

**Bolsover District Council**



**Standards Committee**

**Officer Delegation Scheme – Report 1**

**Report of the Assistant Director & Monitoring Officer**

<b>Classification</b>	This report is Public
<b>Report By</b>	Assistant Director & Monitoring Officer <a href="mailto:Jim.fieldsend@bolsover.gov.uk">Jim.fieldsend@bolsover.gov.uk</a> 01246 242472
<b>Contact Officer</b>	As above

**PURPOSE/SUMMARY OF REPORT**

- To propose a change to the officer delegation scheme relating to use of the exemptions in the contract procedure rules

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**REPORT DETAILS**

**1. Background**

- 1.1 The Council's Contract Procurement Rules as contained in Part 4.8 of the Constitution provides a framework for the procurement of all goods services and works for the Council. All purchases are required to go through a set process depending on the value of the purchase. In exceptional circumstance these rules may not be followed. These circumstance are set out in paragraph 4.8.4 of the rules- "Exemptions to the Contract Procedure Rules"- and generally relate to situations where there is only one possible supplier, where the contract would amount to an extension of an earlier contract or where it is urgent to award a contract without going out to tender.
- 1.2 The rules require that the decision to apply one of the exemptions should only be made by Director or Assistant Director by a formal Delegated Decision. There is however no specific power to make such decision in the current Scheme of Delegation for Officers and so decision makers tend to use one of the general power to exercise day to day administration and operational management
- 1.2 This report is proposing that a more specific power to use a contract exemption be included within the Scheme of Delegation.

## 2. Details of Proposal

- 2.1 Standards Committee is asked to add the following power to paragraph 4.10.9 of the Scheme of Delegation for Officers at part 3.1 of the Constitution:

*To award a contract without following one of the normal procedures within part 4.8.3 of the Council's Procurement Rules provided that one of the exemptions in part 4.8.4 of the Rules can be applied and the provisions of part 4.8.4 are met*

## 3. Reasons for Recommendation

To provide for a more specific power targeted at the use of a Contract Procurement Rules exemption

## 4 Alternative Options and Reasons for Rejection

Not to agree to the above addition. This is rejected as the addition of the above will provide a clearer and more specific power to apply contract procurement exemptions.

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## RECOMMENDATION(S)

That the Committee give consideration to proposals for the amendment to the Scheme of Delegation for Officers as set out in the report and support the submission of the proposal to Council.

### IMPLICATIONS:

**Finance and Risk:**            Yes             No

**Details:**

On behalf of the Section 151 Officer

**Legal (including Data Protection):**            Yes             No

**Details:**

The Council is required under the Localism Act 2011 to prepare and keep up-to-date a constitution that contains its standing orders, code of conduct, such other information that the Secretary of State may direct and such other information that the authority considers appropriate.

On behalf of the Solicitor to the Council

**Staffing:**            Yes             No

**Details:**

On behalf of the Head of Paid Service

## DECISION INFORMATION

<p><b>Is the decision a Key Decision?</b>          A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><b>Revenue - £75,000</b> <input type="checkbox"/> <b>Capital - £150,000</b> <input type="checkbox"/>  <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	<p>No</p>
<p><b>Is the decision subject to Call-In?</b>  <i>(Only Key Decisions are subject to Call-In)</i></p>	<p>No</p>

<p><b>District Wards Significantly Affected</b></p>	<p>(please state which wards or state All if all wards are affected)</p>
<p><b>Consultation:</b>  <b>Leader / Deputy Leader</b> <input checked="" type="checkbox"/> <b>Executive</b> <input type="checkbox"/>  <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/>  <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/></p>	<p><b>Details:</b>          Councillor Duncan McGregor,          Portfolio Holder for Corporate Governance</p>

<p><b>Links to Council Ambition: Customers, Economy and Environment.</b></p>
<p>Demonstrating good governance</p>

DOCUMENT INFORMATION	
Appendix No	Title

<p><b>Background Papers</b>  <i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).</i></p>