

<b>Cabinet</b>  28 September 2022	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Kevin Bartle, Interim Corporate Director - Resources (Section 151 Officer)	<b>Classification:</b> Unrestricted
<b>Q1 2022/2023 Record of Corporate Director's Actions</b>	

<b>Lead Member</b>	<b>Councillor Saied Ahmed, Cabinet Member for Resources and the Cost of Living</b>
<b>Originating Officer(s)</b>	Peter Maskell – Interim Head of Procurement
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	No
<b>Forward Plan Notice Published</b>	TBA
<b>Reason for Key Decision</b>	N/A
<b>Strategic Plan Priority / Outcome</b>	1. People are aspirational, independent and have equal access to opportunities;  2. A borough that our residents are proud of and love to live in;  3. A dynamic outcomes-based Council using digital innovation and partnership working to respond to the changing needs of our borough.

## **Executive Summary**

This report sets out, for noting by Cabinet, the Corporate Director's Actions taken under Rule 10 (section 50 Record of Corporate Director's Actions (RCDA) - Waiving of Procurement Procedures) in Part C – Codes and Protocols of the Council's constitution.

The section states that Corporate Director's Actions in respect of contracts over £100,000 must be reported to Cabinet for noting and this report fulfils this requirement.

### **Recommendations:**

The Mayor in Cabinet is recommended to:

1. Note the Record of Corporate Directors' Actions set out in Appendix 1.

### **1. REASONS FOR THE DECISIONS**

- 1.1 The Council's constitution requires that Corporate Director's Actions in respect of contracts over £100,000 must be reported to Cabinet for noting.
- 1.2 The regular reporting of Corporate Director's Actions should assist in ensuring that Members are able to scrutinise officer decisions.

### **2. ALTERNATIVE OPTIONS**

- 2.1 The Council is bound by its constitution to report to Cabinet financial decisions taken under Corporate Director's Actions.
- 2.2 If the Council were to deviate from those requirements, there would need to be a good reason for doing so. It is not considered that there is any such reason, having regard to the need to ensure that Members are kept informed about decisions made under the delegated authority threshold and to ensure that these decisions are in accordance with Financial Regulations.

### **3. DETAILS OF REPORT**

- 3.1 Section 50 of the Council's constitution "Record of Corporate Director's Actions (RCDA) - Waiving of Procurement Procedures" states that:
- 3.2 Procurement Procedures may be waived by a Corporate Director in liaison with the Head of Procurement and the Director of Legal, where the total value of the contract does not exceed the value of £189,330 (this is cumulative where there are a series of RCDAs in a period of 12 months), after considering a written report (RCDA) by the appropriate officer, that the waiver is justified because:
- a) The nature of the market for the works to be carried out or the supplies or
    - a. services to be provided has been investigated and has demonstrated that only a single source of supply is available, or
    - b. On balancing the risk and circumstances, it is clearly in the Council's interest to do so; or
    - c. The contract is for works, supplies or services that are required in circumstances of extreme urgency that could not reasonably have been foreseen – e.g. to protect life or property when no existing contractual arrangement is in place, or if the purchase is needed to urgently comply with an order of Civil or Criminal Court; or
    - d. The purchase is from a supplier where there is an existing obligation to the Council (e.g. under a warranty to contribute to the cost).
    - e. Variations of contracts that do not fall within the exceptions listed in section 24.3
- 3.3 A detailed record of the Corporate Director's Actions are shown in Appendix 1.

### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 The comments of the Chief Finance Officer have been included on each individual decision. There are no further financial implications arising from this report.

### **5. LEGAL COMMENTS**

- 5.1 The report sets out individual Corporate Directors' Decisions for noting by Cabinet, as required by the Constitution. Therefore, the nature of this report is to comply with the Constitution.
- 5.2 Internal guidelines have been published setting out the process by which Records of Corporate Directors' Decisions are completed. These specify that the proposed decision must be in accordance with the Council's Financial Regulations and its Procurement Procedures.

5.3 The specific legal implications of each of these decisions has been considered and commented upon at the time each decision was made.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None

### **Appendices**

- Appendix 1 – Record of Corporate Director's Actions (RCDA)

### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- None

### **Officer contact details for documents:**

- Nisar Visram, Director of Finance, Procurement & Audit
- Peter Maskell, Interim Head of Procurement
- Ragy Mendalawon, Procurement Analyst