

CABINET

14 JANUARY 2015

ESTABLISHMENT OF A CABINET (MAJOR PROJECTS) COMMITTEE

REPORT OF CHIEF OPERATING OFFICER AND ASSISTANT DIRECTOR  
(POLICY AND PLANNING)

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RECENT REFERENCES:

Minutes of The Overview and Scrutiny Committee – 27 October 2014

EXECUTIVE SUMMARY:

This report seeks approval for the establishment and associated terms of reference for a Cabinet (Major Projects) Committee. The establishment of the Committee will improve wider Member engagement in the development of major projects, as well as creating a public forum for debate. It will be a part of the Council's formal decision-making structures and, apart from exempt business, meet in public.

This will help to improve transparency as it will enable issues relating to major projects such as consultation, communication, programming, monitoring and strategic financial considerations to be discussed and agreed in public.

RECOMMENDATIONS:

- 1 That a Cabinet (Major Projects) Committee be established with a membership of four Cabinet Members.
- 2 That the Leader and three other Cabinet Members be appointed as the standing members of the Committee.

- 3 That in the event of any of the standing members not being available for a particular meeting then another member of Cabinet, selected in alphabetical rotation by Head of Legal and Democratic Services, may substitute for the standing member.
- 4 That non-Cabinet Members be appointed as non-voting standing invitees as follows:
  - Conservative Group – 2 Members
  - Liberal Democrat Group – 2 members
  - Labour Group – 1 member
  - Independent Group – 1 Member
- 5 That the public participation procedure as set out in paragraph 2.4 of the report be approved.
- 6 That the terms of reference and delegated powers of the Cabinet (Major Projects) Committee be agreed as set out in section 3 below of this report and incorporated in Part 3 of the Council's Constitution.

## CABINET

14 January 2015.

### ESTABLISHMENT OF A CABINET (MAJOR PROJECTS) COMMITTEE

#### REPORT OF CHIEF OPERATING OFFICER AND ASSISTANT DIRECTOR (POLICY AND PLANNING)

#### DETAIL:

##### 1 Introduction

- 1.1 This report seeks approval for the establishment and associated terms of reference for a Cabinet (Major Projects) Committee.
- 1.2 This proposal follows discussion at The Overview and Scrutiny Committee on 27 October 2014. The Leader agreed that some major projects were likely to benefit from additional in-depth discussion. He supported a proposal for more opportunity for cross-party analysis of proposals coming forward and for the monitoring of progress. He suggested that a new Cabinet (Major Projects) Sub-Committee could provide this. Invited representatives from backbench Members would be non-voting, but would have an opportunity for input, as was the case for other Cabinet Sub-Committees. This Report enables Cabinet to implement the proposal.
- 1.3 The establishment of the Committee will improve wider Member engagement in the development of major projects. It will be a part of the Council's formal decision-making structures and, apart from exempt business, meet in public. This will help to improve transparency as it will enable issues relating to major projects such as consultation, communication, programming, monitoring and strategic financial considerations to be discussed and agreed in public.
- 1.4 In the light of recent public debate about the efficacy of consultation, the Committee will wish to pay particular attention to the way in which the wider community are engaged as projects are developed and implemented. The Leader has already made clear he wishes to see more opportunities for open debate on significant projects which have a wide impact on the District. Importantly, this Committee will allow for public participation in both the planning and implementation of such projects.

##### 2 Composition of a Cabinet Committee

- 2.1 Cabinet Committees can be appointed with membership drawn from the Cabinet only. These Committees can be given delegated powers to make decisions. If councillors outside Cabinet are invited to attend then this can only

be on a consultative basis and they cannot be given voting rights or formal membership of the Committee.

- 2.2 It is suggested that the Cabinet (Major Projects) Committee should comprise of four Cabinet Members and be chaired by the Leader. If specific portfolio holders are identified for the normal membership, then the Head of Legal and Democratic Services will be notified of any potential absences and make arrangements for other Cabinet Members to attend in alphabetical rotation.
- 2.3 The meetings would be held in public and would include a public participation session to enable interested members of the public and community groups to comment on proposals. As with the Council's other Committees, any other Councillors would also have the opportunity to comment with the permission of the Chairman.
- 2.4 The practice of a number of named non-Cabinet Members being invited to contribute to Cabinet Committees has been adopted in various forms for the other three existing Cabinet Committees (Local Plan, Housing and Traffic and Parking). It offers a useful opportunity for wider Councillor input and it is suggested it be continued for the new Committee. Two named Councillors could be sought from both the Conservative and Liberal Democratic Groups with one Councillor each from the Labour and Independent groups.
- 2.5 It is suggested that the Committee adopt the same public participation procedure as used by the Cabinet (Traffic and Parking) Committee (as set out below) and rely on the Chairman's discretion to alter as appropriate.

"Public Participation is at the Chairman's discretion. If your question relates to an item on the agenda, you will normally be asked to speak at the time of the relevant item. Representations will be limited to a maximum of 3 minutes, subject to a maximum 15 minutes set aside for all questions and answers. If several people wish to speak on the same subject, the Chairman may ask for one person to speak on everyone's behalf. As time is limited, a "first come first served" basis will be operated.

To reserve your place to speak, you are asked to arrive no later than 10 minutes before the start of the meeting to register your intention to speak. Please contact the Democratic Services Officer in advance for further details."

- 2.6 Detailed Terms of Reference are set out in paragraph 3 below. While the Committee would have an overview of progress on the whole of the Major Projects Programme, the delegated powers are restricted to the General Fund projects – to avoid double handling matters which are being dealt with by the Cabinet (Housing) Committee.

### 3 Terms of Reference

#### 3.1 Referred Matters

- To advise Cabinet or Council of any matter related to implementation of the Major Projects programme, where a 'Major Project' is defined as such in the Capital Programme and which will have significant impact on the District's economy or communities, and/or has significant financial or operational implications for the Council. In particular, to advise on:
  - the overall programme of Major Projects including the timing and prioritisation of individual projects, and
  - the allocation of resources (staff, financial and other) to each project and to the overall programme.

#### 3.2 Delegated Matters - General Fund Major Projects

3.3 To oversee the implementation of that programme and to ensure it is managed effectively, and in particular:

- to monitor progress of each project against the planned timetable;
- consider and determine methods of consultation and engagement;
- to consider and determine communication issues, and
- to monitor any barriers to the delivery of individual projects or the overall programme, and where appropriate make executive decisions within the framework of the financial limits set out in paragraph 4 below or make recommendations to Cabinet.

3.4 To monitor the development and formulation of Major Projects, ensuring that they are undertaken in accordance with the Council's policies on, inter alia, project management, public engagement, financial management and procurement.

3.5 Exercising the powers of Cabinet under the Financial Procedure Rules to approve a capital or revenue virement or supplementary capital or revenue estimate up to £250,000, subject to the requirement to give The Overview and Scrutiny Committee the opportunity to call in any such approvals in excess of £100,000 (Note – virement is not appropriate where there will be savings in one Fund and additional costs incurred in another Fund e.g. between the General Fund and the Housing Revenue Account. Also, any requests for a supplementary estimate on the HRA will have implications for the HRA Business Plan and these matters will therefore need to be referred to Cabinet or Council as appropriate).

3.6 Exercising the powers of Cabinet under the Contract Procedure Rules in relation to procurement contracts for works, goods, software or services up to a value of £2,000,000 or £200,000 per annum, whichever is the greater.

### 3.7 Approval of price/quality evaluation criteria;

- approval of short-listing procedures, short-list selection and approved lists of contractors, including the authorisation of any departures from Contract Procedure Rules;
- award of Contract;
- approval of schemes under Financial Procedure Rule 6.4 – authority to release expenditure for capital schemes;
- approval of final cost for capital schemes under Financial Procedure Rules.

### 3.8 To consider and approve the submission of planning applications to the Local Planning Authority to take forward Major Projects.

## OTHER CONSIDERATIONS:

### 4 COMMUNITY STRATEGY AND PORTFOLIO PLANS (RELEVANCE TO):

- 4.1 Major projects will help to achieve the Council's objectives depending upon the nature of the project. The establishment of the Committee specifically meets the efficient and effective Council objective.

### 5 RESOURCE IMPLICATIONS:

- 5.1 Meetings of the Committee can be serviced from within existing resources in the Major Projects teams. As a significant body in the Council's formal structure, the Committee will also be serviced by the Democratic Services Team – though this may require some servicing of ISGs meetings to be undertaken from other teams. The resources for undertaking work on major projects that are not in the current base budget, will require additional approval as part of the normal budget approval process.

### 6 RISK MANAGEMENT ISSUES

- 6.1 The establishment of the Committee will help to minimise risks of non delivery or slippage of projects by enabling input from a wide range of groups and stakeholders to enhance communication, engagement, input and consultation processes which should help to achieve a better understanding and support for projects.

### 7 BACKGROUND DOCUMENTS:

None.

## APPENDICES:

None.