

REPORT TO: CABINET

DATE: 23 MARCH 2023

TITLE: CHANGES TO PORTFOLIO HOLDER
DELEGATIONS AND CONTRACT STANDING
ORDERS

PORTFOLIO HOLDER: COUNCILLOR RUSSELL PERRIN, LEADER OF
THE COUNCIL

COUNCILLOR STACY SEALES, PORTFOLIO
HOLDER FOR GOVERNANCE

LEAD OFFICER: SIMON HILL, DIRECTOR OF GOVERNANCE AND
CORPORATE SERVICES (01279) 446099

**CONTRIBUTING
OFFICERS:** JULIE GALVIN, LEGAL SERVICES MANAGER
(01279) 446045

ADAM REES, SENIOR GOVERNANCE SUPPORT
OFFICER (01279) 446057

This is not a Key Decision

It is on the Forward Plan as Decision Number I015785

The decision is not subject to Call-in Procedures for the following reason:

The decision stands as a recommendation to Full Council

This decision will affect no ward specifically.

RECOMMENDED that Cabinet recommends to Full Council that:

- A** The changes to the Constitution and Portfolio Holder Delegations (attached as Appendix A to the report) be approved.

REASON FOR DECISION

- A** To enable the Council to take decisions in a more efficient manner.

BACKGROUND

1. The Leader has the power to delegate functions of the Cabinet to individual Portfolio Holders. These delegations have been set out in a document that is approved by Cabinet at its June meeting. The Leader then approves further changes throughout the year as needed. These are subject to a Leader's decision.

2. The responsibilities delegated to Portfolio Holders since the introduction of the Cabinet system have been limited. This year, however, they have been expanded to enable the Portfolio for Housing to award housing contracts which are within budget, and for the Portfolio Holder for Regeneration and Strategic Growth to approve consultations related to that portfolio.
3. The Cabinet as a whole considers a large number of contract awards throughout the year. In most instances these have been approved in principle as part of the budget.
4. The Council has a robust procurement process with clearly defined, impartial criteria for determining who should be awarded contracts. It also has clearly defined limits setting out who can award contracts of specific values. These are set out in the Contract Standing Orders within Part 4 of the Constitution.
5. The Cabinet is required to publish a list of Key Decisions. The definition of a Key Decision is any decision that is likely to:
 - a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates. For the purpose of this article expenditure or savings are deemed to be significant if they exceed £250,000; or
 - b) to be significant in terms of its effects on communities living in an area comprising two or more wards or electoral divisions in the area of the local authority.

ISSUES/PROPOSALS

Contract Standing Orders

6. There is a need to make the decision making process more efficient, whilst also enabling adequate levels of accountability and scrutiny. One way to achieve this is to enable relatively non-contentious decisions to be taken by Portfolio Holders individually, rather than by Cabinet.
7. Contract awards for contracts within policy and budget are normally non-contentious and would be awarded more efficiently if approved through the Portfolio Holder decisions process. These decisions would be subject to the call-in process and would therefore be subject to an appropriate level of scrutiny. In all instances, except for when being dealt with through the urgency provisions, these contract awards would appear on the Forward Plan.
8. Where a contract would ordinarily be delegated to a Portfolio Holder, but does not fall within approved budget or policy, it would be subject to approval by Cabinet or Full Council as appropriate.

9. It is proposed that these are amended as set out in Appendix A, with Portfolio Holders approving contracts between £350,000 and £1million which are within budget.
10. The £250,000 threshold for Key Decisions hasn't been increased since 2011 and it is therefore proposed that this is also increased to £350,000. This will ensure that Officers are not awarding contracts that fall under the definition of a Key Decision and is considered reasonable given the period of time since it was increased.

Portfolio Holder Delegations

11. It is proposed that the general delegations to Portfolios and to the Leader are included in Part 3 of the Constitution. The specific delegations will continue to be approved separately by Cabinet/The Leader as appropriate.
12. Wording has been added in the general delegations (now within Part 3) which provide greater clarity about the types of decisions which can be taken by Portfolio Holders.

IMPLICATIONS

Strategic Growth and Regeneration

None specific.

Author: Andrew Bramidge, Chief Executive

Finance

As contained in the report.

Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance

Housing

None specific.

Author: Andrew Murray, Director of Housing

Communities and Environment

None specific.

Author: Jane Greer, Director of Communities and Environment

Governance and Corporate Services

As contained in the report.

Author: Simon Hill, Director of Governance and Corporate Services

Appendices

Appendix A – Amended Constitution

Background Papers

None.

Glossary of terms/abbreviations used

CSO – Contract Standing Order