

OFFICER DECISION NOTICE



Reading
Borough Council
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This notice is to be used for the following types of officer decisions. (Select one option).

A. Decisions taken by officers under a specific express delegation from Council or a Committee.

B. Decisions taken by officers under a general delegation from Council or a Committee, which relates to (i) a permission or a licence, or (ii) the rights of an individual, or (iii) a contract or expenditure over which materially affects that relevant local government body's financial position.

1. Title of decision:	Constitution Amendments
2. Date of the decision:	21 February 2023
3. The decision maker:	Michael Graham, Assistant Director of Legal and Democratic Services and Monitoring Officer in consultation with Cllr Jason Brock, Leader of the Council

4. Decision details:

- (1) To remove Article 12.1.2 (d) which refers to a management structure which was removed from the Constitution and to renumber the remaining sub-paragraphs accordingly.
- (2) To amend the first sentence of Article 12.1.2 (e) to read as follows: "*A considerable number of decisions are made by designated officers under approved delegated powers, and these are detailed in Part 3 of the Constitution.*"
- (3) To amend the Constitution of the Council by clarifying the definition of a Key Decision at Article 13.3 of the Constitution in accordance with the changes marked in red in Schedule 1 to this Decision Notice.
- (4) In paragraph 1(3) of the Contract Procedure Rules to change "21" to "20"
- (5) In paragraph 6(2) of the Contract Procedure Rules to change "column 6" to "column 5"
- (6) Delete paragraph 17(8) of the Contracts Procedure Rules.
- (7) Renumber the paragraph numbers in the Contracts Procedure Rules from paragraph 17 onwards
- (8) In renumbered paragraph 21 of the Contracts Procedure Rules to change "Rule 21" to "Rule 20"
- (9) In renumbered paragraph 32(4) of the Contract Procedure Rules to change "Head of Service to "Assistant Director" and Director to "Director or Executive Director"
- (10) Replace Table 1 in the Contracts Procedure Rules for the new Table 1 shown in Schedule 2 to this Decision Notice.

5. Reasons for the decision:

In preparing the amended Constitution for Council on 18 October, it was anticipated that the scale of the amendments and the sheer size of the document might lead to some slips or errors creeping in, despite proof reading and review. The Council therefore granted a power for such slips and errors to be rectified by the Monitoring Officer in consultation with the Leader, without needing a formal report back to Council. In preparing the Constitution for publication on the web, it has now been established that some formatting and editing errors did occur which altered the meaning of the Constitution. This Officer Decision is to rectify those errors.

The issues are as follows:

- (i) Reference was made, at Article 12.1.2 (d) to a management structure in Part 7 however it was decided that the management structure in Part 7 would be deleted from the Constitution (see paragraph 4.20 of the Report to Council on 18 October 2022). Therefore, this reference in Article 12 is superfluous and it should have been deleted.
- (ii) Reference was made at Article 12.1.2.(e) to the register of delegations. However, this delegations register was abolished by the Council and the provisions relating to delegations to Committee and Officers were included in a revised Part 3 of the Constitution. (See paragraph 4.16 of the Report to Council on 18 October 2022). Therefore, the wording at Article 12.1.2.(e) should be amended to reflect that. Instead of saying:
“A considerable number of decisions are made by designated officers under approved delegated powers and a register of these is published on the Council’s website and is available for inspection by Councillors and citizens on request”
It should say:
“A considerable number of decisions are made by designated officers under approved delegated powers, and these are detailed in Part 3 of the Constitution.”
- (iii) At Article 13.3, formatting errors and misprints in the definition of a Key Decision move it away from the intended outcome. The Schedule attached to this Decision Notice shows the changes in red which are necessary to give affect to the intended Key Decision criteria.
- (iv) There are a number of misprints in the Contracts Procedure Rules which need to be amended. These are fairly straightforward. There are also some references in paragraphs to other paragraphs which are incorrect or need to be renumbered.
- (v) There are two paragraph numbers “17” in the Contract Procedure Rules. The paragraphs need to be renumbered accordingly.
- (vi) At Paragraph 17(8) of the Contracts Procedure Rules, reference is made to Table 2. Table 2 was not presented to Council for inclusion in the revised Contracts procedure rules and therefore this paragraph should be deleted.
- (vii) Table 1 in the Contracts Procedure Rules is wrong because it refers to incorrect paragraph numbers which are now corrected because of the error mentioned at (v) above. However this Table also contained some errors in the paragraph references mentioned in the Table and the rules themselves. These inconsistencies have now been rectified.

6. Alternative options considered (if any) and rejected:

No further options have been considered.

7. List of open Background Papers:

There are no unpublished background papers which are material to the preparation of this Decision Notice. The original papers for the Constitution Review are published on the [Council's website](#).

8. List of confidential or exempt Background Papers:

There are none.

9. Any other matters taken into consideration:

<input type="checkbox"/> Legitimate expectation of consultation	<input type="checkbox"/> Procedural requirements
<input type="checkbox"/> Public Health implications	<input type="checkbox"/> Environmental or Climate Change
<input type="checkbox"/> Health and Safety	<input type="checkbox"/> Risk Management implications
<input type="checkbox"/> Transparency of Information (FOI etc)	<input type="checkbox"/> Privacy Impact Assessments
<input type="checkbox"/> Human Rights Act Duties	<input type="checkbox"/> Equality Impact Assessment
<input type="checkbox"/> Corporate Parenting	<input type="checkbox"/> Community Safety
<input type="checkbox"/> Regulatory duties	<input type="checkbox"/> EU withdrawal
<input type="checkbox"/> Armed Forces Covenant	<input type="checkbox"/> Other

Details of the matters taken into account:

There are none.

10. Legal considerations

The Constitution of the Council is a document which is within the Terms of Reference for the Council. Changes to the Constitution have to be made by Council and are usually made on the recommendation of the Policy Committee. In this instance, the main changes to the Constitution were approved by Council after a Policy Committee recommendation on 18 October 2022. A specific delegation to an officer (Monitoring Officer) was made to cover the rectification of minor errors and slips. This is detailed below. It is therefore within the powers of the Monitoring Officer to make this decision after consultation with the Leader of the Council. The Leader of the Council was consulted on 31 January 2023 and provided observations which were noted.

11. Financial considerations

There are no financial considerations arising from this decision.

12. Internal consultations

A draft of this Decision Notice was provided to the Chief Finance Officer and the Head of Paid Service for comments in advance of the Decision. No comments were received.

Sections 13- 18: To be completed only for Decision A (express delegation from a Committee)

13. The name of the Committee:	Council
14. Date of the meeting:	18 October 2022
15. Minute number:	2022/21
16. The delegation given by the Committee:	That the Monitoring Officer, in consultation with the Leader, be authorised to correct any minor typographical errors or inconsistent numbering or cross references which become evident in publishing the Constitution in its final form.
17. The name of any member of the committee who declared a conflict of interest in relation to the decision:	None
18. Any councillor or officer required to be consulted prior to the exercise of this delegation and details of their response.	Cllr Jason Brock consulted by email on 31 January 2023. Commented on the wording of the ODN and the CPR table attached.

Schedule 1

13.3. Key Decisions

13.3.1 Key Decisions are those decisions which are reserved to the Standing Committees for decision. Non-Key Decisions are delegated to officers in the terms of reference of the respective Standing Committees.

13.3.2 A Standing Committee may specifically delegate a key decision to an officer for them to make. In which case, the decision when taken by the officer, should be formally recorded by them.

13.3.3 Irrespective of these 'key decision' limits, officer should always ask themselves, whether this decision might have a significant effect upon residents or communities.' If it does, then they should raise the matter initially with the Lead Councillor.

13.3.4 A Key Decision is a decision:

- Where the value to the Council in terms of revenue, income or expenditure exceeds £500,000 per annum: or
- The value to the Council in terms of savings exceeds £250,000 except where such saving has been approved as part of the Council's revenue budget or Medium-Term Financial Strategy; or
- For spend approval on capital expenditure projects (already in the capital programme) **over £2.5m** except for the following which is not a 'key decision':
 - Expenditure on rolling programmes of routine capital expenditure included on the capital programme (e.g., for housing and highways maintenance programmes)
- **For expenditure of over £100k on capital preparatory/feasibility works for any capital project**
- For spend approval for any capital scheme not on the capital programme
- A budget variation or virement as described in Standing Orders
- Relating to:
 - The closure of a service or an establishment within a service;
 - The externalisation of a service or a substantial part of it;
 - A variation to the Council's budget including virement or additional revenue expenditure of more than £500,000 per annum or additional capital expenditure of over £2.5m, except where such expenditure has already been approved as part of the Council's revenue or capital expenditure budget or plan;
 - ~~The value to the Council in terms of savings exceeds £250,000 except where such saving has been approved as part of the Council's revenue budget;~~

- Decisions materially affecting the terms of joint arrangements or partnership arrangements with other local authorities or bodies;
- A decision not in accordance with, or to vary, an approved policy, plan, or strategy;
- Submission of a bid for funding from all available funding sources, if (a) match funding is required and (b):
 - the Council is lead partner and/or accountable body, the total costs of the scheme for which the Council will accept liability are more than £500k per annum over the length of the scheme
 - the Council is not lead partner or accountable body, the costs to the Council are more than £500k over the length of the scheme, AND the financial commitment to the Council extends beyond the current financial year
 - the Council does not have budget provision for it to make its contribution the costs of the scheme Such bids must be approved by the relevant Committee before submission.
- A traffic regulation order proposing a major change to an existing order, and/or affecting two or more wards;
- Approving arrangements for admissions to maintained schools where the Council is the admissions authority;
- Appointing the Council's representatives to represent the Council on outside bodies, (other than) casual vacancies.

Schedule 2

Table 1 – Contract Procedure Rules

Contract Value	Advertising required?	Specification	Method	Tender Acceptance	Contract required	Who signs contract?
Low value Up to £10,000	None required Consider use of e-portal) CPR 2(1)(d) and 10	Communicated to bidder and confirmed in writing.	No competitive quotations required, but a written quotation should be sought CPR 2(1)(d) and 10	Cost Centre Manager	No. Keep invoices and quotes on file.	Cost Centre Manager - if required.
Intermediate Over £10,000 but under £100K	None required, or select from an Approved List, DPS or Framework Agreement Consider e-portal CPR 11	Communicated to bidder and confirmed in writing	Three competitive quotes or tenders CPR 11(1)	Cost Centre Manager (if under £50k) or Assistant Director (if under £100k). CPR 17(4) & (5)	Yes. CPR 20(1) & (2)	Cost Centre Manager (if under £50k) or Assistant Director (if under £100k). CPR 20(5)
High Value Tenders Over £100k to Public	Advert in e-portal Contracts Finder, or select from an Approved list, DPS or	Detailed in Invitation to Tender	Tenders sought through Open/ Light Touch Regime process	A formal decision of an Assistant Director, for contracts under £500k per annum revenue or £2.5m capital (except rolling contracts (see key decision definition).	Contracts for the supply of supplies, works or services over £100,000 must be in writing, in a form approved by the AD of Legal and Democratic Services.	Contracts under seal are signed by the AD Legal and Democratic Services or their nominee.

Contract Regs threshold	Framework Agreement CPR 12			CPR 17(3)	CPR 20(2)	Other contracts under £500k may be signed by an Assistant Director CPR 17(3) and 20(4)&(5)
PCR Tenders Over PCR threshold £213k PCR¹	e-portal and Contracts Finder Select from an Approved List or DPS CPR 12	Detailed in Invitation to Tender	Three tenders as appropriate	A formal decision of a ED or AD, for contracts less than £500k per annum revenue or £2.5m capital etc. (see above): CPR17(3) A formal decision of Council or committee for contracts over £500k per annum or £2,5m (See Key Decision criteria definition) CPR 17(2) & (3)	Contracts for supply of services etc. (see above) over £100k must be in writing in form approved by AD of Legal and Democratic Services All contracts of £500,000 and over in value (other than for vehicle purchase) must be in writing and under seal. CPR 20(2)	Contracts under seal are signed by the AD Legal and Democratic Services or their nominee. Other contracts under £500k may be signed by an Assistant Director CPR 17(3) & 20(4) & (5)

¹ Publish contract award notice on the Find a Tender portal