

## Record of individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

<b>Decision made by</b>	Cllr David Rouane, Leader of South Oxfordshire District Council
<b>Key decision?</b>	No
<b>Date of decision</b> (same as date form signed)	15/12/23
<b>Name and job title of officer requesting the decision</b>	Nick King Economic Development Manager
<b>Officer contact details</b>	Tel: 07801 203545 Email: <a href="mailto:nick.king@southandvale.gov.uk">nick.king@southandvale.gov.uk</a>
<b>Decision</b>	<p>To confirm the council's commitment to Oxfordshire Inclusive Economy Partnership's (OIEP) charter pledges, namely:</p> <ul style="list-style-type: none"> <li>• As a buyer we pledge to assess and account for the social value that a supplier can offer the local community, alongside our assessment of the economic value/financial cost of the contract.</li> <li>• As a buyer, where compatible with procurement law and subject to best value requirements, we pledge to buy goods and services from purposeful local organisations, including SMEs, social enterprises, and cooperatives wherever possible.</li> <li>• As a supplier we pledge to support our employees to volunteer on local community projects.</li> </ul>
<b>Reasons for decision</b>	<p>The decision will give formal backing to undertake projects that will support achievement of corporate objectives summarised below:</p> <ul style="list-style-type: none"> <li>• Improved economic and community wellbeing: Pledges under the "Support Local and Social" will help to reinforce and focus the council's work to engage local SMEs with procurement opportunities through implementation of our new procurement strategy. This should lead to positive outcomes in helping independent small businesses to thrive. Best practice examples of how we (as a local anchor institution) work to engage local businesses through procurement particularly could be shared with the OIEP's wider network and is of substantial interest to the area's network of SMEs.</li> <li>• Openness and accountability: Showcasing work to support our new</li> </ul>

	<p>joint diversity and inclusion strategy through the OIEP charter will help the council to embed an organisational culture that celebrates diversity, inclusion and respect. Importantly, the OIEP offers a route for us to promote this activity to the wider community and influence other organisations to adopt some of the practices that are now standard within the council, leading to a healthier local employment market for residents.</p> <p>In addition to corporate objectives, the OIEP charter also aligns well with the Oxfordshire Strategic Vision for Long-term Sustainable Development, by encouraging the council to build inclusivity and reduce inequalities. Appropriate pledges would help achieve the guiding principles defined below:</p> <ul style="list-style-type: none"> <li>• Guiding Principle 2: We will create the conditions to support a world-leading and innovation-rich economy which is clean, prosperous, diverse, inclusive, successful and sustainable</li> <li>• Guiding Principle 3: We will improve our overall health and wellbeing and reduce inequalities</li> <li>• Guiding Principle 5: We will reflect our distinctive and diverse communities and places</li> <li>• Guiding Principle 10: We will maximise the benefits of strong collaboration within Oxfordshire</li> </ul>
<p><b>Alternative options rejected</b></p>	<ol style="list-style-type: none"> <li>1. To adopt a wider set of pledges. Although the council is meeting a number of pledges from the charter, this option was rejected to ensure a short-term focus is placed on progressing work related to the recommended pledges. It is also recognised that members may wish to explore adoption of additional pledges and support for the OIEP's work through the next iteration of the Corporate Plan, and that the work of the OIEP (and related pledges) will continue to evolve.</li> <li>2. Not to adopt any pledges, as a founding partner in the OIEP, this would create negative optics, the option is also rejected as there is good alignment with the council's objectives, and our involvement will lend credibility and strength to the OIEP's work.</li> </ol>
<p><b>Climate and ecological implications</b></p>	<p>Selected pledges have climate implications, examples are as follow:</p> <ul style="list-style-type: none"> <li>• <b>Commitments to assess and account for the social value that a supplier can offer the local community:</b> Social value can include assessment of climate and environmental outcomes as contributing components to community wellbeing.</li> <li>• <b>As a buyer we pledge to buy goods and services from purposeful local organisations, including SMEs, social enterprises and cooperatives, wherever possible,</b> procuring goods and services from local companies should contribute to reduction of our carbon emissions.</li> <li>• <b>As a supplier we pledge to support our employees to volunteer on local community projects,</b> staff already use volunteering days to work on conservation projects or other 'green' activities to do something practical and take inspiration from the</li> </ul>

	<p>many climate action groups we have across the districts. This could be built into the “off the rack” suggestions.</p>
<b>Legal implications</b>	<p>Pledging under the charter is optional and it is not a legally binding agreement. If there are any implications arising from particular pledges, e.g. in relation to employment, equalities and procurement, officers will seek appropriate advice before taking any action. Appropriate mitigation actions will form part of the workplan for rollout of the pledges.</p>
<b>Financial implications</b>	<ul style="list-style-type: none"> <li>• Pledging to buy goods and services from purposeful local organisations, including social enterprises, and cooperatives wherever possible should not influence value for money achieved through procurement tenders, with appropriate weighting still given to each different element (cost, quality etc) within assessments.</li> <li>• This is also the case in assessing for social value, in that appropriate weighting should be given to each value for money element.</li> <li>• No obligation to fund the work of the OIEP beyond the current period is implied by commitment to pledges.</li> </ul>
<b>Procurement implications</b>	<ul style="list-style-type: none"> <li>• Exactly how the council will aim to meet the pledges is to be decided via project scoping in consultation with corporate procurement, but at initial stages, implementation of the procurement focused pledges is intended to focus on ensuring our procurement opportunities are, where legally permitted, adequately promoted to local and purposeful organisations, and that council teams undertaking procurement are aware of the need to assess for social value which is a requirement of our procurement policy.</li> <li>• In line with Public Contracts Regulations 2015, principles of procurement point 18 states the following: Contracting authorities shall treat economic operators equally and discrimination and shall act in a transparent and proportionate manner. The design of the procurement shall not be made with the intention of excluding the scope of this Part or of artificially narrowing competition. For that purpose, competition shall be considered to be artificially narrowed if design of the procurement is made with the intention of unduly favouring or disadvantaging certain economic operators. In effect, this may have prevented the council from seeking to work with purposeful local organisations.</li> <li>• However, from 1 Jan 2021 there was a Procurement Policy Note issued which allows under threshold procurements to be limited: <ul style="list-style-type: none"> <li>a. by supplier location - this means being able to run a competition and specify that only suppliers located in a geographical area can bid. This could be UK-wide to support domestic supply chains and promote resilience and capacity, or where appropriate, by county (metropolitan or non-metropolitan) to tackle economic inequality and support local recruitment, training, skills and investment. In scope Organisations should not define by nations of the UK (i.e. England, Scotland, Wales, Northern Ireland) and where a county reservation is to be applied, only a single county may be reserved. Supplier location should be described by reference to where the</li> </ul> </li> </ul>

	<p>supplier is based or established and has substantive business operations and not by location of corporate ownership.</p> <p>AND</p> <p>b. Reserve the procurement for Small and Medium sized Enterprises (SMEs) / Voluntary, Community and Social Enterprises (VCSEs) - this means being able to run a competition and specify that only SMEs and VCSEs can bid.</p> <ul style="list-style-type: none"> <li>• Appropriate updates to reflect points a and b above will be added to the council's procurement strategy to ensure these options are clear to council officers when undertaking procurement.</li> </ul>
<p><b>Other implications</b></p>	<p>It should be clear that our intention in recommending each pledge is as follows:</p> <p>a. <i>As a buyer we pledge to assess and account for the social value that a supplier can offer the local community, alongside our assessment of the economic value/financial cost of the contract. <b>To establish standard methods to assess and account for social value within <u>all</u> offered contracts, regardless of type of contract or contracting partner.</b></i></p> <p>b. <i>As a buyer we pledge to buy goods and services from purposeful local organisations, including SMEs, social enterprises, and cooperatives wherever possible. <b>To actively target engagement with purposeful organisations (who embed social value within their structure) including SMEs, social enterprises and cooperatives within below threshold procurement, this may include limiting procurement to specific locations and organisations as described below.</b></i></p> <p>c. <i>As a supplier we pledge to support our employees to volunteer on local community projects. <b>To intensify communications of availability of volunteer days, and work to develop mutually beneficial volunteering opportunities (for the council, employees, and volunteer organisations).</b></i></p> <ul style="list-style-type: none"> <li>• Pledges will be added to the corporate quarterly reporting spreadsheet for monitoring.</li> <li>• Whilst plans related to the OIEP pledges will be iterative, there is significant opportunity for pledges related to social value in procurement to support longer-term climate and economic development objectives within the councils and throughout the wider county area.</li> </ul>
<p><b>Background papers considered</b></p>	<ul style="list-style-type: none"> <li>• South Cabinet Briefing Paper – OIEP Pledges Sept 2023</li> <li>• OIEP Pledges SMT Report – July 2023</li> </ul>
<p><b>Declarations/conflict of interest? Declaration of</b></p>	<p>N/A</p>

<b>other councillor/officer consulted by the Cabinet member?</b>			
<b>List consultees</b>	<b>Name</b>	<b>Outcome</b>	<b>Date</b>
Portfolio Holder	Cllr Robin Bennett	Endorsed	14/12/23
Legal <a href="mailto:legal@southandvale.gov.uk">legal@southandvale.gov.uk</a>	Patrick Arran	Agreed subject to amendments (adopted with version 2.0).	17/11/23
Finance <a href="mailto:Finance@southandvale.gov.uk">Finance@southandvale.gov.uk</a>	Kathy Merritt	Agreed	15/11/23
Procurement <a href="mailto:Procurement@southandvale.gov.uk">Procurement@southandvale.gov.uk</a>	Angela Cox	Agreed	15/11/23
Human resources <a href="mailto:hadminandpayroll@southandvale.gov.uk">hadminandpayroll@southandvale.gov.uk</a>	Abi Witting	Approved- as a council we are committed to paying the real living wage and are seeking full accreditation which will mean future procurement of services (not goods) will seek to procure services that commit to the RLW.	14/11/23
Property Assets <a href="mailto:Property@southandvale.gov.uk">Property@southandvale.gov.uk</a>	Mark Foster	Agreed	22/11/23
Strategic property <a href="mailto:StrategicPropertyTeam@southandvale.gov.uk">StrategicPropertyTeam@southandvale.gov.uk</a>	Chris Mobbs	Agreed	24/11/23
Climate and biodiversity <a href="mailto:climateaction@southandvale.gov.uk">climateaction@southandvale.gov.uk</a>	Jessie Fieth	Agreed	16/11/23
Diversity and equality <a href="mailto:equalities@southandvale.gov.uk">equalities@southandvale.gov.uk</a>	Lynne Mitchell	Fully support.	15/11/23
Health and safety <a href="mailto:healthandsafety@southandvale.gov.uk">healthandsafety@southandvale.gov.uk</a>	Jane Smith	No Comments	24/11/23
Risk and insurance <a href="mailto:risk@southandvale.gov.uk">risk@southandvale.gov.uk</a>	Yvonne Cutler-Greaves	Aligns with environmental social governance (ESG).	27/11/23
Communications <a href="mailto:communications@southandvale.gov.uk">communications@southandvale.gov.uk</a>	Victoria Nickless	Supported	22/11/23
<b>Confidential decision?</b> If so, under which exempt category?	No		
<b>Call-in waived by Scrutiny Committee chairman?</b>	N/A		

<b>Has this been discussed by Cabinet members?</b>	Yes, (inc. via cabinet briefing)
<b>Cabinet portfolio holder's signature</b> To confirm the decision as set out in this notice.	Signature: David Rouane Date 15.12.23

**ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.**

For Democratic Services office use only		
Form received	Date: 15 December 2023	Time: 09:43
Date published to all councillors	Date: 15 December 2023	
Call-in deadline	Not applicable as this is not a key decision.	

## Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off, including the chief executive. The lead officer must then seek the Cabinet portfolio holder's agreement and signature.
2. Once satisfied with the decision, the Cabinet portfolio holder must hand-sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence.  
Tel. 01235 422520 or extension 2520.  
Email: [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk)
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to all councillors to commence the call-in period (five clear working days) if it is a 'key' decision (see the definition of a 'key' decision below). A key decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing a key decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If a key decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet portfolio holder will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
  - refer the decision back to the Cabinet portfolio holder for reconsideration or
  - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
  - accept the Cabinet portfolio holder's decision, in which case it can be implemented immediately.

## Key decisions: assessing whether a decision should be classified as 'key'

The South Oxfordshire and Vale of White Horse District Councils' Constitutions now have the same definition of a key decision:

**A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers, which is likely:**

- (a) to incur expenditure, make savings or to receive income (except government grant) of more than £75,000;**

- (b) to award a revenue or capital grant of over £25,000; or**  
**(c) to agree an action that, in the view of the chief executive or relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.**

Key decisions are subject to the scrutiny call-in procedure; non-key decisions are not and can be implemented immediately.

In assessing whether a decision should be classified as 'key', you should consider:

- (a) Will the expenditure, savings or income total more than £75,000 across all financial years?
- (b) Will the grant award to one person or organisation be more than £25,000 across all financial years?
- (c) Does the decision impact on more than one district council ward? And if so, is the impact significant? If residents or property affected by the decision is in one ward but is close to the border of an adjacent ward, it may have a significant impact on that second ward, e.g. through additional traffic, noise, light pollution, odour. Examples of significant impacts on two or more wards are:
- Decisions to spend Didcot Garden Town funds (significant impact on more than one ward)
  - Changes to the household waste collection policy (affects all households in the district)
  - Reviewing a housing strategy (could have a significant impact on residents in many wards)
  - Adopting a supplementary planning document for a redevelopment site (could significantly affect more than one ward) or a new design guide (affects all wards)
  - Decisions to build new or improve existing leisure facilities (used by residents of more than one ward)

**The overriding principle is that before 'key' decisions are made, they must be published in the Cabinet Work Programme for 28 calendar days. Classifying a decision as non-key when it should be a key decision could expose the decision to challenge and delay its implementation.**