

To Councillors: Chris Hood, Roger Hunneman, Vaughan Miller, Graham Storey, Meg Thomas and Martha Vickers.

Substitute Councillors: Alistair Bounds, Jo Day, Sam Dibas, Ian Jee, Steve Masters & Sarah Slack

Dear Councillors,

You are summoned to attend a meeting of the **Victoria Park Sub Committee** on **Wednesday 12th January 2025 at 7:30pm**. The meeting will be held in the Council Chamber, Newbury Town Hall, Market Place, Newbury, RG14 5AA. The meeting is open to the press and public and will be streamed via Zoom:

<https://us02web.zoom.us/j/85898233247?pwd=musbPlp9LaYvfK4ttBMOYZ61Ei3KhH.1>

Meeting ID: 858 9823 3247 Passcode: 343890

Martin Kavanagh
Services Delivery Manager

AGENDA

- 1. Apologies**
Services Delivery Manager
- 2. Declarations of Interest and Dispensations**
Services Delivery Manager
To receive any declarations of interest relating to business to be conducted in this meeting and confirmation of any relevant dispensations.
- 3. Minutes (Appendix 1)**
Chair
To approve the minutes of a meeting of the Victoria Park Sub-Committee held on Wednesday 13th January 2025.
- 4. Questions and Petitions from Members of the Public**
Chair
Questions, in writing, must be with the CEO by 2pm on Friday 07 February 2025.
- 5. Members' Questions and Petitions**
Chair
Questions, in writing, must be with the CEO by 2pm on Friday 07 February 2025.

6. Café Project Update (Appendix 2)

Services Delivery Manager

To **Receive** an update regarding the Procurement of the Tender Process for the Café

To **Agree** membership for the Tender Panel


7. Newbury Bowls Club Update


CEO

To **receive** an update regarding the Bowls Club Lease

If you would prefer a paper copy or large print copy of this document, please request this at Newbury Town Hall reception desk.


Town Hall, Market Place, Newbury, RG14 5AA

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MINUTES OF A MEETING OF VICTORIA PARK SUB-COMMITTEE HELD IN THE COUNCIL CHAMBER,
NEWBURY TOWN COUNCIL, MARKET PLACE, NEWBURY ON
MONDAY 13th JANUARY 2025 AT 7.30PM.

PRESENT

Councillors, Chirs Hood, Roger Hunneman, Vaughan Miller, Gary Norman, Sarah Slack, Graham Storey, Meg Thomas and Martha Vickers

In Attendance

Kym Heasman, Committee Clerk

1. APOLOGIES

There were no apologies from Councillors.
Apologies received from Services Delivery Manager.

2. DECLARATIONS OF INTEREST

The Committee Clerk declared that Councillors, Martha Vickers who are also Members of West Berkshire Council, which is declared as a general interest on their behalf and a dispensation is in place to allow them to partake in discussions relating to West Berkshire Council business.

3. MINUTES

PROPOSED: Councillor Vaughan Miller

SECONDED: Councillor Meg Thomas

RESOLVED: That the minutes of the meeting of the Planning & Highways Committee held on Wednesday 20th November 2024, be approved, and signed by the Chairperson.

4. QUESTIONS AND PETITIONS FROM MEMBERS OF THE PUBLIC

There were no questions or petitions received from Members of the Public.

5. MEMBERS' QUESTIONS AND PETITIONS

There were no questions or petitions received from Members.

6. CAFÉ PROJECT UPDATE

Members received update from the Committees Clerk, and noted that the Planning Application ([24/02510/FUL](#)) had been submitted to West Berkshire Council and validated on 18th December 24, the Application is currently under consultation stage until 4th February 25. Approximate Determination Deadline listed as 12th February 25.

Members asked the Committee Clark to note multiple questions, for further information and clarification to be provided before the next scheduled Victoria Park Sub-Committee meeting 12th February 2025

Proposed: Graham Storey

Seconded: Chris Hood

Resolved: That a request for the Tendering process to be brought forward in the project, and to be started while the Application is in the consultation Stage with the Planning Authority.

THERE BEING NO OTHER BUSINESS THE CHAIRPERSON DECLARED THE MEETING CLOSED AT 20:21 HRS

CHAIRPERSON

Signature: _____ Date: _____



Newbury Town Council

Procurement Policy

This document is to be read in conjunction with the Councils Financial Regulations (as amended) and the Standing Orders.

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1. Procurement Values

- 1.1 Newbury Town Council (the Council) will strive to obtain best value for money for all goods, materials, and services which it purchases. As a public sector buyer, value for money is fundamental to the Council's procurement activity.
- 1.2 Every contract by the Council, or Officer acting on its behalf, shall apply the Council's procurement values. These values are:
 - 1.2.1 To purchase locally wherever possible and where best value can be satisfied – see the Public Services (Social Value) Act 2012.
 - 1.2.2 When evaluating tenders, the past record of the supplier will be considered but this does not always mean that the Council should always select the lowest cost option¹.
 - 1.2.3 To look to minimize the Council's carbon emissions and promote long-term environmental sustainability.
 - 1.2.4 To purchase re-cycled goods or less environmentally damaging materials where they meet the required functional standard and will have regard to sustaining the environment.
 - 1.2.5 To look favourably upon organisations that pay the Living Wage as set by the Living Wage Foundation².
- 1.3 The following contracts are exempt from the requirement of these rules:
 - 1.3.1 Contracts relating solely to disposal or acquisition of land;
 - 1.3.2 Employment contracts;
 - 1.3.3 Individual agency contracts for the provision of temporary staff;
 - 1.3.4 Anything specified in The Public Contracts Regulations 2015, Sub-Section 3, Regulations 7 through to 12;
 - 1.3.5 Any service or work, up to the value of £25,000, in the event of an emergency – this is the authority of the Chief Executive Officer allowed for under point 4.5 in the Financial Regulations;

¹ See point 4 in this Procurement Policy.

² Information about the Living Wage Foundation, and the Living Wage itself, can be found on their website, accessible here: <https://www.livingwage.org.uk/>

1.3.6 Where contracts are of a specialist nature, such as:

- 1.3.6.1 Where a contract for the execution of works or the undertaking of services or the supply of goods involves highly specialised technical, scientific or artistic knowledge such that it is not possible to achieve competitive tenders;
- 1.3.6.2 Where the work to be executed or the goods or materials to be supplied consists of repairs to, or the supply of parts for, existing machinery or plant, or are additions to an existing style or design which would involve the Council in greater cost and additional work in trying to harmonise two differing systems, designs or solutions;
- 1.3.6.3 Where the purchases are of patented or proprietary items and any form of tendering would not be appropriate;
- 1.3.6.4 Where best value is more likely to be achieved by approaching one contractor or consultant.

2. National Rules

- 2.1 Contracts that fall below the financial thresholds are not caught by the main regulations of the PCR 2015, though will still be subject to Regulation 110 PCR 2015 relating to below threshold contracts. This requires that such contract opportunities over certain thresholds are to be advertised on Contracts Finder. The current thresholds are £25,000 (sub-central authorities).
- 2.2 All procurement activity undertaken is done in a transparent, fair, and consistent way as required by the Public Contract Regulations 2015 and World Trade Treaty Principles.
- 2.3 In order to tender or quote for contracts, suppliers will need to meet some minimum requirements for example, appropriate insurance levels, evidence of financial stability, compliance with relevant legislation and policies such as health and safety, anti-corruption, modern slavery, and human trafficking etc. where appropriate.

- 2.4 The current rules setting out the procurement route to be used to procure goods, services, or works depending on the value of the contract are detailed below:

Table 1. Rules for Good and/or Services

Contract Value	Procurement Route
Below £25,000	Evidence of value for money
£25,000-£50,000	Seek min of three tender returns, including at least one local supplier; in line with Procurement Policy.
£50,000-£213,477* threshold	Local Tender Process, HMG Contracts Finder
Above £213,477*	Above Threshold Tender, to be advertised on HMG Contracts Finder

*Please note that the thresholds are INCLUSIVE OF VAT. Previous thresholds were exclusive of VAT.

Table 2. Rules for Works

Contract Value	Procurement Route
Below £25,000	Evidence of value for money
£25,000-£100,000	Seek min. of three tender returns, including at least one local supplier; in line with Procurement Policy.
£100,000-£5,336,937 threshold*	Local Tender Process, to be advertised on HMG Contracts Finder
Above £5,336,937*	Above Threshold Tender, to be advertised on HMG Contracts Finder

*Please note that the thresholds are INCLUSIVE OF VAT. Previous thresholds were exclusive of VAT.

3. Thresholds and Procedures with Newbury Town Council

3.1 Estimated contract value

3.1.1 Contract requirements £100 - £999

The Chief Executive/RFO shall strive to obtain alternative estimates detailing priced descriptions of the proposed supply unless a specialist or single source supply is necessary.

3.1.2 Contract requirement £1,000 - £25,000

The Chief Executive/RFO/Community Services Manager/Civic Manager shall obtain 3 written quotations detailing priced descriptions of the proposed supply unless a specialist or single source supply is necessary.

3.1.4 Contract requirements exceeding £25,000 – HM Government Procurement rules shall apply unless exempt.

3.1.4.1 A formal tender process shall be followed.

3.1.4.2 Where the Council intends to procure or award a public supply contract, public service contract, or public works contract as defined by (“the Regulations”) within The Public Contracts Regulations 2015 which is valued above the current Public Procurement Regulation 2015 threshold, or more, the Council shall comply with the relevant requirements of the Regulations.

3.1.4.3 Subject to additional requirements in the Financial Regulations of the Council, the tender process for contracts valued at over £25,000 for the supply of goods, materials, services, or the execution of works shall include, as a minimum, the following steps:

3.1.4.3.1 A specification for the goods, materials, services, or the execution of works shall be drawn up;

3.1.4.3.2 An invitation to tender shall be drawn up to confirm (i) the Council’s specification (ii) the time, date and address for the submission of tenders (iii), the date of the Council’s written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;

3.1.4.3.3 The invitation to tender shall be advertised for all contracts over £25,000 on the Town Council website, along with any other manner that is appropriate including local press or news circulation;

3.1.4.3.4 Tenders shall be submitted in writing in a sealed marked envelope addressed to the Chief Executive:

3.1.4.3.5 Tenders shall be opened by the Chief Executive in the presence of at least two Councillors after the deadline for submission of tenders has passed;

3.1.4.3.6 Tenders are to be reported and considered by the appropriate meeting of the Council. Decisions on contracts awarded over £25,000 must be made by the appropriated Committee (subject to agreed budget), in default Policy & Resources Committee or Full Council.

3.1.4.4 The regulations set out that: The Council must (within 24 hours) also advertise an invitation to tender on the Government's 'Contracts Finder' Website and must have the contract details available on the internet AND there must be no pre-qualification stage in such a contract. After the contract has been awarded, whether or not it has been advertised on 'Contracts Finder' at the Invitation to Tender stage, the Council must publish on the UK Government's 'Contract Finder' Website: the name of the contractor, the date on which the contract was entered into; the value of the contract; and whether to contractor is a SME or a VCSE.

3.1.4.5 When publishing on 'Contracts Finder', the Council may withhold any information from the publicity of a contract which:

3.1.4.5.1 would impede law enforcement or would otherwise be contrary to the public interest,

3.1.4.5.2 would prejudice the legitimate commercial interests of a particular economic operator, whether public or private, or

3.1.4.5.3 might prejudice fair competition between economic operators

3.1.4.6 The council does not advertise an opportunity where it makes the opportunity available only to a number of particular economic operators who have been selected for that purpose (whether ad hoc or by virtue of their membership of some closed category such as a framework agreement), regardless of how it draws the opportunity to the attention of those economic operators (i.e. if a council has an arrangement with a limited number of approved organisations to undertake work for the council).

4. The Council is not bound to accept the lowest cost tender.

- 4.1 Normally the Council will accept the quotation, estimate, or tender that provides best value for money. However, the Council is not obliged to accept the lowest of any tender, quotation, or estimate, but must give valid reasons for not doing so.
- 4.2 Councils are not required to tender for contracts below £25,000 from a tendering exercise (see NALC LTN 87).
- 4.3 Where the contract is likely to exceed the threshold specified (Crown Commercial Services from time to time) the Council must consider whether the Public Contracts Regulations 2015 apply to the contract and, if either of those Regulations apply, the Council must comply with Public Procurement Policy rules.
- 4.4 When applications are made to waive procedures relating to contracts to enable a price to be negotiated with competition, the reason shall be embodied in a recommendation to the Council.

5. Urgency Process

- 5.1 In the case of an emergency, refer to point 4.5 in the financial regulations.

6. Social Value commitment

- 6.1 The Public Services (Social Value) Act 2012 enshrines the social value commitment in law to a certain extent. Under the Act, any council proposing to award a service contract or framework agreement for services above the financial threshold in the EU rules must consider how that which they propose to procure will improve the economic, social and environmental well-being of the area and the council must consider how it will act to secure that improvement when undertaking the procurement. Councils have an obligation to consider whether to consult on their proposals before starting the procurement process.
- 6.2 Councils have embraced social value and often take practical steps that go far beyond the minimum requirements of the Act (for example, by applying it to construction contracts and lower value procurements).
- 6.3 The Toolkit supporting the National Procurement Strategy looks in detail at what Councils can do in this area depending on their level of ambition, including creating local employment and training opportunities and opportunities for SMEs and Voluntary, Community and Social Enterprises.
- 6.4 Newbury Town Council supports and commits to consider social value in its procurement options.

- 6.5 Specifically, in accordance with the Public Services (Social Value) Act 2012, preference will always be given to local suppliers, preferably independent. Internet/national chains can be used – but only if there is no local supplier, or there is a saving of at least 10% or £250, over that local supplier.

7. Modern slavery consideration

- 7.1 The Council is obliged to receive a statement from contracted suppliers (over £10,000 limit) to the effect that they:
- 7.1.1 meet with the standards set out in the Supplier Code of Conduct, which include requirements to comply with the Modern Slavery Act 2015.
 - 7.1.2 include anti-slavery and human trafficking provisions in their contracts
 - 7.1.3 implement policies and procedures to identify and prevent modern slavery occurring in their supply chain
 - 7.1.4 prepare an annual statement setting out the steps they have taken to tackle modern slavery in any part of their business or supply chain

Extract from Newbury Town Council Financial Regulations

10. ORDERS FOR WORK, GOODS AND SERVICES

- 10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2. Purchase orders shall be controlled by the relevant managers.
- 10.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below.
- 10.4. A member may not issue an official order or make any contract on behalf of the Council.
- 10.5. A manager shall verify the lawful nature of any proposed purchase before the issue of any order, and when the value of the order is over £500 it shall also be approved by the RFO.

Extract from the Newbury Town Council Standing Orders

37. CONTRACTS

Procedures as to contracts are laid down as follows:

a) Every contract shall comply with these Standing Orders, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:

i. for the supply of gas, electricity, water, sewerage and telephone services;

ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;

- iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
- iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
- v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the CEO and RFO shall act after consultation with the Leader and Deputy Leader of Council); and
- vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

b) Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 (“the Regulations”) which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations³.

c) The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)⁴.

d) When applications are made to waive standing Orders relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.

e) Such invitation to tender shall state the general nature of the intended contract and the CEO or relevant manager shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the CEO or relevant manager in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

f) All sealed tenders shall be opened at the same time on the prescribed date by the CEO or relevant manager in the presence of at least one member of Council.

³ The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

⁴ Thresholds currently applicable are: a. For public supply and public service contracts 209,000 Euros (£164,176) b. For public works contracts 5,225,000 Euros (£4,104,394)

g) If less than three tenders are received for contracts above £25,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.

h) Any invitation to tender issued under this regulation shall be subject to Standing Order, Nos 24.1 and 24.2 and shall refer to the terms of the Bribery Act 2010.

i) When it is proposed to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the CEO or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £2,500 and above £500 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10 (3) above shall apply.

j) The Council shall not be obliged to accept the lowest or any tender, quote or estimate.

k) Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken. The RFO is responsible for establishing the most cost effective utility supplies, ensuring that best value, green credentials and budgetary requirements are taken into consideration, with any changes in supplier reported to the following Policy and Resources Committee meeting.

38. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

38.1 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).

38.2 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the appropriate committee.

38.3 Any variation to a contract or addition to or omission from a contract must be approved by the Council and CEO to the contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

Newbury Bowls Club:

- Lease last renegotiated in 2016, appears to be via a Heads of Terms
- Heads of Terms covered the following key points:
 - Rent of £900 per annum paid in two installments
 - Rent to be reviewed every 2 years in line with CPI
 - To pay promptly all rates and other outgoings (utility bills, running costs) relating to the Property.
 - Not to assign, let or sublet any part of the Property.
 - To use the Property as a Bowling Club only.
 - For Bowls Club to:
 - Where necessary redecorate outside every 5 years
 - Where necessary redecorate inside every 5 years
 - To Maintain the outbuildings belonging to the tenant to a standard agreeable to the council
 - To limit vehicular access to away team visiting days and club competition and match days. these vehicles are to use designated vehicle passes provided by the Council and access/egress via St Mary's Road entrance only. The Council may hold the Club liable for any damage to the Park or any other costs which result from the Club's failure to properly control this facility.
 - Secure and abide by the conditions of a licence for consumption of intoxicating liquor, and third party liability insurance with an indemnity up to £5million. If relevant, employers liability insurance should be carried with the same level of cover.
 - To carry out annual fire and H&S checks on pavilion and all electrical equipment.
- The Council is responsible for:
 - Maintaining external paths outside the Bowls Club Curtilage to a safe standard
 - Insure the building for the full cost of fire replacement
 - Maintain the walls and roof of the clubhouse in proper external repair and be responsible for all structural repairs or damage.
 - Receive rent in 2 installments in advance of DDR
 - Carry out H&S inspections by NTC's services team on any issue relating to public safety in the Park and relation to the Bowls Club.
 - Promote the Club and its facilities, especially the open evenings.
- There is no record of a signed heads of Terms

- The only signed Lease is the original rental agreement from 1978.
- CEO has instructed Gardner Leader to draw up new lease agreement