding body, the stricter requirement should be followed.

25. APPOINTMENT OF CONSULTANTS

25.1 ~~The engagement of consultant architects, engineers and surveyors or other professional consultants including Counsel shall be subject to completion of a formal letter, contract of appointment or brief.~~

25.2 ~~Consultants shall be required to provide evidence of and maintain professional indemnity policies to the satisfaction of the relevant Deputy Chief Officer for the periods specified in the respective agreement.~~

25.3 ~~Consultants shall be selected, and commissions awarded in accordance with the values and procedures recorded in the table in Rule 9.1.3 above for services.~~

25.4 ~~Records of consultancy appointments shall be maintained in accordance with Rule 5.~~

Commented [MG2]: Suggest removing? Other elements of the CPRs cover all of these points already?

26.29. REVIEW AND AMENDMENT OF CPR

These Contract Procedure Rules shall be reviewed and updated, as necessary.

27.31. TERMINATION OF CONTRACTS *(see the Delegations to Officers for details of Officers who may action this rule)*

The Delegations to Officers details which Officers may terminate a contract. Any termination must be strictly in accordance with the terms of the contract and subject to consultation with the Monitoring Officer and Section 151 Officer and in some cases with the relevant Portfolio Holder.

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Amended Delegations to Officers in relation to Contracts

(Amended delegations approved by Cabinet/Executive.

Amended CPRs approved by full Council)

| Abbreviation | Meaning |
|---------------------|-----------------------------------|
| | |
| CX | Chief Executive |
| DCX | Deputy Chief Executive / Director |
| AD | Assistant Director |
| SM | Service Manager |
| MO | Monitoring Officer |
| | |

| Officer(s) | Subject | Delegation From | Power |
|---|---|--------------------------|--|
| CX, DCXs and ADs following consultation with the MO or S151 Officer | Contracts - contracting activities of any partnership for which the Council is the accountable body | Cabinet/Executive | (Note to Contract Procedure Rule 1) Authority to agree that Contract Procedure Rules do not apply to contracting activities of any partnership for which the Council is the accountable body |
| CX, DCXs, ADs and SMs subject to consultation with the appropriate portfolio holder (consultation is not required for (i) routine contracts (e.g. routine ongoing or annual maintenance contracts, routine purchasing of goods and equipment; routine servicing of vehicles etc); (ii) contracts for 1-off schemes where the scheme has been formally approved and where sufficient money has been allocated within the budget for the contract; and (iii) indirect services such as legal services or consultants for schemes which have been formally approved and where sufficient money has been allocated within the budget for the contract as such contracts are not closely connected | Contracts – letting (awarding) of contracts through framework agreement | Cabinet/Executive | (Contract Procedure Rules 2.1.4 and 11) Authority to let (award) a contract through any framework agreement to which the Council has access where considered expedient by a CO or a DCO subject to the scheme falling within the approved budget which includes the approved 5-year capital programme. (A decision notice must be published for each award of contract unless administrative or minor or not closely connected to discharge of function.) (The signing of contracts is dealt with separately below.) |

| | | | |
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| to the discharge of the function.) | | | |
| Approval by the CX, S151 Officer and the Portfolio Holder for finance in advance of the award of contract | Contracts - variation or waiver (exemption) of Contract Procedure Rules | Cabinet/Executive | (Contract Procedure Rule 7.3) Authority to vary or waive any Contract Procedure Rules subject to complying with all relevant requirements of Rule 9, and subject to the scheme falling within the approved budget which includes the approved 5-year capital programme. |
| CX, DCXs, ADs, SMs and any other officer with the written approval of the CX/DCXs/ADs/SM (any sub-delegations lasting more than 6 months must be reported to the MO) | Contracts - pre tender market testing and consultation | Cabinet/Executive | (Contract Procedure Rule 6) Authority to consult potential suppliers prior to issue of the Invitation to Tender or Request for Quotation subject to the scheme falling within the approved budget which includes the approved 5-year capital programme |
| CX, DCXs, ADs, SMs and any other officer with the written approval of the CX/DCXs/ADs/SM (any sub-delegations lasting more than 6 months must be reported to the MO) | Contracts – all values – seeking, receiving, and evaluating quotations/tenders for contracts for works, goods materials, and services, and hiring of consultants | Cabinet/Executive | (Contract Procedure Rules 10, 13, 14, 15, 17, and 19) Authority to request and receive tenders and quotations, and to evaluate tenders and quotations subject to compliance with the Contract Procedure Rules (as amended by any authorised variation or waiver) and subject to the scheme falling within the approved budget which includes the approved 5-year capital programme. (The awarding and the signing of contracts are dealt with separately.) |

| | | | |
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| CX, DCXs, ADs and SMs following consultation with the relevant portfolio holder (consultation is not required for (i) routine contracts (e.g. routine ongoing or annual maintenance contracts, routine purchasing of goods and equipment; routine servicing of vehicles etc); (ii) contracts for 1-off schemes where the scheme has been formally approved and where sufficient money has been allocated within the budget for the contract; and (iii) indirect services such as legal services or consultants for schemes which have been formally approved and where sufficient money has been allocated within the budget for the contract as such contracts are not closely connected to the discharge of the function.) | Contracts - awarding of contracts | Cabinet/Executive | (Contract Procedure Rules 8.1A,19.1) Authority to award contracts subject to compliance with the Contract Procedure Rules (as amended by any authorised variation) and subject to the scheme falling within the approved budget which includes the approved 5-year capital programme (Decision notices must be published for each award of contract unless administrative or minor or not closely connected with discharge of function.) (The signing of contracts is dealt with separately.) |
| CX, DCXs and ADs SMs – up to £120,000 | Contracts – signing of contracts which are <u>not under seal</u> | Cabinet/Executive | (Contract Procedure Rule 20.2) Authority to sign contracts which are not under seal, and which come within the jurisdiction of the officer concerned. (Contracts under seal must be signed only by officers who have specific authority to do so – set out in the Council's Constitution |
| Officers of the Contracts team | Contracts - Authorised Officer of relevant team opening tenders (electronically) | Cabinet/Executive | (Contract Procedure Rules 17.2) Officers appointed as "Authorised Officer of relevant team" |
| CX, DCXs, ADs, SMs and any other officer | Clarification of an invitation to tender | Cabinet/Executive | (Contract Procedure Rule |

| | | | |
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| with the written approval of the CX/DCXs/ADs/SM (Any sub-delegations lasting more than 6 months must be reported to the MO) | | | 18.1) Authority to provide clarification of an Invitation to tender |
| CX, DCXs, ADs, and SMs | Post tender negotiations | Cabinet/Executive | (Contract Procedure Rules 18.2 to 18.6) (at least 2 officers are required – see rule 18.6) Authority to undertake post tender negotiations |
| CX, DCXs, ADs and SMs In consultation with the relevant portfolio holder (consultation is not required for termination of low value or minor contracts (£15,000 or less)) | Authority to terminate contracts | Cabinet/Executive | (Contract Procedure Rule 31) Authority to terminate contracts subject to consultation with the MO and S151 Officer |

Revised Contract Procedure Rules (CPR) – Key Changes

Appendix 3

| Current rule | New rule | Reason for change |
|---------------------------------|--|--|
| No current comparable rule | <p>1 – Introduction</p> <p>This introduction includes “All thresholds referred to in these Rules are inclusive of VAT.”</p> | <p>To provide a basic introductory section detailing what these rules are and the purpose behind them.</p> <p>Made it clear that all values are inclusive of VAT throughout aligning with Procurement legislation.</p> |
| CPR Rule 4 - Relevant Contracts | <p>CPR Rule 3 – Relevant Contracts</p> <p>Added “Please note, the Council cannot simply choose to treat a project as a Grant in order to avoid complying with these Contract Procedure Rules. Grants will have different conditions with regards to procurement.</p> <p>Generally, procurement is required when the Council is acquiring goods, services, or works to meet its own needs, and it retains control over the specification and delivery of those services. A grant is awarded to support an activity that aligns with the Council’s objectives but is initiated and delivered by the recipient, who retains a degree of autonomy over the process.</p> <p>Where there is any clarity required, please contact the Procurement & Contracts service.”</p> | <p>To provide a brief explanation regarding a Grant versus a procurement requirement.</p> |
| No current comparable rule | 5 – Conflicts of Interest | To provide details of what Officers must do with regards to procurement projects and conflicts of interest. |
| No current comparable rule | 6 – Pre-Market Engagement | To provide details of what Officers can do with regards to engaging with suppliers prior to a procurement process. |

Revised Contract Procedure Rules (CPR) – Key Changes

Appendix 3

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| CPR Rule 3 – Exemptions/Variations | <p>CPR Rule 7 – Exemptions</p> <p>Added an additional circumstance for an exemption (7.3.10):</p> <p>“where an existing contract is being re-procured and there are delays to that procurement process which means that the new contract cannot start at the expiry of the existing contract (this exemption cannot be for longer than 6-months and cannot make the contract a “convertible contract” under the Procurement Act 2023 by exceeding the applicable threshold).”</p> | To enable a compliant approach where unexpected delays occur as part of a procurement process whereby officers can extend the existing contract for a period no longer than 6 months. |
| CPR Rule 8 – Framework Agreements | <p>CPR Rule 11 – Frameworks</p> <p>In line with the new Procurement Act 2023, outlined the two framework options (Open and Closed).</p> | To ensure officers comply with the new legislation when setting up frameworks. |
| No current comparable rule | CPR Rule 12 – Dynamic Markets | To provide details of Dynamic Markets (a type of framework) should there be a need to utilise. |
| <p>CPR Rule 9 – Competition Requirements / Assets for Disposal</p> <p>£0 - £5,000 – One written quote -this should be a local provider wherever possible. A Purchase Order must be raised</p> <p>£5,001 - £10,000 – Two written quotes – one should be a local provider wherever possible. A Purchase Order must be raised</p> <p>£10,001 - £40,000 – At least three written quotes shall be sought and two must be received. Local providers must be given an opportunity to provide a quote, wherever possible. A purchase order must be raised</p> <p>£40,001 - £85,000 – At least five written quotations shall be sought via a Request for Quotation via the e-Tendering Portal.</p> | <p>CPR Rule 13 – Procurement Thresholds</p> <p>£0 - £6,250 – One written quote – this should be a local provider wherever possible. A Purchase Order must be raised.</p> <p>£6,250.01 - £12,500 - Two written quotes – one should be a local provider wherever possible. A Purchase Order must be raised</p> <p>£12,500.01 - £50,000 – At least three written quotes shall be sought. Local providers must be given an opportunity to provide a quote, wherever possible. A purchase order must be raised</p> <p>£50,000.01 - £100,000 – At least three written quotations shall be sought. A request for quotation via the e-Tendering portal is</p> | <p>Increase in thresholds is reflective of current figures being exclusive of VAT and proposed figures being inclusive of VAT.</p> <p>Slight increase in addition to this is to align with inflationary increases.</p> <p>Change to what was “at least five written quotations” to allow more flexibility to go out for a simpler quotation process where it is deemed appropriate. This is to enhance local supplier usage as they often don’t want</p> |

Revised Contract Procedure Rules (CPR) – Key Changes

Appendix 3

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| <p>Local providers must be given an opportunity to provide a quote, wherever possible. A purchase order must be raised.</p> <p>£85,000 up to Procurement Act 2023 thresholds – Open tender via e-Tendering portal. A social value clause must be built into the specification and contract. (Public Service (Social Value) Act 2012). A purchase order must be raised.</p> | <p>recommended. The Procurement & Contracts service must be involved. Where a formal Request for Quotation process is not utilised, the Procurement & Contracts service must agree the alternative process (e.g., retrieving quotations from suppliers via email etc.). Local providers must be given an opportunity to provide a quote, wherever possible. A purchase order must be raised.</p> <p>£100,000.01 up to Procurement Act 2023 thresholds – Open tender via the e-Tendering portal & a below-threshold tender notice published on Find a Tender. Social value must be considered as part of the specification / award criteria. A purchase order must be raised.</p> | <p>to go through the effort of a formal procurement process.</p> |
| <p>CPR Rule 9 - Competition Requirements / Assets for Disposal</p> <p>9.2 Assets for Disposal</p> | <p>Removing Assets for Disposal section</p> | <p>Covered within Finance Procedure Rules which is considered to be the appropriate place.</p> |
| <p>CPR Rule 21 – Contract Management / Monitoring</p> | <p>CPR Rule 24 – Addition</p> <p>The Contract Manager must monitor the overall performance of the contract in line with the specification, agreed service levels and contract terms.</p> <p>The Contract Manager must ensure that they undertake contract management meetings with the supplier in line with the agreed timescales as per the contract.</p> <p>The Officer named in the Contract Register will act as the Contract Manager and will be responsible for ensuring the obligations of these Rules. The Procurement & Contracts service are available to be contacted for any contract management support.</p> | <p>To put more importance and emphasis on contract management and what officers are required to do as part of this.</p> |

Revised Contract Procedure Rules (CPR) – Key Changes

Appendix 3

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| No current comparable rule | CPR Rule 25 – Contract Modifications | To ensure a clear process regarding contract changes/variations. |
| CPR Rule 22 – Post Contract Monitoring and Evaluation | <p>CPR Rule 26 – Post Contract Monitoring and Evaluation - Addition</p> <p>Where the total value of the contract exceeds £5,000,000, the Contract Manager must assess performance at least once every 12 months. A Contract Performance Notice must be published – the Procurement & Contracts service can do this providing the relevant Officer provides them with the required information.</p> <p>If the supplier has breached the contract and the breach results in termination (or partial termination), award of damages, or a settlement agreement between both parties, a Contract Performance Notice must be published within 30 days of the relevant breach.</p> <p>Where a contract naturally expires or is terminated, a Contract Termination Notice must be published.</p> | To align with Procurement Act 2023. |



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| Report To: | Full Council |
| Date: | 12 th January 2026 |
| Subject: | 2025/26 Mid-Term Treasury Report |
| Purpose: | To provide Members with an update on Treasury Management performance and activity to ensure best practice is maintained. |
| Key Decision: | No. |
| Portfolio Holder: | Councillor Sandeep Ghosh, Portfolio Holder for Finance and Economic Growth |
| Report Of: | Russell Stone, Director of Finance (S151 Officer) |
| Report Author: | Sean Howsam, Treasury & Investments Manager (PSPSL) |
| Ward(s) Affected: | None directly |
| Exempt Report: | No |

Summary

Attached at **Appendix 1** is the 2025/26 Mid-Term Treasury Report on the Council's "Treasury Management Strategy Statement and Annual Investment Strategy". It covers the following areas;

- An economic update for the first half of the 2025/26 financial year;
- The outlook for the remainder of the financial year along with interest rate forecasts;
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
- The Council's capital expenditure, as set out in the Capital Strategy, and prudential indicators;
- A review of the Council's investment portfolio for 2025/26;
- A review of the Council's borrowing strategy for 2025/26;
- Debt Rescheduling;
- A review of compliance with Treasury and Prudential Limits for 2025/26.

This Report refers to a key element of the Council's Governance Framework and represents an important contribution to the evidence trail in support of the Annual Governance Statement 2025/26.

Recommendations

It is recommended that Council receive and review the contents of the report attached at **Appendix 1**.

Reasons for Recommendations

The CIPFA Code of Practice for Treasury Management suggests that members should be informed of Treasury Management activities at least quarterly. This report therefore ensures this Council is embracing Best Practice in accordance with CIPFA's revised Code of Practice.

Other Options Considered

As this is an update report there are no other further options for consideration.

1. Background

- 1.1 The Council operates a balanced budget, which broadly means cash raised during the year will meet its cash expenditure. Part of the treasury management operations ensure this cash flow is adequately planned, with surplus monies being invested in low risk counterparties, providing adequate liquidity initially before considering optimising investment return.
- 1.2 The second main function of the treasury management service is the funding of the Council's capital programme. The capital programme provides a guide to the borrowing need of the Council, essentially longer term cash flow planning to ensure the Council can meet its capital spending requirements. This management of longer term cash may involve arranging long or short term loans, or using longer term cash flow surpluses, and on occasion, any existing debt may be restructured to meet Council risk or cost objectives.
- 1.3 Accordingly, treasury management is defined as:

"The management of the local authority's borrowing, investments and cash flows, including its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks".
- 1.4 The risks around investments have always been managed effectively by the Council.

2. Report

- 2.1 This report provides the 2025/26 Mid-Term update on the Council's "Treasury Management Strategy Statement and Annual Investment Strategy" (**Appendix 1**).

- 2.2 The Chartered Institute of Public Finance and Accountancy (CIPFA) issued the revised Code of Practice for Treasury Management in 2021.
- 2.3 The Code suggests that members should be informed of Treasury Management activities at least quarterly. This report therefore ensures this Council is embracing best practice in accordance with CIPFA's revised Code of Practice.
- 2.4 The report was submitted for review to Audit & Governance Committee on 17 November 2025.
- 2.5 Sections 3 of **Appendix 1** provides an economic update for the first half year and interest rate forecasts. The expected direction of interest rates for the remainder of the financial year is a reduction in Bank Rate.
- 2.6 Section 5 of **Appendix 1** provides details of the Council's capital position and prudential indicators as of 30 September 2025.
- 2.7 Section 6 of **Appendix 1** provides details of the Council's borrowing position and PWLB borrowing rates.
- 2.8 In July the Council repaid its £1m State Street loan at a premium £469,215.75 and replaced it with a £1m PWLB loan at 4.81%. The overall saving to the Council over the remaining life of the loan will be approximately £662k. Full details are provided in Section 7 of **Appendix 1**.
- 2.9 Section 9 of **Appendix 1** provides a review of the Council's Annual Investment Strategy and updates on investments held by the Council and investment returns in relation to budget.
- 2.10 The table below provides an analysis of the net treasury position as at 30 September 2025 and the projected outturn for the year:

| | 2025/26 Budget Quarter 2 | 2025/26 Actual Quarter 2 | 2025/26 Variance Quarter 2 | 2025/26 Annual Budget | 2025/26 Forecast Outturn | 2025/26 Forecast Variance |
|--|---|---|---|--------------------------------------|---|--|
| Net Investment Income | (863,414) | (1,094,855) | (231,441) | (1,722,111) | (1,849,667) | (127,556) |
| M&G Property Fund Liquidation Distributions (to be used for MRP Contributions) | 0 | (216,288) | (216,288) | 0 | (219,037) | (219,037) |
| Total Borrowing Costs | 55,777 | 41,063 | (14,714) | 111,250 | 65,047 | (46,203) |
| Overall Net Position | (807,637) | (1,270,080) | (462,443) | (1,610,861) | (2,003,657) | (392,796) |

At Quarter 2 the net treasury position shows a combined favourable variance of £462,443 (Q1 £281,601) and the forecast outturn is a favourable variance of £392,796 (Q1 £428,778).

The liquidation distribution from M&G which is included in these figures will be used to finance a corresponding MRP charge.

- 2.11 Treasury investments achieved an average rate of 4.949% (Q1 5.110%) and property fund investments achieved an estimated average rate of 3.119% (Q1 3.457%). The combined rate achieved on all investments was 4.326% (Q1 4.563%).
- 2.12 The higher level of investment income achieved compared to the original budget is due to interest rates in the market being higher than the budgeted return for 2025/26 and balances available for investment being higher due to slippage in the capital programme.

3. Conclusion

- 3.1 This report provides an update on treasury management performance to Members to ensure Best Practice is maintained as required by CIPFA Code of Practice for Treasury Management.

Implications

South and East Lincolnshire Councils Partnership

None

Corporate Priorities

None

Staffing

None

Workforce Capacity Implications

None

Constitutional and Legal Implications

The General Power of Competence in the Localism Act 2011 allows Councils a broad freedom in their operations.

Councils have the general power to borrow under Section 1 of the Local Government Act 2003.

The power to invest is set out in the Local Government Act 2003, Section 12, which gives the Council the power to invest for any purpose relevant to its functions under any enactment, or for the purposes of the prudent management of its financial affairs.

The power that allows councils to spend for capital purposes is included in the Local Government Act 2003.

Data Protection

None

Financial

The financial implications are covered in detail in **Appendix 1** to this report and in section 2 above.

By making the investment criteria relating to financial institutions stringent, the Council receives lower rates of return. The Council therefore aims to strike a balance between risk

and reward when considering its portfolio of investments. Treasury Management is a key financial consideration for the Authority especially in respect of its investment returns and Capital Programme.

Risk Management

The Code of Practice sets out the framework for controlling the risks associated with treasury management decisions for borrowing and investing. Ultimately investment and borrowing decisions are made in accordance with the Council's Treasury Management Strategy. The overriding priority is that the security of a deposit takes precedence over a return on investment.

The Prudential and Treasury Indicators control the limits for investing and borrowing, to ensure that any borrowing is affordable and sustainable and long term borrowing is for capital purposes only.

Stakeholder / Consultation / Timescales

The Portfolio Holder for Finance is briefed on treasury performance on a regular basis.

Reputation

The security of investments is the Council's main priority when investing surplus cash.

Contracts

None

Crime and Disorder

None

Equality and Diversity / Human Rights / Safeguarding

None

Health and Wellbeing

None

Climate Change and Environmental Implications

None

Acronyms

Bps- basis points

CDS – Credit Default Swap

CFR – Capital Financing Requirement

CIPFA - Chartered Institute of Public Finance and Accountancy

CPI – Consumer Price Index

GDP – Gross Domestic Product

GF – General Fund

HRA – Housing Revenue Account

LOBO – Lender Option Borrower Option (a type of loan)

MPC - Monetary Policy Committee

MRP – Minimum Revenue Provision

MUFG – External Treasury Advisors (formerly known as Link Group)

PWLB - Public Works Loan Board

TMSS – Treasury Management Strategy Statement

Appendices

Appendices are listed below and attached to the back of the report:

Appendix 1 2025/26 Mid-Term Treasury Report

Background Papers

Background papers used in the production of this report are listed below: -

| Document title. | Where the document can be viewed. |
|-----------------|-----------------------------------|
|-----------------|-----------------------------------|

| | |
|--|--|
| Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management. | CIPFA Website |
| BBC Treasury Management Strategy Statement for 2025/26 | <u>(Public Pack)Agenda Document for Full Council, 03/03/2025 18:30</u> |
| State Street Loan Cabinet Report (21 April 2010) | <u>\$State Street Loan.doc.pdf</u> |

Chronological History of this Report

| Name of Body | Date |
|----------------------|---|
| Audit and Governance | Q1 Update Report - 13 October 2025 |
| Audit and Governance | 2025/26 Mid-Term Treasury Report – 17 November 2025 |
| Full Council | 2025/26 Mid-Term Treasury Report – 12 January 2026 |

Report Approval

| | |
|---------------------------|--|
| Report author: | Sean Howsam, Treasury & Investments Manager (PSPSL) Sean.Howsam@pspsl.co.uk |
| Signed off by: | Russell Stone, Director of Finance (S151 Officer) russell.stone@sholland.gov.uk |
| Approved for publication: | Councillor Sandeep Ghosh, Portfolio Holder for Finance and Economic Growth Sandeep.ghosh@boston.gov.uk |

2025/26 Mid-Term Treasury Report

ended 30 September 2025

Boston Borough Council

1. Treasury Management

The Council operates a balanced revenue budget, which broadly means cash raised during the year will meet its cash expenditure. Part of the treasury management operations ensure this cash flow is adequately planned, with surplus monies being invested in low-risk counterparties, providing adequate liquidity initially before considering optimising investment return.

The second main function of the treasury management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer-term cash flow planning to ensure the Council can meet its capital spending operations. This management of longer-term cash may involve arranging long or short-term loans, or using longer term cash flow surpluses, and on occasion any debt previously drawn may be restructured to meet Council risk or cost objectives.

2. Introduction

This report has been 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). The primary requirements of the Code are as follows:

1. Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
2. Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
3. Receipt by the full Council of an annual Treasury Management Strategy Statement - including the Annual Investment Strategy and Minimum Revenue Provision Policy - for the year ahead, a Mid-year Review Report and an Annual Report, (stewardship report), covering activities during the previous year. Quarterly reports are also required for the periods ending April to June and October to December but may be assigned to a designated committee or panel as deemed appropriate to meet the Treasury Management governance and scrutiny aspects of the Council.
4. Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.
5. Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specific named body. For this Council the delegated body is Audit and Governance Committee.

This mid-year report has been prepared in compliance with CIPFA's Code of Practice on Treasury Management, and covers the following:

- An economic update for the first half of the 2025/26 financial year;
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
- The Council's capital expenditure, as set out in the Capital Strategy, and prudential indicators;
- A review of the Council's investment portfolio for 2025/26;
- A review of the Council's borrowing strategy for 2025/26;
- A review of any debt rescheduling undertaken during 2025/26;
- A review of compliance with Treasury and Prudential Limits for 2025/26.

3. Economic Update & Interest Rate Forecasts (provided by MUFG)

3.1 Economic Update

The first half of 2025/26 saw:

- A 0.3% pick up in Gross Domestic Product (GDP) for the period April to June 2025. More recently, the economy flatlined in July, with higher taxes for businesses restraining growth.
- The 3 month year on year rate of average earnings growth excluding bonuses has fallen from 5.5% to 4.8% in July;
- Core Consumer Price Index (CPI) inflation has ebbed and flowed but finished September at 3.8%, whilst core inflation eased to 3.6%;
- The Bank of England cut interest rates from 4.50% to 4.25% in May and then to 4% in August.
- The 10-year gilt yield fluctuates between 4.4% and 4.8%, ending the half year at 4.70%.

MPC meetings: 8 May, 19 June, 7 August, 18 September 2025

There were four Monetary Policy Committee (MPC) meetings in the first half of the financial year. In May, the Committee cut Bank Rate from 4.50% to 4.25%, while in June policy was left unchanged. In June's vote, three MPC members voted for an immediate cut to 4.00%, citing loosening labour market conditions. The other six members were more cautious, as they highlighted the need to monitor for "signs of weak demand", "supply-side constraints" and higher "inflation expectations", mainly from food prices rising. By repeating the well-used phrase "gradual and careful", the MPC continued to suggest that rates will be reduced further.

In August, a further rate cut was implemented. However, a 5-4 split vote for a rate cut to 4% laid bare the different views within the MPC, with the accompanying commentary noting the decision was "finely balanced" and reiterating that future rate cuts would be undertaken "gradually and carefully". Ultimately, Governor Bailey was the casting vote for a rate cut but with the

CPI measure of inflation expected to reach at least 4% later this year, the MPC will be wary of making any further rate cuts until inflation begins its slow downwards trajectory back towards 2%.

The Bank of England does not anticipate CPI getting to 2% until early 2027, and with wages still rising by just below 5%, it was no surprise that the September meeting saw the MPC vote 7-2 for keeping rates at 4%.

The Bank also took the opportunity to announce that they would only shrink its balance sheet by £70bn over the next 12 months, rather than £100bn. The repetition of the phrase that “a gradual and careful” approach to rate cuts is appropriate suggests the Bank still thinks interest rates will fall further but possibly not until February, which aligns with both our own view and that of the prevailing market sentiment.

3.2 Interest rate forecasts

The Council has appointed MUFG Corporate Markets as its treasury advisors and part of their service is to assist the Council to formulate a view on interest rates. The following Public Works Loan Board (PWLB) rate forecasts are based on the Certainty Rate (the standard rate minus 20 basis points) which has been accessible to most authorities since 1 November 2012.

The latest forecast was provided on 11 August 2025.

| MUFG Corporate Markets Interest Rate View 11.08.25 | | | | | | | | | | | | | |
|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | Sep-25 | Dec-25 | Mar-26 | Jun-26 | Sep-26 | Dec-26 | Mar-27 | Jun-27 | Sep-27 | Dec-27 | Mar-28 | Jun-28 | Sep-28 |
| BANK RATE | 4.00 | 4.00 | 3.75 | 3.75 | 3.50 | 3.50 | 3.50 | 3.50 | 3.25 | 3.25 | 3.25 | 3.25 | 3.25 |
| 3 month ave earnings | 4.00 | 4.00 | 3.80 | 3.80 | 3.50 | 3.50 | 3.50 | 3.50 | 3.30 | 3.30 | 3.30 | 3.30 | 3.30 |
| 6 month ave earnings | 4.00 | 3.90 | 3.70 | 3.70 | 3.50 | 3.50 | 3.50 | 3.50 | 3.30 | 3.30 | 3.40 | 3.40 | 3.40 |
| 12 month ave earnings | 4.00 | 3.90 | 3.70 | 3.70 | 3.50 | 3.50 | 3.50 | 3.50 | 3.30 | 3.40 | 3.50 | 3.60 | 3.60 |
| 5 yr PWLB | 4.80 | 4.70 | 4.50 | 4.40 | 4.30 | 4.30 | 4.30 | 4.20 | 4.20 | 4.20 | 4.20 | 4.10 | 4.10 |
| 10 yr PWLB | 5.30 | 5.20 | 5.00 | 4.90 | 4.80 | 4.80 | 4.80 | 4.70 | 4.70 | 4.70 | 4.70 | 4.60 | 4.60 |
| 25 yr PWLB | 6.10 | 5.90 | 5.70 | 5.70 | 5.50 | 5.50 | 5.50 | 5.40 | 5.40 | 5.30 | 5.30 | 5.30 | 5.20 |
| 50 yr PWLB | 5.80 | 5.60 | 5.40 | 5.40 | 5.30 | 5.30 | 5.30 | 5.20 | 5.20 | 5.10 | 5.10 | 5.00 | 5.00 |

4. Treasury Management Strategy and Annual Investment Strategy Update

The Treasury Management Strategy Statement (TMSS) for 2025/26, which includes the Annual Investment Strategy, was approved by Council on 3 March 2025.

There are no policy changes to the TMSS; the details in this report update the position in the light of the updated economic position and budgetary changes already approved.

| Prudential Indicator 2025/26 | Approved Budget £'000 | Latest Revised Prudential Indicator £'000 |
|-------------------------------------|----------------------------------|--|
| Authorised Limit | 38,000 | 38,000 |
| Operational Boundary | 35,000 | 35,000 |
| Capital Financing Requirement | 19,610 | 19,536 |

5. The Council's Capital Position (Prudential Indicators)

This part of the report is structured to update:

- The Council's capital expenditure plans;
- How these plans are being financed;
- The impact of the changes in the capital expenditure plans on the prudential indicators and the underlying need to borrow; and
- Compliance with the limits in place for borrowing activity.

5.1 Prudential Indicators for Capital Expenditure

The following table shows the revised estimates for capital expenditure and the changes since the capital programme was agreed at the Budget.

| Capital Expenditure | 2025/26 Approved Budget £'000 | 2025/26 Latest Revised Budget £'000 | Actual Expenditure As At 30/09/25 £'000 | 2025/26 Estimated Outturn £'000 |
|----------------------------|--|--|--|--|
| Towns Fund Projects | 14,849 | 14,849 | 4,603 | 14,849 |
| UKSPF Projects | 404 | 404 | 60 | 392 |
| LUF Projects | 10,870 | 10,970 | 2,012 | 10,970 |
| LUP Projects | 8,080 | 8,080 | 645 | 8,080 |
| Other Projects | 4,282 | 4,260 | 835 | 3,037 |
| Grand Total | 38,485 | 38,563 | 8,155 | 37,328 |

5.2 Changes to the Financing of the Capital Programme

The table below draws together the main strategy elements of the capital expenditure plans (above), highlighting the original supported and unsupported elements of the capital programme, and the expected financing arrangements of this capital expenditure. The borrowing element of the table increases the underlying indebtedness of the Council by way of the Capital Financing Requirement (CFR), although this will be reduced in part by revenue charges for the repayment of debt (the Minimum Revenue Provision (MRP)). This direct borrowing need may also be supplemented by maturing debt and other treasury requirements.

| Capital Expenditure | 2025/26 Approved Budget £'000 | 2025/26 Latest Revised Budget £'000 | Actual Expenditure As At 30/09/25 £'000 | 2025/26 Estimated Outturn £'000 |
|----------------------------------|--|--|--|--|
| Total capital expenditure | 38,485 | 38,563 | 8,155 | 37,328 |
| Financed by: | | | | |
| External Grants | (35,364) | (35,386) | (7,794) | (35,589) |
| Capital reserve | (738) | (738) | (228) | (446) |
| Other reserve | (7) | (30) | (28) | (28) |
| Section 106 | (1,074) | (1,074) | 0 | 0 |
| Total financing | (37,183) | (37,228) | (8,050) | (36,063) |
| Borrowing requirement | 1,302 | 1,335 | 105 | 1,265 |

5.3 Changes to the Prudential Indicators for the Capital Financing Requirement (CFR), External Debt and the Operational Boundary

The table below shows the CFR, which is the underlying external need to incur borrowing for a capital purpose. It also shows the expected debt position over the period, which is termed the Operational Boundary.

Prudential Indicator – Capital Financing Requirement

We are on target to achieve the original forecast Capital Financing Requirement.

Prudential Indicator – the Operational Boundary for external debt

| | 2025/26 Approved Budget £'000 | 2025/26 Latest Revised Budget £'000 | Actual Expenditure As At 30/09/25 £'000 | 2025/26 Estimated Outturn Limit £'000 |
|--|--|--|--|--|
| Prudential Indicator – Capital Financing Requirement | | | | |
| Total CFR | 19,610 | 19,536 | 18,306 | 19,466 |
| Net movement in CFR | 956 | 959 | (271) | 889 |
| Prudential Indicator – the Operational Boundary for external debt | | | | |
| Borrowing | 30,000 | 30,000 | 1,000 | 30,000 |
| Other long-term liabilities* | 5,000 | 5,000 | 0 | 5,000 |
| Total debt (year end position) | 35,000 | 35,000 | 1,000 | 35,000 |

5.4 Limits to Borrowing Activity

The first key control over the treasury activity is a prudential indicator to ensure that over the medium term, net borrowing (borrowings less investments) will only be for a capital purpose. Gross external borrowing should not, except in the short term, exceed the total of CFR in the preceding year plus the estimates of any additional CFR for 2025/26 and next two financial years. This allows some flexibility for limited early borrowing for future years.

| | 2025/26 Original Estimate £'000 | 2025/26 Latest Approved Budget £'000 | Actual Expenditure As At 30/09/25 £'000 | 2025/26 Estimated Outturn £'000 |
|---------------------------------|--|---|--|--|
| Borrowing | 1,000 | 1,000 | 1,000 | 1,000 |
| Other long-term liabilities | 0 | 0 | 0 | 0 |
| Total debt | 1,000 | 1,000 | 1,000 | 1,000 |
| CFR* (year end position) | 19,610 | 19,536 | 18,306 | 19,466 |

A further prudential indicator controls the overall level of borrowing. This is the Authorised Limit which represents the limit beyond which borrowing is prohibited and needs to be set and revised by Members. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable in the longer term. It is the expected maximum borrowing need with some headroom for unexpected movements. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003.

| Authorised limit for external debt | 2025/26 Original Limit £'000 | 2025/26 Latest Approved Limit £'000 | Actual Borrowing As At 30/09/25 £'000 | 2025/26 Estimated Outturn Limit £'000 |
|---|---|--|--|--|
| Borrowing | 33,000 | 33,000 | 1,000 | 33,000 |
| Other long-term liabilities | 5,000 | 5,000 | 0 | 5,000 |
| Total | 38,000 | 38,000 | 1,000 | 38,000 |

6. Borrowing

The Council's capital financing requirement (CFR) for 2025/26 is £18.306m. The CFR denotes the Council's underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the PWLB or the market (external borrowing), or from internal balances on a temporary basis (internal borrowing). The balance of external and internal borrowing is generally driven by market conditions. The Council has borrowings of £1m and had utilised £17.306m of cash flow funds in lieu of borrowing as at 30 September 2025. This is a prudent and cost-effective approach in the current economic climate but will require ongoing monitoring if gilt yields remain elevated, particularly at the longer-end of the yield curve (25 to 50 years).

The following table provides a comparison of budgeted borrowing costs and the outturn position for the year.

| Borrowing Type | 2025/26 Budget Quarter 2 | 2025/26 Actual Quarter 2 | 2025/26 Annual Budget | 2025/26 Forecast Outturn |
|------------------------------|---|---|--------------------------------------|---|
| State Street LOBO | 55,777 | 30,784 | 111,250 | 30,784 |
| PWLB Loan | - | 10,279 | - | 34,263 |
| Total Borrowing Costs | 55,777 | 41,063 | 111,250 | 65,047 |

PWLB maturity certainty rates (gilts plus 80bps) year to date to 30 September 2025

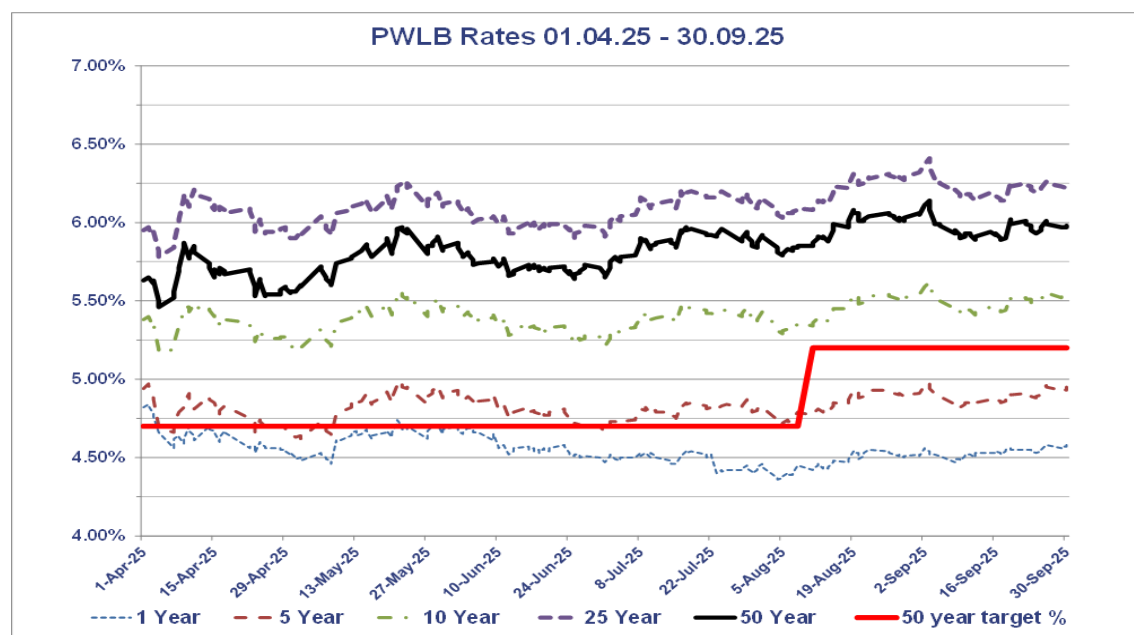
Gilt yields and PWLB certainty rates have remained relatively volatile throughout the six months under review, but the general trend has been for medium and longer dated parts of the curve to shift higher whilst the 5-year part of the curve finished September close to where it began in April.

Concerns around the stickiness of inflation, elevated wages, households' inflation expectations reaching a six-year high, and the difficult funding choices facing the Chancellor in the upcoming Budget on 26 November dominated market thinking, although international factors emanating from the Trump administration's fiscal, tariff and geo-political policies also played a role.

At the beginning of April, the 1-year certainty rate was the cheapest part of the curve at 4.82% whilst the 25-year rate was relatively expensive at 5.92%. Early September saw the high point for medium and longer-dated rates, although there was a small reduction in rates, comparatively speaking, by the end of the month.

At this juncture, MUFG Corporate Markets still forecasts rates to fall back over the next two to three years as inflation dampens, although there is upside risk to all forecasts at present. The CPI measure of inflation is expected to fall below 2% in early 2027 but hit a peak of 4% or higher later in 2025.

The Bank of England announced in September that it would be favouring the short and medium part of the curve for the foreseeable future when issuing gilts, but market reaction to the November Budget is likely to be the decisive factor in future gilt market attractiveness to investors and their willingness to buy UK sovereign debt.



The current PWLB rates are set as margins over gilt yields as follows: -

- **PWLB Standard Rate** is gilt plus 100 basis points (G+100bps)
- **PWLB Certainty Rate (General Fund (GF))** is gilt plus 80 basis points (G+80bps)
- **PWLB Local Infrastructure Rate** is gilt plus 60 basis points (G+60bps)
- **PWLB Certainty Rate (Housing Revenue Account (HRA))** is gilt plus 40bps (G+40bps)

The **National Wealth Fund** will lend to local authorities that meet its scheme criteria at a rate currently set at gilt plus 40bps (G+40bps).

7. Debt Rescheduling (State Street LOBO Loan)

The Council had a £1m Lender Option Borrower Option (LOBO) loan with State Street Nominees at a rate of 11.125% which was taken out on 29 January 1991 for a period of 60 years.

The full circumstances around the loan were subject to a report by the Chief Executive and submitted to Cabinet on 21 April 2010.

The Council enquired on numerous occasions to prematurely repay the State Street LOBO loan, but the premium required in March 2025 was £817k so there was no financial benefit in repaying early.

In June 2025 the Council received a revised offer of £1.5m “all in” to prematurely repay the loan subject to repayment being made on or before 31 July 2025. This was a onetime offer because the owners of the loan were undergoing a restructuring of the fund’s investments.

Following a discussion between the Treasury & Investments Manager and the S151 Officer the decision was made by the S151 Officer under delegated authority to repay the loan with a one off repayment of £1.5m being £1m principal repayment, £30,784.25 accrued interest and finally a premium of £469,215.75.

A new £1m loan was taken out with the PWLB at a rate of 4.81% for 5 years with a view to reborrowing after the 5 years at a lower rate due to interest rate forecasts showing that rates were likely to fall over the short to medium term.

A calculation of the overall savings to the Council over the remaining life of the loan was as follows:

| | |
|---|---------------------|
| Interest payments to State Street (saving) | -£2,842,513.70 |
| Premium paid | £ 469,215.75 |
| New PWLB loan interest (assumes 4.81% to 2051) | £1,228,460.82 |
| PWLB borrowing charge | £ 350.00 |
| Interest lost on premium payment (assumes 4%) | £ 482,585.19 |
| Overall Saving Over the Life of the Loan | £ 661,901.93 |

The above calculation assumes that the PWLB loan will remain at 4.81% for the life of the old State Street loan and interest foregone of 4% on repaying the premium out of the Council's cash balances. If the future PWLB borrowing rate is lower and investment rates are lower, the overall saving will be higher and vice versa.

8. Compliance with Treasury and Prudential Indicators

It is a statutory duty for the Council to determine and keep under review the affordable borrowing limits. The Council's approved Treasury and Prudential Indicators (affordability limits) are included in the approved Treasury Management Strategy Statement.

During the quarter ended 30 September 2025 the Council has operated within the treasury and prudential indicators set out in the Council's Treasury Management Strategy Statement.

The Director of Finance/S151 Officer reports that no difficulties are envisaged for the current or future years in complying with these indicators.

9. Annual Investment Strategy

The Treasury Management Strategy Statement for 2025/26, which includes the Annual Investment Strategy, was approved by the Council on 3 March 2025. It sets out the Council's investment priorities as being:

- Security of capital;
- Liquidity; and
- Yield

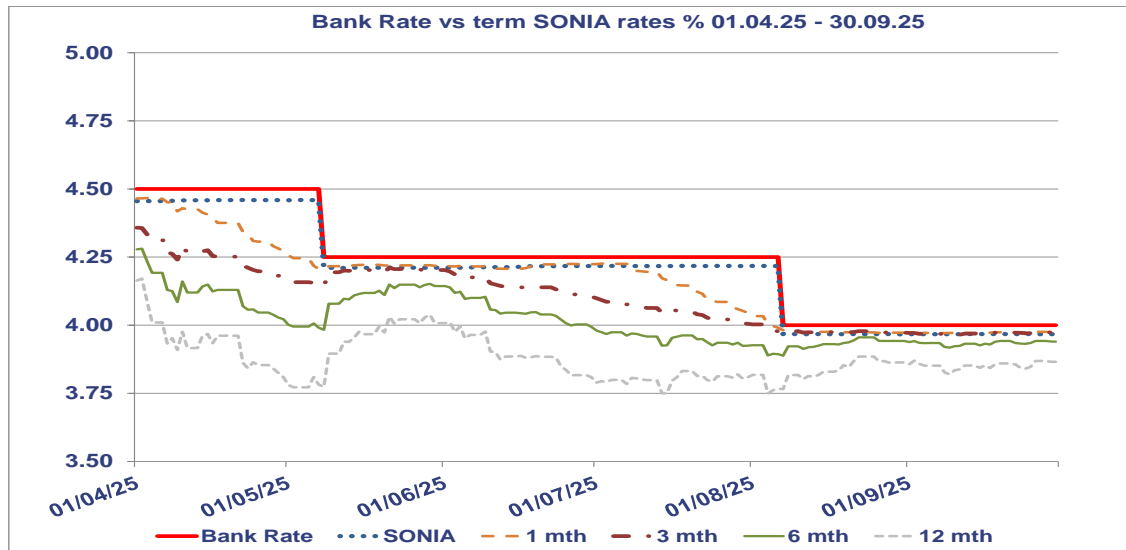
The Council will aim to achieve the optimum return (yield) on its investments commensurate with proper levels of security and liquidity aligned with the Council's risk appetite. In the current economic climate, it is considered appropriate to keep investments short term to cover cash flow needs, but also to seek out value available in periods up to 12 months with high credit quality financial institutions, using the MUFG Corporate Markets suggested creditworthiness approach, including a minimum sovereign credit rating and Credit Default Swap (CDS) overlay information.

Creditworthiness - The UK's sovereign rating has proven robust through the first half of 2025/26. The Government is expected to outline in detail its future fiscal proposals in the Budget scheduled for 26 November 2025.

Investment Counterparty Criteria - The current investment counterparty criteria selection approved in the Treasury Management Strategy Statement is meeting the requirement of the treasury management function.

Credit Default Swap prices - It is noted that sentiment in the current economic climate can easily shift, so it remains important to undertake continual monitoring of all aspects of risk and return in the current circumstances.

Investment performance year to date as at 30 September 2025 - The following graph shows that longer term investment rates in the market fell during the first half of the financial year because of the reduction in the Bank of England Base Rate and expectations of further reductions.



During the financial year the Council has made investments in line with the agreed Treasury Management Strategy.

Because the Council collects money on behalf of other organisations which are paid out at future dates (e.g. Council Tax and Business Rates) the value of investments held at any point in time does not represent the value of Boston BC's own resources.

The following table provides details of the cash investments held by the Council on 30 September 2025. Note this represents the position at this one point in time. The peaks and troughs in cash flow are managed on a daily basis.

| Financial Institution | Country | Amount (£) | Start Date | Maturity Date | Fixed/ Variable | Yield (%) |
|---------------------------|---------|------------|------------|----------------|-----------------|-----------|
| HSBC Bank | UK | 19,974 | N/A | Instant Access | N/A | 0.00% |
| CCLA* Money Market Fund | Various | 7,500,000 | N/A | Instant Access | Variable | 4.04% |
| Barclays Bank | UK | 816,905 | N/A | Instant Access | Variable | 2.50% |
| Gloucester City Council | UK | 2,000,000 | 03/01/25 | 03/10/25 | Fixed | 5.40% |
| The Highland Council | UK | 2,000,000 | 24/10/24 | 23/10/25 | Fixed | 5.00% |
| North Lanarkshire Council | UK | 2,000,000 | 11/11/24 | 10/11/25 | Fixed | 5.05% |

| Financial Institution | Country | Amount (£) | Start Date | Maturity Date | Fixed/ Variable | Yield (%) |
|---------------------------------------|---------|-------------------|------------|---------------|-----------------|-----------|
| The Moray Council | UK | 2,000,000 | 28/11/24 | 27/11/25 | Fixed | 5.35% |
| Blackpool BC | UK | 2,500,000 | 26/08/25 | 17/12/25 | Fixed | 4.30% |
| Broxbourne BC | UK | 2,500,000 | 20/06/25 | 22/12/25 | Fixed | 4.25% |
| Lancashire County Council | UK | 2,000,000 | 19/09/25 | 19/01/26 | Fixed | 4.30% |
| Basildon BC | UK | 2,000,000 | 18/02/25 | 17/02/26 | Fixed | 5.65% |
| Great Yarmouth BC | UK | 2,000,000 | 24/02/25 | 24/02/26 | Fixed | 5.60% |
| Aberdeen City Council | UK | 2,000,000 | 28/03/25 | 27/03/26 | Fixed | 5.50% |
| Police & Crime Commissioner for Herts | UK | 2,000,000 | 29/08/25 | 29/05/26 | Fixed | 4.15% |
| TOTAL | | 31,336,879 | | | | |

** The CCLA (Church, Charities and Local Authorities) Money Market Fund is domiciled in the UK but investment funds deposited globally.*

At Quarter 1 the level of investments was £32.5m.

Maturity structure of investment

A breakdown of the maturity structure of investments on 30 September 2025 is as follows:

| Period to Maturity | Amount (£) | % of Portfolio |
|-----------------------|-------------------|----------------|
| Instant Access | 8,336,879 | 17% |
| Less than one month | 4,000,000 | 8% |
| One to three months | 9,000,000 | 19% |
| Three to six months | 8,000,000 | 17% |
| Six to nine months | 2,000,000 | 4% |
| Nine months to a year | 0 | 0% |
| >12 Months | 17,109,755 | 35% |
| TOTAL | 48,446,634 | 100% |

Property Fund Investments

The Council purchased property fund units between 2016 and 2018.

The overall change in the combined Net Asset Values for all funds during the first half of 2025/26 has been an increase of £41,983.

The movement in fair value of the Capital Funds gets charged to the revenue account and reversed out through the MIRS to the capital adjustment account each year end so there is no bottom-line impact.

The M&G UK Property fund is liquidating its assets and therefore their fund valuation is reducing as repayments are made. Of the £4m originally invested, M&G have now paid Boston BC distribution payments totalling £3,880,011 as of 30 September 2025 leaving a book value of £119,989 outstanding.

The following table provides details of purchase cost, current fair value and performance information of the property fund investments on 30 September 2025 and projected outturns for the year.

Property Funds (Capital Expenditure)

| Financial Institution | Purchase Cost (£) | Q2 Budgeted Net Revenue 2025/26 (£ & %) | Q2 Estimated Net Revenue (£ & %) | 2025/26 Budgeted Net Revenue (£ & %) | 2025/26 Estimated Outturn Net Revenue (£ & %) | Net Asset Value (£) | Total Gain/(Loss) Since Purchase (£ & %) | Capital Gain/(Loss) Since 31/03/25 (£ & %) | 2025/26 Combined Annual Return (%) |
|--|-------------------|---|----------------------------------|--------------------------------------|---|---------------------|--|--|------------------------------------|
| BlackRock UK Property Fund | 4,500,006 | 90,247 4.00% | 66,609 2.95% | 180,000 4.00% | 145,144 3.23% | 4,067,839 | (432,167) (9.60%) | 22,328 0.55% | 3.78% |
| Schroder UK Real Estate Fund | 4,250,006 | 85,233 4.00% | 77,042 3.55% | 170,000 4.00% | 151,359 3.56% | 3,475,447 | (774,559) (18.22%) | (81,036) (2.28%) | 1.28% |
| Threadneedle Property Unit Trust | 4,239,754 | 85,027 4.00% | 90,809 4.26% | 169,590 4.00% | 164,802 3.88% | 3,699,643 | (540,111) (12.74%) | 43,143 1.18% | 5.06% |
| M&G Investments UK Property Fund (After Distribution Payments) | 119,989 | 6,484 4.00% | 2,086 N/A | 12,932 4.00% | 2,085 N/A | 275,207 | 155,218 N/A | 27,443 N/K | N/K |
| AEW UK Core Property Fund | 4,000,000 | 80,219 4.00% | 32,170 1.60% | 160,000 4.00% | 101,979 2.55% | 3,544,164 | (455,836) (11.40%) | 30,105 0.86% | 3.41% |
| GRAND TOTAL | 17,109,755 | 347,210 | 268,716 | 692,523 | 565,369 | 15,062,300 | (2,047,455) | 41,983 | |

Summary of Investment Income Received Against Budget and Forecast Outturn

The table below provides a comparison of investment income received against budget at Quarter 2 and the forecast outturn position.

| Investment Type | 2025/26 Budget Quarter 2 | 2025/26 Actual Quarter 2 | 2025/26 Variance Quarter 2 | 2025/26 Annual Budget | 2025/26 Forecast Outturn | 2025/26 Forecast Variance |
|---|---|---|---|--------------------------------------|---|--|
| <u>Treasury Investments</u> | | | | | | |
| Gross Interest | (521,218) | (826,138) | (304,920) | (1,039,588) | (1,284,298) | (244,710) |
| Brokers Fees | 5,014 | 0 | (5,014) | 10,000 | 0 | (10,000) |
| Net Position | (516,204) (4.708%) | (826,138) (4.949%) | (309,934) (0.241%) | (1,029,588) | (1,284,298) | (254,710) |
| <u>Property Funds</u> | | | | | | |
| Gross Distributions | (432,443) | (334,682) | 97,761 | (862,523) | (704,155) | 158,368 |
| Less Management Fees | 85,233 | 65,965 | (19,268) | 170,000 | 138,786 | (31,214) |
| Net Distributions | (347,210) (4.000%) | (268,717) (3.119%) | 78,493 0.881% | (692,523) | (565,369) | 127,154 |
| M&G Property Fund Liquidation Distributions <i>(to be used for MRP Contributions as the original capital purchase was unfinanced)</i> | 0 | (216,288) | (216,288) | 0 | (219,037) | (219,037) |
| Total Net Income | (863,414) (4.400%) | (1,311,143) (4.326%) | (447,729) 0.074% | (1,722,111) | (2,068,704) | (346,593) |

Treasury investments achieved an average rate of 4.949% (Q1 5.110%) and property fund investments achieved an estimated average rate of 3.119% (Q1 3.457%). The combined rate achieved on all investments was 4.326% (Q1 4.563%).

At 30 September 2025 there was a favourable variance of £447,729 compared with £281,601 at Quarter 1. At Quarter 2 the forecast outturn was a favourable variance of £346,593 compared with £428,778 at Quarter 1.

The higher level of investment income achieved compared to the original budget is due to interest rates in the market being higher than the budgeted return for 2025/26 and balances available for investment being higher due to slippage in the capital programme.

10. Summary Net Treasury Position as of 30 September 2025

The following table provides an analysis of the net treasury position as at Quarter 2 and the projected outturn for the year:

| | 2025/26 Budget Quarter 2 | 2025/26 Actual Quarter 2 | 2025/26 Variance Quarter 2 | 2025/26 Annual Budget | 2025/26 Forecast Outturn | 2025/26 Forecast Variance |
|--|--------------------------------|--------------------------------|----------------------------------|-----------------------------|--------------------------------|---------------------------------|
| Net Investment Income | (863,414) | (1,094,855) | (231,441) | (1,722,111) | (1,849,667) | (127,556) |
| M&G Property Fund Liquidation Distributions (<i>to be used for MRP Contributions</i>) | 0 | (216,288) | (216,288) | 0 | (219,037) | (219,037) |
| Total Borrowing Costs | 55,777 | 41,063 | (14,714) | 111,250 | 65,047 | (46,203) |
| Overall Net Position | (807,637) | (1,270,080) | (462,443) | (1,610,861) | (2,003,657) | (392,796) |

At Quarter 2 the net treasury position shows a combined favourable variance of £462,443 (Q1 £281,601) and the forecast outturn is a favourable variance of £392,796 (Q1 £428,778).

The liquidation distribution from M&G which is included in these figures will be used to finance a corresponding MRP charge.

11. Changes in Risk Appetite

The 2021 CIPFA Codes and guidance notes place importance on risk management. Where an authority changes its risk appetite e.g., for moving surplus cash into or out of certain types of investment funds or other types of investment instruments, this change in risk appetite and policy should be brought to members' attention in treasury management update reports.

It is reported that there has been no change in risk appetite during the first half of the financial year. This will be kept under review when considering global markets and forecasts for interest rates.



| | |
|--------------------------|--|
| Report To: | Full Council |
| Date: | 12 th January 2026 |
| Subject: | Quarter 2 2025/26 Capital Forecast Outturn |
| Purpose: | To present the 2025/26 Capital Programme and seek approval for the proposed amendments to the 2025/26 Capital budgets. |
| Key Decision: | N/A |
| Portfolio Holder: | Councillor Sandeep Ghosh, Portfolio Holder for Finance and Economic Growth |
| Report Of: | Russell Stone, Director of Finance (S151 Officer) |
| Report Author: | Nicole Hayes, Head of Finance Delivery – BBC (PSPSL) |
| Ward(s) Affected: | N/A |
| Exempt Report: | No |

Summary

This report sets out the Capital Programme for the Council and the amendments required for 2025/26.

Recommendations

It is recommended:

That Full Council approve the amends to the Capital Programme for 2025/26 as outlined in Table 1 and Table 2.

Reasons for Recommendations

To ensure the Council's Capital Programme for 2025/26 is considered and related decisions approved. It is important that Full Council are aware of the financial position to ensure they can make informed decisions that are affordable and financially sustainable for the Council.

Other Options Considered

To not approve the amendments to the 2025/26 Capital Programme.

1. Background

- 1.1 Cabinet noted the 2025/26 Quarter 2 Forecast Outturn on Wednesday 10 December 2025 and resolved to forward the amendments to the 2025/26 Capital Programme recommendation to Full Council for further consideration.
- 1.2 The Capital Programme includes provision for Investment and Growth mainly funded through grant funding from Levelling Up Funds, Waste Services investment, IT investment and Disabled Facilities Grants.
- 1.3 Table 1 details the revisions to the capital programme and progress against the 2025/26 approved programme including the projected forecast to 31 March 2026. The proposed amendments to the 2025/26 Capital Programme are highlighted below in blue and are also included separately in table 2.

Table 1 – Capital Programme 2025/26

| Scheme | Approved Budget 2025/26 £'000 | Changes to Approved Budget £'000 | Revised Budget 2025/26 £'000 | Actuals to September 2025 £'000 | Forecast Outturn 2025/26 £'000 | Variance (underspend)/ overspend at Q2 £'000 |
|--|-------------------------------------|--|------------------------------------|---------------------------------------|---|---|
| Disabled Facilities Grant | 885 | - | 885 | 276 | 1,100 | 215 |
| Vehicle Replacements | 536 | - | 536 | 98 | 536 | - |
| Information Technology Infrastructure Refresh | 412 | - | 412 | 105 | 402 | (10) |
| Swimming Pool Support Fund | 122 | 76 | 198 | 198 | 198 | - |
| Uniform | 291 | - | 291 | - | 231 | (60) |
| Unit 4 Implementation | 47 | - | 47 | - | 47 | - |
| Affordable Housing Commuted Sum | 1,074 | - | 1,074 | - | - | (1,074) |
| Capital Enhancements | 604 | - | 604 | 127 | 312 | (292) |
| Depot Purchase | 150 | - | 150 | 3 | 150 | - |
| Food Waste | 154 | (154) | - | - | - | - |
| Homelessness Prevention Van | 7 | - | 7 | 5 | 5 | (2) |
| Market Regeneration | - | 23 | 23 | 23 | 23 | - |
| Boston Council Chamber Mics | - | 33 | 33 | - | 33 | - |
| Total Projects (Excl Towns Funds, UKSPF, LUF & BPF) | 4,282 | (22) | 4,260 | 835 | 3,037 | (1,223) |

| | | | | | | |
|---|---------------|------------|---------------|--------------|---------------|----------------|
| Towns Fund - Leisure | 7,895 | - | 7,895 | 685 | 7,895 | - |
| Towns Fund - Mayflower | 3,600 | - | 3,600 | 3,600 | 3,600 | - |
| Towns Fund - St Botolph's Library | 57 | - | 57 | - | 57 | - |
| Towns Fund - Healing the High St (incl. Shodfriars) | 2,433 | - | 2,433 | 318 | 2,433 | - |
| Towns Fund - Boston Station | 864 | - | 864 | - | 864 | - |
| Total Towns Fund Projects | 14,849 | - | 14,849 | 4,603 | 14,849 | - |
| UKSPF (Capacity building projects for local groups) | 275 | - | 275 | 42 | 264 | (11) |
| UKSPF Rural (Community projects aimed at reducing the cost of living) | 129 | - | 129 | 18 | 128 | (1) |
| Total UKSPF Projects | 404 | - | 404 | 60 | 392 | (12) |
| LUF - Civic Hub | 581 | (576) | 5 | 5 | 5 | - |
| LUF - Crown House | 4,877 | 1,148 | 6,025 | 441 | 6,025 | - |
| LUF - Public Realm | 5,412 | (472) | 4,940 | 1,566 | 4,940 | - |
| Total LUF Projects | 10,870 | 100 | 10,970 | 2,012 | 10,970 | - |
| BPF - Boston United Football Sports Complex | 1,450 | - | 1,450 | 3 | 1,450 | - |
| BPF - Affordable Homes (Quadrant Housing Development) | 1,752 | - | 1,752 | 442 | 1,752 | - |
| BPF - Haven Wharf | 2,800 | - | 2,800 | - | 2,800 | - |
| BPF - PE21 Rosegarth Square | 398 | - | 398 | 124 | 398 | - |
| BPF - Community Organisations Package | 690 | - | 690 | 44 | 690 | - |
| BPF - Boston Connected | 570 | - | 570 | - | 570 | - |
| BPF - Boston Community Research Project | 370 | - | 370 | 32 | 370 | - |
| BPF – St Botolph's Church Visitor Offer | 50 | - | 50 | - | 50 | - |
| Total BPF Projects (excl Boston Leisure) | 8,080 | - | 8,080 | 645 | 8,080 | - |
| Grand Total | 38,485 | 78 | 38,563 | 8,155 | 37,328 | (1,235) |

1.4 Table 2 shows the changes and schemes required for approval to the previously approved capital budgets.

1.5 Levelling Up Fund (LUF) – Progress continues across the connected sites, with budgets being reallocated in line with the current scheme delivery programme as projects advance. The additional £100k has been brought forward into the 2025/26 budget from 2026/27, representing an acceleration rather than a demand on resources.

| Table 2 – Changes to Approved Capital Budget | | |
|--|-----------------|---|
| Project Description | Amount £'000 | Approval |
| LUF - Civic Hub | (576) | Request to reallocate remaining budget from Civic Hub into Crown House in line with current scheme delivery. Subject to approval by Full Council. |
| LUF - Crown House | 1,148 | Request to increase budget for Crown House from Civic Hub and Public Realm, increase includes £100k from 2026/27 from Civic Hub. Subject to approval by Full Council. |
| LUF - Public Realm | (472) | Request to reallocate elements of the budget from Public Realm into Crown House in line with current scheme delivery. Subject to approval by Full Council. |
| Total | 100 | |

Conclusion

The 2025/26 amendments to the Capital Programme are required to align with current project delivery.

Implications

South and East Lincolnshire Councils Partnership

None

Corporate Priorities

None

Staffing

None

Workforce Capacity Implications

None

Constitutional and Legal Implications

None

Data Protection

None

Financial

As contained in this report and Appendix.

Risk Management

None

Stakeholder / Consultation / Timescales

None

Reputation

None

Contracts

None

Crime and Disorder

None

Equality and Diversity / Human Rights / Safeguarding

None

Health and Wellbeing

None

Climate Change and Environmental Implications

None

Acronyms

None

Appendices

None

Background Paper

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

Chronological History of this Report

This report was previously considered by Cabinet on 10 December 2025.

Report Approval

Report author: Nicole Hayes, Head of Finance Delivery – BBC (PSPSL)
Nicole.Hayes@pspsl.co.uk

Signed off by: Russell Stone, Director of Finance (S151 Officer)
Russell.Stone@sholland.gov.uk

Consideration Complete: Councillor Sandeep Ghosh, Portfolio Holder for Finance and Economic Growth
Sandeep.ghosh@boston.gov.uk



| | |
|--------------------------|--|
| Report To: | Full Council |
| Date: | 12 th January 2026 |
| Subject: | Local Council Tax Support Scheme 2026/27 |
| Purpose: | To determine the Council Tax Support scheme, 2026/27 |
| Key Decision: | No |
| Portfolio Holder: | Councillor Sandeep Ghosh, Portfolio Holder for Finance and Economic Growth |
| Report Of: | Russell Stone, Director of Finance (S151 Officer) |
| Report Author: | Sharon Hammond, Head of Revenues and Benefits, PSPSL |
| Ward(s) Affected: | All |
| Exempt Report: | No |

Summary

This report seeks Council approval of Cabinet's recommendation in respect of the final proposals for the 2026/27 Council Tax Support scheme.

Recommendations

That Council approves the Cabinet recommendations to revise the Local Council Tax Support scheme for 2026/27 by changing the maximum level of support to 90% for lone parents, 80% for couples with children and 75% for all other households, with the scheme uprated in line with DWP's annual update of allowances and premiums for 2026/27.

Reasons for Recommendations

- Full Council must make any revision to its scheme, or any replacement, and agree its final scheme no later than 11th March 2026, in relation to the 2026/27 financial year.

- The recommendation has regard to the earlier deliberations of Cabinet in respect of the council's financial position balanced with the need to support customers, and the outcome of the consultation process.
- Up-rating in line with Department for Work and Pensions (DWP) will ensure the scheme continues to support the most vulnerable and low-income households by using nationally recognised rates of DWP income.

Other Options Considered

- Keep maximum support for households with children at 100% and others at 85%, seeking savings elsewhere.
- Set maximum support at 90% for lone parents, 80% for couples with children, and 70% for other households, with annual up-rating in line with DWP allowances for 2026/27.

Both options were consulted but rejected in favour of the recommended option which will help balance council finances while minimising changes in the level of support.

1. Background

- 1.1. Local Council Tax Support schemes replaced the former national Council Tax Benefit (CTB) scheme from April 2013, with government placing the duty to create a local scheme for working age applicants with billing authorities. Central funding was reduced and then, in subsequent years subsumed into other grants paid to local authorities. It is no longer possible to identify the amount of funding provided by central government.
- 1.2. This annual review relates only to Working Age claimants as the scheme for pensioners continues to be prescribed by government, allowing up to 100% support against Council Tax liability. The council has no power to change the level of support for pensioners. In addition, the local scheme protections for War pensioners and Care Leavers up to the age of 25 are not affected by any scheme review proposals.
- 1.3 Following a fundamental review last year, from 1 April 2025 Boston Borough Council's scheme provides a maximum level of support for working age claimants up to 100% for households with children and 85% for other households. The working age scheme currently supports 2,445 working age claimant households, costing £2.6million (of which £348k is the cost to this Council). It should be noted that caseload and expenditure will fluctuate throughout the year.

1.4 A breakdown of total current caseload and expenditure is shown in the table below.

| | Current Caseload Count | 2025/26 CTS Expenditure £ | Cost to Boston Borough Council (13.31%) |
|-------------------|---------------------------------------|--|--|
| All Groups | 4,421 | 4,930,060 | £656,191 |
| Pensioner | 1,976 | 2,312,079 | £307,738 |
| Working Age | 2,445 | 2,617,981 | £348,453 |

1.5 An Exceptional Hardship Fund, administered under the discretionary provisions of Section 13A (1) (c) Local Government Finance Act 1992, introduced in 2025/26, operates alongside the Council Tax Support scheme.

2. 2026/27 Scheme Consultation

2.1 Cabinet decided at its meeting on 17 September 2025 to consult on three options: -

- 1. To retain the current maximum level of support for Households with Children at 100% and Other Households at 85%.**

This option would see the level of support, and therefore scheme expenditure, continue at its current level.

- 2. Reduce the maximum level of support to 90% for lone parents, 80% for couples with children and 75% for all other households**

This option would reduce overall scheme expenditure by around £338k, generating a saving of around £45k for this Council. This would reduce the level of support, and therefore increase Council Tax payment requirement, for all working age claimants.

- 3. Reduce the maximum level of support to 90% for lone parents, 80% for couples with children and 70% for all other households**

This option would reduce overall scheme expenditure by around £429k, generating a saving of around £57k for this Council. This would reduce the level of support, and therefore increase Council Tax payment requirement, for all working age claimants.

2.2 In line with statutory requirements, consultation has been carried out with major preceptors, and other persons likely to have an interest in the operation of the scheme. The consultation took place between 23 September and 8 November 2025.

2.3 Major precepting authorities have been consulted on the proposals.

Lincolnshire Police and Crime Commissioner's response noted the options being consulted on, adding it is supportive of proposals which provide for the comparability of Council Tax Support schemes given the proposals for local government reorganisation.

Lincolnshire County Council responded that as a major preceptor, they would support an option which does not look to increase the cost of the scheme, as this reduces the

Council Tax collected to pay for local services. They recognised that options 2 and 3 looked to reduce the cost of the scheme and that it would be helpful to understand the impact it may have on the collection fund, if support was being reduced.

- 2.4 The wider public consultation included publicity through media release, website and social media, and this year the consultation was shared with Parish Councils. Letters were issued to major precepting authorities, and an email was sent to a number of groups that represent individuals identified in the Equality Act.

A total of 65 responses were received. With such a low response rate it is recognised that the results cannot be relied upon as being wholly representative or statistically significant.

- 2.5 Feedback from the public consultation is summarised below: -

| | |
|--|-----|
| Option 1 Retain the current maximum level of support for households with children at 100% and other households at 85%,and find savings elsewhere. | 35% |
| Option 2 Reduce the maximum level of support to 90% for lone parents, 80% for couples with children and 75% for all other households. | 18% |
| Option 3 Reduce the maximum level of support to 90% for lone parents, 80% for couples with children and 70% for all other households. | 25% |

The survey included a 'None of the above' option, drawing a 22% response rate.

Free text commentary indicates respondents are divided, with some contributors emphasising the need for greater support for vulnerable groups, while others express concern about fairness, the impact on working families, and the potential disincentive to work.

- 2.6 The full consultation report is shown at Appendix 1.

3. 2026/27 Scheme Post-Consultation Considerations

- 3.1 Following a fundamental review last year, the Council increased its level of support for all recipient households, increasing the maximum level of support for households with children up to 100% and for all other households 85%. In reaching its decision, the Council had regard to information and data including: -

- 30% of children in Boston live in relative low-income households (*source DWP*)
- 727 of the 1,109 working age households with children were receiving the maximum level of support (at that time 75%).
- The percentage of households with children who had previous year Council Tax arrears was greater than other households, at 40% single parent, and 32% couples with children.

- 3.2 The Council intended the current scheme should operate for a full financial year before review, however this was brought forward for consideration this year as part of the Council's wider range of savings proposals.
- 3.3 While acknowledging the importance of Council Tax Support for some households, Cabinet decided to seek views on reducing support levels as a potential cost-saving measure to help balance the 2026/27 budget, if required, recognising that Council Tax Support schemes must be affordable.
- 3.4 Whilst the results to the consultation were mixed, almost 35% supported retaining the current level of support, whereas in totality almost 43% supported a reduction in the level of support.
- 3.5 Reducing support to the levels consulted upon would reduce the total scheme cost by the amounts shown in the table below: -

| | Reduction in support – Option 2 | Reduction in support – Option 3 |
|--------------------------------|--|--|
| Single Parent Household | -£85k | -£85k |
| Couple Household with Children | -£66k | -£66k |
| Other Household | -£181k | -£270k |
| TOTAL | -£332k | -£421k |
| <i>Saving for BBC (13.31%)</i> | <i>£44k</i> | <i>£56k</i> |
| <i>Saving for LCC (72.22%)</i> | <i>£240k</i> | <i>£304k</i> |
| <i>Saving for PCC (14.47%)</i> | <i>£48k</i> | <i>£61k</i> |

The annual and weekly impact on households is shown in the following table for each option: -

| Average Reduction In Council Tax Support | | | | |
|---|-----------------|---------------|-----------------|---------------|
| | Option 2 | | Option 3 | |
| | Annual | Weekly | Annual | Weekly |
| Single Parent Households | -£110 | -£2 | -£110 | -£2 |
| Couple Household with Children | -£271 | -£5 | -£271 | -£5 |
| Other Households | -£118 | -£2 | -£176 | -£3 |

- 3.6 In the backdrop of the current economic climate, a reduction in the level of support may impact some low income households, however the Council has discretion to provide further support for households experiencing 'exceptional' hardship, though unlike the cost of the Council Tax Support scheme, which is shared with major precepting authorities with Boston's share being around 13%, any discretionary award would be at 100% cost to this Council..
- 3.7 The Council must have regard to its financial position and reaching a balanced budget; and this includes affordability of its Council Tax Support scheme.

4. Conclusion

- 4.1 The options to reduce the level of support were consulted on not as preferred options, but as a means that would ensure, if it needed to, that the Council could reduce the level of support to reach a balanced budget.
- 4.2 In making its recommendation to Full Council, Cabinet had regard to the Council's current financial position and affordability of its Council Tax scheme, at the same time as considering the impact and effect that a reduction in the level of support could have on households across the district.

Implications

South and East Lincolnshire Councils Partnership

None

Corporate Priorities

None

Staffing

None

Workforce Capacity Implications

None

Constitutional and Legal Implications

The authority is required to make its Local Council Tax Support Scheme, including any revised or replacement schemes, in accordance with the Local Government Finance Act 1992.

Final scheme rules will incorporate provision for pensioners, as prescribed by central government.

Data Protection

None

Financial

Should Council approve the recommendation set out in this report, the savings, realised through a reduction in support to working age claimants of the Council Tax Support scheme, will support the Councils legal requirement to deliver a balanced budget.

Risk Management

None

Stakeholder / Consultation / Timescales

The Section 151 Officer and Portfolio Holder for Finance have been consulted on this report.

Legislation requires consultation to be carried out with major precepting authorities, the public and other stakeholders where changes to the scheme are proposed. Consultation has been carried out, as detailed in Section 2 and Appendix 1 of this report.

Reputation

None

Contracts

None

Crime and Disorder

None

Equality and Diversity / Human Rights / Safeguarding

The Council Tax Support scheme continues to be administered based on the principles of the previous national Council Tax Benefit scheme and retains the core features that recognise additional needs of the disabled, those with children and those with caring responsibilities.

An Equality Impact Assessment conducted for the proposed changes to the Council Tax Support (CTS) Scheme for 2026-27 has considered the potential effects on protected groups, and concludes that the changes do not target, or disadvantage, any characteristic group over another. The availability of an exceptional hardship fund, and practice of signposting claimants to professional advocacy services, will ensure the Council Tax Support Scheme changes can be implemented in a manner that upholds the Council's commitment to equality.

Health and Wellbeing

None

Climate Change and Environment Impact Assessment

None

Acronyms

CTS - Council Tax Support

DWP – Department for Work and Pensions

Appendices

Appendices are listed below and attached to the back of the report:

Appendix 1 Consultation report

Background Papers

None

Chronological History of this Report

None

Report Approval

Report author: Sharon Hammond, Head of Revenues and Benefits,
sharon.hammond@pspsl.co.uk

Signed off by: Rusell Stone, Director of Finance and Section 151 Officer
Russell.stone@sholland.gov.uk

Approved for publication: Councillor Sandeep Ghosh, Portfolio Holder for Finance and
Economic Growth
Sandeep.ghosh@boston.gov.uk

**Council Tax Support Scheme 2026/27
Boston Borough Council Consultation
Report
Published**

"You Said, We Listened"



Introduction to this consultation

1. This report contains the responses we received for the Council Tax Support Scheme 2026/27 consultation which took place between 23rd September 2025 and 8th November 2025.
2. Respondents were informed that from April 2025, the Council had offered a scheme that provided up to 100% of Council Tax Support for working age households with children and up to 85% for households without children. However, for 2026/27 the Council was facing considerable financial challenges to produce a balanced budget for 2026/27, as was required by law. At the same time, it recognised how important Council Tax Support was for some households in the community.
3. The exercise was performed to gain the views of residents on the proposed modifications to the Council Tax Support Scheme for the 2026/27 financial year.

Methodology

4. The consultation, which was available in both hard copy and online, was promoted in a number of ways.
 - A media release was circulated announcing the proposals for the Council Tax Support Scheme 2026/27. The media release also provided residents with details of the consultation exercise being undertaken and details of how to complete or request a paper copy of the consultation.
 - A letter was forwarded to precepting Authorities on 29th September 2025, inviting them to give their views on the proposals for 2026/27.
 - Social media; Facebook and Twitter were also used to inform residents that the consultation exercise was being undertaken.
 - A homepage banner was placed on Boston Borough Council's website to draw attention to the consultation.
 - An email was sent to specific groups that represent those individuals with the characteristics identified in the Equality Act. A few of these are listed below:
 - Lincs Care Leavers
 - Disability Lincs
 - Victim Support in Lincolnshire
 - Age UK Boston & South Holland
 - Alzheimer's Society
 - Deaf Association
 - British Heart Foundation
 - Lincs YMCA
 - ME Lincs
 - Citizens' Advice mid Lincs
 - Boston Salvation Army
 - Boston United Disabled Football Club
 - Edan Lincs (Domestic Abuse)
 - Lincolnshire Rural Support Network
 - The questionnaire was also made available for people to complete on Boston Borough Council's website.

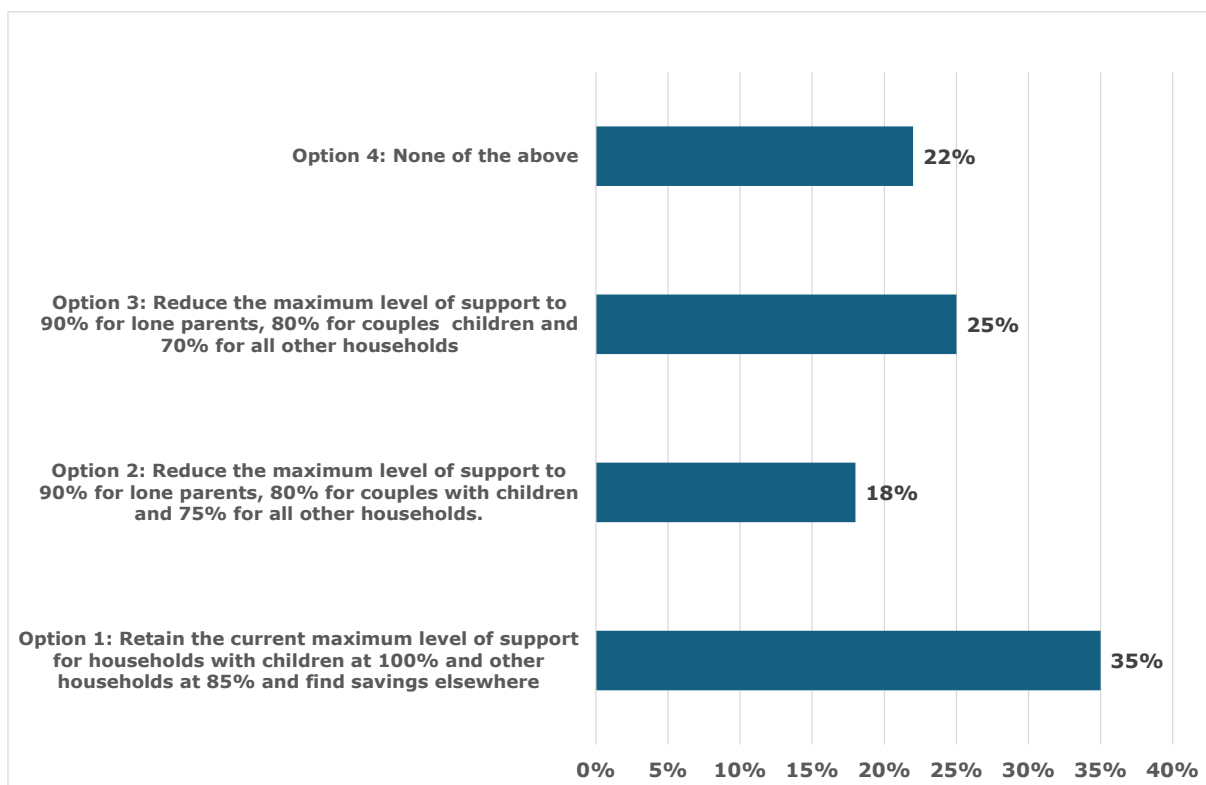
5. It should be noted that base data has been rounded to the nearest number (so may add up to between 99% and 101%). No comparisons have been made with the previous consultation exercise undertaken in 2024 as the questions in the consultation have been revised.

Response Rate

6. 65 electronic responses were received.
7. In addition, written responses were received from Lincolnshire County Council and the Lincolnshire Police and Crime Commissioner. Their responses are detailed at numbers 10 and 11 in this report.

Results and Analysis

8. All respondents were given a list of four options and were asked which option they thought the Council should pursue. The chart below shows that
- 35% of all respondents thought the Council should pursue 'Option 1 – retain the current maximum level of support for households at 85% and find savings elsewhere'
 - 18% of all respondents thought the Council should pursue 'Option 2 – Reduce the maximum level of support to 90% for lone parents, 80% for couples with children and 75% for all other households'
 - 25% of all respondents thought the Council should pursue 'Option 3 – reduce the maximum level of support to 90% for lone parents, 80% for couples and 70% for all other households'
 - 22% of all respondents thought the Council should pursue 'none of the above'



9. All respondents were given the opportunity to make comments if they wanted to. A number of comments were made about households on benefits receiving financial support from other areas which gave them more income than those that were just above the threshold or working households. One respondent said that these households on benefits were in receipt of more than the national minimum wage. Another respondent felt that all Boston residents should be treated equally including pensioners and a further respondent considered that households with no children were being punished by the proposals. There was a request for support to be made available for vulnerable people to complete paper application forms as some could not complete them online. Another request was made for the application process to be made easier. One respondent said that the proposed changes would not save the Council money as people would not be able to pay their Council Tax. A full list of comments are included below

- Please make support available for vulnerable people to request support and help with forms in person at municipal buildings rather than stating they must use the telephone or online as many are unable to do so and this contributes to exclusion and unnecessary hardship. The public may need further information on this topic in order to make an informed contribution to this discussion.
- Low income families already receive additional support payments in many areas including universal credit - free prescriptions support with uniforms, school meals, school trips, school equipment, free half term clubs including lunches ,free breakfast clubs - dental, additional support with heating, travel - all adding to often more than working families who are just above the threshold to receive any of these meaning the working families who are unable to claim are often worse off than those who do, seems unfair if

families receiving benefits already are then having reductions in their council tax. This would be more beneficial for pensioners as their income is a lot lower than those who are able to claim universal credit.

- If you have to the last one but as most of these will be receiving other benefits, think they should stop smoking drinking eating, take away tattoos etc save enough to pay full amount then
- Unless it's going to increase the cost for the rest of us who also struggle to make ends meet but never qualify for anything!! The more you increase costs for those NOT on benefits the more people you are pushing into crisis. Those of working age that do not work should only get things for free if they can prove that they cannot get work and if they turn anything down or put in no effort to gain and keep employment then I don't see why the rest of us should pay it for them. My druggy neighbour who does nothing is one of those I openly object to having everything for nothing while we struggle.
- You seem to have failed to mention where the savings will come from 'elsewhere'. How are the public expected to make an informed decision without all the information. There also doesn't appear to be a link for an Equality Impact Assessment. Has one been carried out for this consultation?
- Council tax support should be substantially lower than this. Too much support is given, which disincentivises work, and the people who have to pay for this are paying far too much. More consideration needs to be given for those who do pay, rather than endlessly giving to those who don't work.
- It is not fair that other people are supporting people with children everybody is struggling so a fair option is to use that to reduce other people's tax, is reduced, being a lone parent should not mean extra help, in most cases there is another parent who should help.
- The earnings need a disregard limit.
- A large amount of families are living hand to mouth extra fee could cause serious issues and possible death
- We've just come through 14 years of conservative government cutting everything but their own wages and benefits (expenses are rich, people benefits). Maybe investigate pension fraud, or where the money for repairing roads went? Never go after the children or weakest members of society. Every government is judged by them treat their most vulnerable.
- Remove support for all except pensioners, disabled and lone parents. The rest can work and pay their bills like everyone else.
- I really appreciate the support you have given my family this year with the 100% support for Council Tax. Being a single dad with three very young children every penny helps especially how quick basic daily essentials are going up. Please try and keep the 100% support as it helps so many, and it can make such a difference. Well Done BBC.
- Many of those on the welfare system will access other benefits and have financial support in lots of areas. While others above the welfare threshold do not, if the pensioners on their pensions are not entitled in less than half of what the welfare state is providing the low-income families why should the low-income families be entitled
- As I'm on UC and only get just over £600 after rent and some people on ESA get over nine hundred and pay less Council Tax none of them or I have

children at home. So, feel the system should be the same for all including pensioner's

- All options available are discriminatory policies and manipulative in nature towards those who choose to not have children or are unable to have children. All Boston residents should be treated equally, and all of these options seems to disregard too easily that! People with children have greater access to benefits such as child allowance as well as things such as free school meals and subsidised childcare in many cases making them no worse off than their childfree peers and therefore should not be given any preferential treatment - or as it appears in all of these policies people being penalised for not having children in their household! Potentially encouraging families to have children in their households despite already struggling, as seems to be clear in these scenarios, is a dangerous and short-sighted approach for any public body to even consider implementing. Has the council made sufficient exploration of relevant details to seemingly punish those households without children because it appeared to be a series of 'ideas' which have been thought up in isolation from any facts about how children affect household incomes. Any discriminatory policy made by a Council along these lines should be strongly reconsidered. In these times of hardship all expenses of course need to be evaluated to ensure their value for money - but discriminating against households without children in this way seems like a short term, knee-jerk reaction which leaves not only the council open to substantial and valid criticism, but also all members who make up the council also. Continuing with any of these schemes should weigh heavily on all members conscience because to many observers these options all strike notes of discrimination. Quite frankly I am personally disappointed that any member has allowed these options to go to a public consultation without questioning the validity of the options.
- All those on welfare support and unemployment benefits are receiving more than the national minimum wage. Also, many other discounts, like free school meals, free school uniforms, free prescriptions, free TV licence, warm home discount, and there are more. A pensioner on £12k a year gets nothing. If the government wants to get people back into work, then it has to be worthwhile. Discounts and handouts will not encourage a return to employment.
- Make them all pay the same as working people that way the Government will get more in work
- I find it discriminatory towards single, or childless couples. The Council Tax is a heavy burden, as a single, childless person who can only work part-time due to disability I cannot get any support, which does not create a fair system.
- I believe in maximum support for the poor, needy and vulnerable.
- Charging people on low incomes amounts of Council Tax they cannot afford to pay is not a saving to the Council. You won't be able to collect it without expending pretty much the same or more resource. All you will achieve is making poor taxpayers poorer
- I don't see why I have to work hard , while others who live in social housing on my estate, are anti-social , manage to get their hair and nails done , but expect me to suffer less services because they can't be bothered to work , or

they expect additional reductions- reduce for all or none - especially if you aren't including pensioners

- Could the application process be made easier for people wishing to apply, with less paperwork, in order to achieve maximum essential service and uptake of the scheme whilst at a lower admin cost ?
- I do not believe 100% support level is viable.
- Don't change any think
- This is an opportunity for the Council to make real savings for other important schemes.
- It needs a complete review. There are far too many families fiddling the system!
- Reduce it so it's more equal to all others that aren't on benefits. Most people I know on benefits whether that be disability or child allowance are better off than us that work full time and are entitled to no benefits or no help to reduce their bills.
- Increase the amount of financial support for working adults living alone. Only having one income coming into the house is really difficult to pay rent, mortgage, and all bills. Especially when you are trying to afford a car to enable us to get to work. Couples with or without children have the potential to double their income if they both worked.

Responses from precepting authorities

10. A response was received from the Office of the Lincolnshire Police and Crime Commissioner stating that they were supportive of proposals which provided comparability of Council Tax Support Schemes for Lincolnshire residents, particularly given the proposals for Local Government reorganisation currently under consideration.
11. A response was also received from Lincolnshire County Council (LCC) confirming that as a major preceptor, they would support an option which did not look to increase the cost of the scheme, as this reduced the Council Tax collected to pay for local services. They went on to say that whilst 'option 2 and 3' looked to reduce the cost of the scheme, it would be helpful to understand the modelling around those options, and what impact they may have on the collection fund, if support was being reduced.

Contact:

For more information relating to this report contact:

- Jackie Todd, Consultation Officer at jackie.todd@e-lindsey.gov.uk or 01507 601111

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