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MEETING	EXECUTIVE
DATE	17 NOVEMBER 2009
PRESENT	COUNCILLORS WALLER (CHAIR), AYRE, STEVE GALLOWAY, MOORE, MORLEY, REID AND RUNCIMAN
IN ATTENDANCE	COUNCILLOR ALEXANDER

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## **PART B - MATTERS REFERRED TO COUNCIL**

### **111. CAPITAL PROGRAMME - MONITOR TWO**

*[See also under Part A Minutes]*

Members considered a report which presented the likely out-turn position of the 2009/10 capital programme, based on information up to October 2009, and sought approval for changes to the programme, allocations from contingency funding and slippage of funding where required.

At this stage, an out-turn of £67.379m was predicted, representing a net increase of £0.345m on the current approved budget of £67.034m. The variances leading to this increase were outlined in paragraph 5 (Table 2). By the end of September, £19.623m (26.6%) of the approved budget had been spent. Details of the revised position in respect of each department in the Council were set out in paragraphs 9 to 32 of the report and in Annex A. Details of adjustments to the Administrative Accommodation scheme were set out in paragraphs 26-29.

Members were asked to consider the following requests for funding from contingency:

- £140k to fund urgent repair work to the slipway at Lendal Bridge. Further details of this scheme were attached at Annex B to the report.
- £32k to supply essential furniture and IT/phone circuits for the new hostel on Fishergate.

RECOMMENDED: (i) That Council approve the net adjustments of £0.345m in 2009/10, £3.233m in 2010/11 and £3.550m in 2012/13, as set out on a scheme by scheme basis in the report and in Annex A, be approved.

(ii) That Council approve £3.050m of prudential borrowing, supported by the £250k revenue budget established in 2009/10.

REASON: To enable the effective management of the Council's capital programme.

## 112. DRAFT REVISED CONTRACT PROCEDURE RULES

Members considered a report which presented a set of draft revised Contract Procedure Rules for comment and onward referral to Full Council.

The draft revised CPRs, attached at Annex A to the report, were intended to provide a more flexible set of rules and reflect the more devolved decision-making framework adopted by the Council in April 2009, whilst maintaining the key principles of the current procurement regulations. Unlike the current regulations, which formed part of the Financial Regulations, they would be maintained as a separate document. One major change contained in the revised CPRs was that 'routine' procurements over £500k (as defined in Annex B to the report) would no longer need to go to the Executive for approval. Other substantial and minor changes were listed in paragraph 10 of the report.

The draft CPRs had been issued to finance managers and other key Officers for consultation. Member consultation had been undertaken at the Audit & Governance Committee meeting on 4 November and changes recommended at that meeting were highlighted in italics in Annex A, for consideration.

Officers at the meeting suggested some amendments to the draft CPRs and the accompanying guidance to address Members' concerns in relation to the delegation of decision-making in awarding a contract or waiver and the financial evaluation of contractors prior to their appointment.

RECOMMENDED: (i) That Council approve the revised draft Contract Procedure Rules at Annex A to the report, subject to the inclusion of the following table setting out delegation and recording arrangements for the award of contracts:

### Delegation Thresholds

Decision	Approval	Delegated Powers	Thresholds	Record
To award a contract based on VFM	Officer	To approve contracts ≤ £5k or delegated limit in scheme of financial delegation whichever is the lower.	> £0 and ≤ £5K	CR
To award a contract based upon written quotation > £5K and ≤ £139K or EU threshold whichever is the lower	Officer	To approve contracts ≤ £139k or EU Threshold up to delegated limit in scheme of financial delegation whichever is the lower.	> £5K and ≤ £139K or EU Threshold	CR

based upon lowest cost or MEAT.				
To award a contract based upon tender $\geq$ 139K or EU threshold and $<$ £500K based on lowest cost or MEAT.	Officer	To approve contracts $\geq$ £139k or EU Threshold and $<$ £500K up to delegated limit in scheme of financial delegation whichever is the lower.	$\geq$ £139k or EU Threshold and $<$ £500K	CR
To award a contract based upon tender $\geq$ £500K and classed as 'Routine'	CFO/MO	Contract Procedure Rules	$\geq$ £500K and classed as 'Routine'	CR/DL
To award a contract based upon tender $\geq$ £500K and not classed as 'Routine'	Executive	Constitution Key Decision limit	$\geq$ £500K and not classed as 'Routine'	CP
To award a contract $>$ £5K and $\leq$ £139K or EU threshold not on lowest cost or MEAT	Local Chief Officer	Contract Procedure Rules		WR
To award a contract $>$ £139K or EU threshold not on lowest cost or MEAT	CFO	Contract Procedure Rules		DL
Exceptional circumstances above Key Decision limit non-routine	CFO/MO	Contract Procedure Rules		DL

#### Key

- CR - Contract Register
- DL - Officer Decision Log
- CP - Committee Paper
- WR - Waiver Register
- Officer - Officers with delegated powers to approve expenditure

CRO - Chief Finance Officer (Section 151 Officer) Director of Resources  
MO - Monitoring Officer

REASON: To ensure that the revised CPRs are appropriate in maintaining the integrity of the Council's procurement arrangement and to provide clarity and transparency to the process for the awarding of contracts.

(ii) That Council approve the delegation of routine procurements (defined in Annex B to the report) to the Chief Finance Officer in consultation with the Monitoring Officer, as set out in paragraphs 6-8 of the report.

REASON: To ensure that the Council can continue to deliver business as usual and that only non-routine procurements are referred to the Executive for approval.

### **113. CORPORATE DEBT POLICY**

Members considered a report which presented a draft Corporate Debt Policy, for comment and onward referral to Full Council.

The draft Policy, attached as Annex A to the report, set out a framework for a consistent, 'firm but fair' approach to debt collection that would apply across the organisation to ensure that the Council continued to maximise collection performance, in line with its Income Policy.

The draft Policy had been circulated to all finance managers and key Officers involved in debt collection across the Council, as well as to efficiency partners Northgate Kendrick Ash. Consultation had also taken place with the Social Inclusion Working Group and comments had been invited from the Citizens Advice Bureau, Christians Against Poverty and the North Yorkshire Credit Union. Further Member consultation had been undertaken at the Audit & Governance Committee meeting on 4 November 2009; their recommended amendments were highlighted in italics in the draft policy at Annex A.

Officers reported at the meeting that the North Yorkshire Credit Union had commented favourably on the draft policy and were supportive of its aims. Officers also suggested some amendments to the policy to address concerns raised by Members.

RECOMMENDED: That Council approve the draft Corporate Debt Policy at Annex A to the report, subject to the following amendments:

a) Removal of disconnection of water supply as a result of not paying the bill, as this is no longer classed as a priority debt;

- b) Amendment of the debt write-off list to reflect that the category of 'Deceased and Bankrupt' only applies where there are no assets;
- c) Amendment of the wording at paragraph 45(b) of the draft policy in relation to debt recovery officers attending a customer's home, to ensure that it sounds supportive rather than threatening, to reflect the intention of the paragraph.

REASON:

To ensure a consistent, 'firm but fair' approach to debt collection, whilst enabling the Council to maximise collection performance, in line with its Income Policy.

A Waller, Chair

[The meeting started at 2.00 pm and finished at 2.45 pm].