

**TITLE OF REPORT:**           **Approval of Schemes, Estimates, Tenders and Consents during the Summer Recess 2023**

**REPORT OF:**               **Peter Udall, Strategic Director, Economy, Innovation and Growth**

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### **Purpose of the Report**

1. This report seeks Cabinet approval for the Strategic Directors, Economy, Innovation and Growth and Housing, Environment and Healthy Communities and Service Leads, Energy, Major Projects and Development, following consultation with the Strategic Directors, Resources and Digital and Corporate Services and Governance, to be authorised to approve schemes and estimates, and to invite and accept tenders over certain thresholds, during the summer recess following the Cabinet meeting on 18 July 2023 up to the date when Cabinet next meets (currently scheduled for 19 September 2023).

### **Background**

2. The absence of Cabinet meetings during the summer recess could have a detrimental effect on the delivery of the capital programme.

### **Proposal**

3. In order to avoid any delays in progressing capital building projects it is proposed that the Strategic Directors, Economy, Innovation and Growth and Housing, Environment and Healthy Communities and the Service Leads, Energy, Major Projects and Development, in consultation with the Strategic Directors, Resources and Digital and Corporate Services and Governance, are authorised to approve the letting of any contracts relating to the approved 2023/2024 Capital Programme, which exceed £250,000 in value. Such approval is to be in the form of either:
  - (i) an authorisation to invite or negotiate tenders in accordance with Rule 6 of the Contract Procedure Rules (“the Rules”) or to conduct some other procurement process in accordance with the Rules and to award the contract to the economic operator submitting the most economically advantageous tender as determined by the Service Director Corporate Commissioning and Procurement in accordance with the stated terms of the tender or other process and, where applicable, the Regulations; or
  - (ii) an authorisation subsequent to the conduct of a tendering process or other procurement process in accordance with the Rules to award the contract.
4. The Leader and/or appropriate Cabinet Members will be consulted on delegated decisions taken if possible.
5. The necessary procedures will be followed if key decisions are being made, as set out in the Council’s Constitution.

6. The actions taken under these special delegations will be recorded and reported to the next meeting of the Cabinet in September 2023.

### **Recommendations**

7. Cabinet is recommended to authorise the Strategic Director, Economy, Innovation and Growth and the Service Director, Housing, Environment and Healthy Communities and Service Leads, Energy, Major Projects and Development, in consultation with the Strategic Directors, Resources and Digital and Corporate Services and Governance, to approve the letting of any contracts relating to the approved 2023/2024 Capital Programme, which exceed £250,000 in value. Such approval is to be in the form of either:
  - (i) an authorisation to invite or negotiate tenders in accordance with Rule 6 of the Contract Procedure Rules (“the Rules”) or to conduct some other procurement process in accordance with the Rules and to award the contract to the economic operator submitting the most economically advantageous tender as determined by the Service Director Corporate Commissioning and Procurement in accordance with the stated terms of the tender or other process and, where applicable, the Regulations; or
  - (ii) an authorisation subsequent to the conduct of a tendering process or other procurement process in accordance with the Rules to award the contract.

For the following reason:

To enable projects to progress and to avoid delay in delivery of the capital programme and its related expenditure.

### **Policy Context**

1. The proposal is consistent with the overall vision for Gateshead as set out in the Thrive Agenda. In particular, creating the conditions for economic growth and improving health and wellbeing. The delivery of the capital programme is a fundamental element in the achievement of the Council's policy objectives.

### **Background**

2. Contract Procedure Rule 3.1 requires Cabinet approval before tenders can be invited/accepted for any works contract over £250,000.
3. The absence of Cabinet meetings during the summer recess could mean a delay in necessary approvals being granted and could have a detrimental effect on the delivery of the capital programme.

### **Consultation**

4. In preparing this report, consultations have taken place with the Leader and Deputy Leader.

### **Alternative Options**

5. The alternative option of delaying decisions for scheme and estimates and tenders would jeopardise delivery of the capital programme and generation of capital receipts.

### **Implications of Recommended Option**

#### 6. **Resources**

- a) **Financial Implications** – The Strategic Director, Resources and Digital confirms that the financial implications of decisions made under delegated powers during the summer recess will be recorded at the time they are made and included in the report to the next Cabinet meeting in September 2023.
- b) **Human Resources Implications** – there are no human resources implications arising directly from this report.
- c) **Property Implications** – there are no property resource implications arising directly from this report.

7. **Risk Management Implications** - there are no risk management implications arising directly from this report.

8. **Equality and Diversity Implications** - there are no equality and diversity implications arising directly from this report.

9. **Crime and Disorder Implications** - there are no crime and disorder implications arising directly from this report.
10. **Climate Emergency and Sustainability Implications** – there are no climate emergency or sustainability implications arising directly from this report.
11. **Human Rights Implications** - there are no human rights implications arising directly from this report.
12. **Health Implications** - there are no health implications arising directly from this report.
13. **Ward Implications** - there are no ward implications arising directly from this report.
14. **Background Information** – None.