
Procurement governance

Committee considering report:	Resources and Place Scrutiny Committee
Date of Committee:	12 May 2026
Portfolio Member:	Councillor Vicky Poole
Date Portfolio Member agreed report:	21 April 2026
Report Author:	Martyn Sargeant, Service Director – Strategy and Governance Richard Howroyd, Service Lead – Procurement and Commissioning

1 Purpose of the Report

To provide the Scrutiny committee with further information about the Council's arrangements for overseeing procurement activity.

2 Recommendations

- 2.1 To note the information provided in response to the scrutiny proposal from a member of the public.
- 2.2 To determine how the Committee wishes to respond to the questions raised in the scrutiny proposal.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are no financial implications arising from this report.
Human Resource:	There are no HR implications arising from this report.
Legal:	There are no legal implications arising from this report.
Property:	There are no property implications arising from this report.

Risk Management:	There are no risks arising from this report.
Policy:	The report relates to the Council's policies and procedures on procurement, the detail of which is set out in the report or referenced where appropriate.

	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		There are no equalities implications arising from this report.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
Environmental Impact/Health Impact/ICT Impact/Digital Services Impact/Council Strategy Priorities/Core Business/Data Impact:		X		As the report is an information item, there are no relevant implications arising from it.

Consultation and Engagement:	No consultation has been carried out in relation to this report, as it is an information item for the Scrutiny Committee.
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4 Supporting Information

Background

- 4.1 At its meeting on 17 March 2026, the Committee considered a briefing note setting out details of the governance in place to ensure robust procurement of goods and services, particularly for contracts over £2.5m. This was in response to a proposal from a member of the public for a scrutiny review.
- 4.2 The Committee requested further information in response to the desired outcomes identified by the member of the public, specifically:
- “To provide visibility / details of the recommendations of “Constitution task group over last two years”
 - Copy of the report / audit trail / evidence / full details of the report / sign off process / date / objectives and resulting recommendations that “follows the work by a constitution task group over last two years”
 - Justification / explanation of why supporting detailed reports (exemplified by EX4332 and EX4159) are no longer being provided?
 - Since July 2023 (EX4407) to September 2025 (EX4726) qty 7 EX reports have been approved covering 23 contracts of over £2.5 Million.
 - Can scrutiny request any / all supporting information supplied to the Exec for the 23 contracts of over £2.5 Million approved since July 2023?
 - Since July 2023 has the Exec requested “further information regarding any of the contracts identified” in the EX reports?
 - Can scrutiny request that all future contracts for high value contracts must be supported by a formal and detailed written report?
 - Can scrutiny undertake a review of why forthcoming contract awards, since July 2023 is now Part II.
 - Can scrutiny clarify and document the approval process required to approve large contracts?
 - At a recent governance committee meeting a legal officer suggested that contracts over £2.5 Million should be approved by full council. What is the process?
 - Can scrutiny recommend that ALL contracts over £2.5 Million are once again individually highlighted on the Forward Plan (not hidden under the generic title “Contracts for Award Under Delegated Authority from Executive)”

Responses to the points raised

Point 1: *To provide visibility / details of the recommendations of “Constitution task group over last two years” AND Copy of the report / audit trail / evidence / full details of the report / sign off process / date / objectives and resulting recommendations that “follows the work by a constitution task group over last two years”*

- 4.3 The Constitution Review Task Group is an internal, politically-balanced working group of Councillors. Its role is to keep the Constitution under review on a rolling basis, in accordance with good practice, and to make recommendations for changes to the Governance Committee and, ultimately, the Council. Changes to the Constitution can

only be made by the full Council and the terms of reference of the Governance Committee require that it consider and 'make recommendations to the Council on proposed changes to the Constitution.'

- 4.4 Changes to the Constitution are made throughout the year on an iterative basis, as and when required. The meetings of the Governance Committee and Council are held in public, so all changes are considered in public in response to reports that are publicly available. These can be viewed on the Council's [website](#).

Point 2: *Justification / explanation of why supporting detailed reports (exemplified by EX4332 and EX4159) are no longer being provided?*

- 4.5 As the examples provided were not Contract Award Papers, it is not possible to undertake a direct comparison between the previous process and the current process.

- 4.6 Further information on the examples given is provided below.

- EX4332: Newbury Sports Hub – this is actually not an award of contract, as that had already been agreed previously (December 2021). Rather it seeks to adjust the original costs, which had been inflated whilst the initiative was delayed by a lengthy legal challenge.
- EX4159: Northcroft Lido – This was an Exception Report that detailed the decision to place a direct award with a single supplier through a framework. As this is an exception to the Constitution, this detailed report was taken through to Executive in its entirety for approval to award the contract. This process has not changed, and a report of this nature would be taken through to Executive again should similar circumstances be apparent.

Point 3: *Since July 2023 (EX4407) to September 2025 (EX4726) qty 7 EX reports have been approved covering 23 contracts of over £2.5 Million. Can scrutiny request any / all supporting information supplied to the Exec for the 23 contracts of over £2.5 Million approved since July 2023?*

- 4.7 Prior to July 2023, upon completion of the procurement process for contracts valued over £2.5 million, a Contract Award Paper providing an overview of the procurement process was taken through the Executive decision-making cycle and approved by the Executive prior to contract award. Due to the inclusion of commercially sensitive information, a Part II report was provided alongside the main paper to inform the Executive of the successful tenderer and the associated pricing.

- 4.8 Two examples of this process are:

- EX4208 Contract Award for Grounds Maintenance Contract (03 November 2022) plus EX4208 Part II
- EX4180 Contract Award for The Castle at Theale Secondary SEMH / ASD Provision- Phase 4 Main Works (07 July 2022) plus EX4180 Part II

4.9 From July 2023, in line with the Constitution, contracts with a value exceeding £2.5 million have been subject to a report seeking Delegated Authority from the Executive. A Contract Award Paper continues to be completed for each contract and is approved by the Procurement Board, the relevant Service Director, and the relevant Portfolio Holder.

Two examples of this process are:

- EX4501- Contracts for Award Under Delegated Authority from Executive (14 March 2024) in relation to Four Houses Corner Traveller Site – Main Construction
- EX4662 - Contracts for Award Under Delegated Authority from Executive (03 April 2025) in relation to Falkland Modular Replacement

Point 4: *Since July 2023 has the Exec requested “further information regarding any of the contracts identified” in the EX reports?*

4.10 Since July 2023 no further information regarding contracts outlined in the approved Delegated Authority reports has been requested by the Executive. However, earlier this year, the Executive requested that the award process for the highways term maintenance contract should be subject to separate reporting and not be part of the Delegated Authority process. Instead, a stand-alone Contract Award Paper for this contract will follow the Executive cycle and will be considered for approval at an Extraordinary Executive meeting scheduled on 11 June 2026. The information provided within this report will be commercially sensitive and therefore further details will be provided within a Part II report.

Point 5: *At a recent governance committee meeting a legal officer suggested that contracts over £2.5 Million should be approved by full council. What is the process?*

4.11 The member of the public kindly provided details of the meeting referred to above and a transcript of the relevant exchange (attached as appendix 1). Although the discussion is not very clear, the officer did not say that contracts over £2.5m would be approved by full Council. The officer refers to matters that are reserved to Council and gives the example of Planning but, as Cllr Woollaston points out, this would not be a financial matter anyway. The paragraphs below set out the constitutional requirements for approving contracts over £2.5m.

4.12 As set out in the Constitution (Contract Rules – Appendix A: Delegated authority to enter into contracts – limits and thresholds). Contracts with a value in excess of £2.5million that are being competitively tendered shall require Executive approval, which may be given as follows. The Executive shall receive quarterly reports detailing contracts being procured and seeking delegated authority from Executive for the relevant Service Director to award the contract following the procurement process in consultation with the relevant Portfolio Holder, S.151 Officer and the Monitoring Officer.

4.13 Once the procurement process has been completed, a Contract Award Paper is submitted to the Procurement Board. Following approval, the relevant Service Director, in consultation with the relevant Portfolio Holder, the Section 151 Officer, and the Monitoring Officer, exercises the delegated authority granted by the Executive to award the contract.

5 Matters for the Scrutiny Committee

5.1 The questions set out below were also raised in the submission from the member of the public. However, these are for the Scrutiny Committee to consider in light of the information provided about procurement arrangements.

Can scrutiny request that all future contracts for high value contracts must be supported by a formal and detailed written report?

Can scrutiny undertake a review of why forthcoming contract awards, since July 2023 is now Part II.

Can scrutiny clarify and document the approval process required to approve large contracts?

Can scrutiny recommend that ALL contracts over £2.5 Million are once again individually highlighted on the Forward Plan (not hidden under the generic title “Contracts for Award Under Delegated Authority from Executive)”

6 Appendices

6.1 Appendix 1 - transcript from section of the Governance Committee on 18 November 2025

Background Papers:

Briefing note to the Resources and Place Scrutiny Committee: [Procurement Governance](#) – 17 March 2026

Wards affected: All

Officer details:

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Appendix 1: transcript from section of the Governance Committee on Tuesday 18 November 2025

https://youtu.be/Oz7tzR5iSuE?list=PL6cepKKEIwne9h0GajvDRG65M2AG0Wn_U&t=1169

Howard Woollaston (HW): *“so, forgive me, but what I’m interested in most of all is those contracts above £2.5 Million and just what consents they require and what the process is and how they’re checked”*

Nicola Thomas (NT): *“..... in terms of contracts in excess of £2.5 million that would exceed our key decision threshold. We’re not changing the scheme of delegation around that, those would have to come through our governance process for approval by members”*

HW *“and would that mean they come through Executive?”*

NT: *“it would depend on the decision being made, but yes, usually. It depends if it’s a council function or executive function.*

HW *“so why wouldn’t it come to Executive?”*

NT: *“it depends on the matter, on the contract matter as to whether it was a council decision or executive decision but regardless, it would need a member decision.*

HW *“I don’t see the distinction between the two. What’s the difference?”*

NT: *“because some functions as a council... some functions of West Berkshire Council are delegated to... or an executive function under our..... under the legislation, whereas some are reserved for council.*

HW *“forgive me for chasing on this but give me an example from either side*

NT: *“so a decision that’s reserved for council which we do delegate is planning for example that can’t be delegated, whereas the executive decision is pretty much..”*

HW *“but planning doesn’t have any financial element to it”*

NT: *“yeah, I can’t think of one off the top of my head that would have a financial implication off the top of my head but regardless any decision that would be £2.5 million would be a member decision. It would not be made by individual executive directors or any other officers”*

HW *“Thank-you very much”*