

Brighton & Hove City Council

Policy & Resources Committee

Agenda Item 36

Subject: Constitution Review

Date of meeting: 29 July 2022

Report of: Executive Director Governance People & Resources

Contact Officer: Name: Elizabeth Culbert
Tel: 01273 29
Email: elizabeth.culbert@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 On 12th May 2022 Policy & Resources Committee agreed that Constitution Review items would be considered by Leaders Group.
- 1.2 There are two items that are time sensitive and are recommended for consideration at P&R Committee in July 2022. This report sets out those two priority issues.

2. Recommendations

- 2.1 That Committee agree the amended Contract Standing Orders for Social Care, Public Health and other Light Touch Regime Services as attached at Appendix 1.
- 2.2 That Committee agree that the arrangements for the use of Enhanced Officer Delegated powers are not extended as set out at paragraph 3.5.
- 2.3 That Committee agrees the changes to the Scheme of Delegations to Officers as set out in paragraph 3.7-3.9, to come into effect from 1st September 2022 and delegates authority to the Executive Director Governance, People and Resources to make the necessary changes to the Constitution.

3. Context and background information

Contract Standing Orders

- 3.1 In April 2022 a proposal was taken to the Procurement Advisory Board (PAB) to consider the adoption of a new set of Contract Standing Orders specifically for Social Care, Public Health and other 'light touch' regime services.
- 3.2 The reason for the proposed changes are to achieve procurements in this area that are tailored to the needs of service users and which recognise that there are unique considerations and different legal requirements for contracts in this area. The bespoke COSs will streamline processes and provide much needed flexibility whilst also ensuring compliance.
- 3.3 The proposed model:-
- Creates greater flexibility for the award of contracts in the social care sector, bringing the Council's Contract Standing Orders into line with the less onerous legal requirements in this area;
 - Streamlines the procurement of joint contracts by making clear that the Council's financial contribution can determine the level of authorisation required;
 - Allows Prior Information Notices (PINs) to be issued;
 - Requires each Directorate to keep a list of all under threshold contracts over £25,000 that they directly award;
 - Removes the need for waivers in respect of light touch services.
- 3.2 In using the new contract Standing Orders:-
- Officers must continue to comply with the law;
 - Must continue to adhere to the same expected standards for declarations of interest and prevention of corruption;
 - Will still require Committee authority to award and enter into any contract, Framework Agreement or DPS where the Council's financial contribution is £500,000 or over;
 - Must continue to provide information for publication on the Contracts Register.
- 3.3 PAB gave full consideration to the proposals at its meeting in April 2022 and were in full agreement with the proposals. A copy of the proposed amended Contract Standing Orders is attached at Appendix One. A copy of the report to PAB is attached at Appendix Two.

Enhanced Officer delegations

- 3.4 In January 2022, as part of measures taken to ensure decisions could be taken safely and in swiftly, Policy & Resources Committee agreed [Enhanced Officer Delegations](#) on a time limited basis. The intention was to mitigate against the risks caused by the Covid pandemic of lengthy, in person meetings.
- 3.5 The arrangements agreed were as follows:-
- (1) Subject to first consulting with relevant Group Spokespersons,

Executive Directors shall have enhanced delegated authority to make decisions on all matters related to their area of responsibility. This is in line with government advice and reflects the objective of reducing the need for and duration of meetings.

- (2) Executive Directors will consult the committee spokesperson from each political group, before exercising their enhanced delegated power. In determining whether to use enhanced officer delegated powers, the Executive Director will consider the views expressed by the committee spokespersons alongside consideration of the service impact, the financial implications and whether the matter is politically sensitive.
- (3) To facilitate consultation with members of all groups, such consultation may take place during committee pre-meetings, or separately if necessary.
- (4) A report will be produced in the usual way for the purpose of consulting members on a matter for decision and, if enhanced officer delegated powers are used, this will be reported for information to Policy & Resources Committee with a copy of the report published for information.

- 3.6 As Committee meetings are now taking place, and special and urgency meetings can be arranged, it is proposed not to continue the use of Enhanced Officer Delegated powers and to revert to the standard arrangements under the Scheme of Delegation to Officers. It should be noted that Officers continue to have urgency powers which can be used to determine urgent decisions, with a report being presented to the next relevant Committee meeting.

Scheme of Officer Delegations

- 3.7 In December 2021 Committee approved the creation of the Governance, People and Resources Directorate, consisting of key strategic, governance, IT and human resource functions. The consultation that took place prior to the implementation of the new Directorate included a proposal to move Bereavement Services, including the Coroners Service, to Health and Adult Social Care (HASC). Following consultation responses, the proposed changes to Life Events were paused to allow for further discussion with affected staff.
- 3.8 Following further consideration and discussions with affected staff, it is proposed that Bereavement Services, including the Coroners Service, and Registration Services should move to HASC. Both services deliver a personal service to individuals and have a track record of providing a strong client focus. In each area there are acknowledged opportunities to modernise the services. Health and Adult Social Care shares their strong client focus, supporting vulnerable adults and their families and carers through difficult times to promote independence and quality of life. The HASC overarching vision is stated in the Joint Health and Wellbeing Strategy as: *'Everyone in*

Brighton and Hove will have the best opportunity to live a healthy, happy and fulfilling life'. Welcoming the Bereavement and Registration services into the HASC directorate will provide an opportunity to support and develop services, building upon existing strengths. It is proposed that Electoral Services and the Local Land Charges Service will remain with Governance, People and Resources Directorate, reporting to the Assistant Director, Legal & Democratic Services.

- 3.9 Changes to the Scheme of Officer Delegations are required to be agreed by Policy & Resources Committee, as set out in the Council's constitution. There are no further legal implications arising from the report as these are covered in the body of the report.

4. Financial implications

- 4.1 While there are no direct financial implications arising from this report, including the proposed move of Life Event services, the changes to Contract Standing Orders proposed could provide for more efficient procurement routes and potentially improve value for money in light touch contracts by increasing accessibility of tenders to a wider audience or more relevant organisations.

Finance officer consulted: Nigel Manvell Date consulted: 20/07/22

5. Legal implications

Changes to the Scheme of Officer Delegations are required to be agreed by Policy & Resources Committee, as set out in the Council's constitution. There are no further legal implications arising from the report.

Name of lawyer consulted: Elizabeth Culbert Date consulted 17.7.22:

Supporting Documentation

1. Appendices

1. Amended Contract Standing Order for Health & Social Care.
2. Report to PAB dated 4 April 2022