



## Council

Date: 17 July 2017  
Time: 6.30 pm  
Venue: Council Chamber  
District Council Offices, Queen Victoria Road, High Wycombe Bucks

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# Agenda Item 5

## WYCOMBE DISTRICT COUNCIL

### COUNCIL MEETING

Monday 17 July 2017

#### AGENDA ITEM 5

##### Questions from Members of the Public

##### 1. Question from Mr J Hill to the Leader of the Council

Over the last few years the nature and users of High Wycombe Towns historic Charter Market and market have changed with the loss of a significant number of stalls covering a wide range of goods that you would expect to see in a thriving town market.

There has been an increase in the provision of hot food outlets. What are the views of the Leader and her cabinet on the demise of the town's Historic Charter Market which has been in existence for some 7 centuries?

**Verbal reply to be given by Councillor Ms K Wood (Leader of the Council).**

##### 2. Question from Mr T Snaith to the Cabinet Member for Planning

In light of all the work done by officers and community groups on the Abbey Barn and Gomm valley developments; I note that the groups have not met to review the infrastructure group findings and the report has not been released.

Why has the Cabinet deemed to debate release of Gomm Valley ahead of feedback from the groups?

**Verbal reply to be given by Councillor D Johncock (Cabinet Member for Planning).**

# Agenda Item 6

## WYCOMBE DISTRICT COUNCIL

### COUNCIL MEETING

Monday 17 July 2017

#### AGENDA ITEM 6

##### Questions from Members

##### 1. Question from Councillor R Raja to the Leader of the Council.

In view of the horrific Grenfell fire and the series of catastrophic missteps and a woefully inadequate response from Kensington & Chelsea Council in the first 48 hours of the tragedy, it has put the Kensington & Chelsea Council under a bitter national spotlight.

It also shows that whilst you can have all the policies in place but the lack of preparedness to meet such challenges means that policies, which cannot be put in practice, are not worth the paper they are written on.

With the hope that we never have to experience anything of the magnitude of Grenfell, can the Leader of the Council reassure us that all necessary fire & safety precautions are in place in all social housing facilities within the authority's area?

**Verbal reply to be given by Councillor Ms K Wood (Leader of the Council).**

##### 2. Question from Councillor M Knight to the Cabinet Member for Community.

Along with victims of knife crime in High Wycombe I have previously called for a knife amnesty to be held.

Neither the council nor the police have deemed this to be necessary.

Could you tell me how serious the problem needs to get before the council joins me in calling on the police to hold an amnesty in order to reduce the number of offensive weapons on our streets?

**Verbal reply to be given by Councillor G Peart (Cabinet Member for Community).**

##### 3. Question from Councillor A Hashmi to the Cabinet Member for Environment.

Is the Cabinet Member for the Environment aware that the waste collection service in the town is falling apart. A number of people in my ward have complained that their bins have been emptied days later than scheduled.

Even more worryingly, the promises of special services to those with disabilities are not being met. I understand that this is due to the waste collection service suffering from broken down vehicles and a shortage of manpower.

This may be due to incompetence on part of WDC or the company providing waste collection services, whatever how does she plan to rectify this failure so that residents can be sure of a reliable vital service?

**Verbal reply to be given by Councillor Mrs J Adey (Cabinet Member for Environment).**

**4. Question from Councillor K Ahmed to the Leader of the Council.**

In light of the recent BFP article relating to the loss of revenue through uncollected fines from the defunct ANPR system, can the Leader explain as to why the public is having to find out about the true cost of the failed project via FOI's and why a full inquiry was not deemed appropriate to dispel any theories of a 'cover up' regarding the actual amount lost?

**Verbal reply to be given by Councillor Ms K Wood (Leader of the Council).**

**5. Question from Councillor M Asif to the Cabinet Member for Community.**

Analysing the data from the Office of National Statistics (ONS), it is clear that homicide and knife crime have actually increased. You only have to open the local newspaper and see that knife crime is becoming more and more of a problem. Is the council taking any pro-active measures to tackle this epidemic, within the District?

**Verbal reply to be given by Councillor G Peart (Cabinet Member for Community).**

**6. Question from Councillor Ms J Wassell to the Cabinet Member for Planning.**

I am interested in the process for selecting locations for tree planting and obtaining funding. How are these saplings monitored and maintained?

**Verbal reply to be given by Councillor D Johncock (Cabinet Member for Planning).**

**7. Question from Councillor Ms A Baughan to the Cabinet Member for Housing.**

Please could you confirm the latest figures for street homeless people in the District, and the method used for counting?

**Verbal reply to be given by Councillor Mrs J Langley (Cabinet Member for Housing).**

**8. Question from Councillor K Ahmed to the Leader of the Council.**

Two years ago, upon election as Leader, she announced that she was keen to engage more closely with younger people across the district. A new cabinet post for Youth was created, it is now noted that the terms of reference for the post have been changed a little and the member responsible for the portfolio also has been changed.

Can the Leader highlight the achievements of the outgoing member and enlighten us as to what the incoming cabinet member is intending to do things differently for this important portfolio?

**Verbal reply to be given by Councillor Ms K Wood (Leader of the Council).**

**9. Question from Councillor R Raja to the Leader of the Council.**

A joint investigation by the Guardian newspaper and Greenpeace (in April) has reported that “hundreds of thousands of children are exposed to illegal levels of air pollution from diesel vehicles at schools and nurseries across England”. Furthermore, analysis of the most recent government data exposes how dangerous levels of nitrogen dioxide (NO<sub>2</sub>) pollution from diesel traffic is not limited to large metropolitan centres, but threaten the health of children and young people in towns and cities throughout the country.

As we are clearly not immune from these illegal levels of pollution, which is toxic for large sections of young and old. Will the leader tell us if she plans to earmark some modest resources to understanding the conclusions of these studies and for WDC to draw up measures to minimise the harmful effects of this pollution?

**Verbal reply to be given by Councillor Ms K Wood (Leader of the Council).**

**10. Question from Councillor Ms J Wassell to the Cabinet Member for Housing.**

How many empty houses have been subject to an Empty Dwelling Maintenance Order in the last year and do Councillors have a role in reporting these empty dwellings?

**Verbal reply to be given by Councillor Mrs J Langley (Cabinet Member for Housing).**

**11. Question from Councillor M Knight to the Cabinet Member for Planning.**

I am interested in understanding of the role of our planning department in identifying wider issues connected to over development of residential properties in our district.

These issues may include modern slavery, exploitation and immigration contraventions.

Could you outline to what extent our planning department encounters these issues and how they respond to them in partnership with other agencies?

**Verbal reply to be given by Councillor D Johncock (Cabinet Member for Planning).**

**12. Question from Councillor M Knight to the Cabinet Member for Economic Development and Regeneration**

Across High Wycombe town, and quite possibly the District, there are commercial properties owned by Wycombe District Council which are run down and having a detrimental impact on local communities.

There has been much focus on major town centre regeneration in recent years.

Is it time for the Council to begin investing in some of these smaller pockets of property with a view to engaging in community regeneration?

**Verbal reply to be given by Councillor S Broadbent (Cabinet Member for Economic Development & Regeneration)**

## Cabinet Minutes

Date: 10 July 2017

Time: 7.00 - 8.10 pm

**PRESENT:** Councillor Ms K S Wood (Executive Leader of the Council - in the Chair)

Councillor Mrs J A Adey	- Cabinet Member for Environment
Councillor D H G Barnes	- Deputy Leader and Cabinet Member for Engagement and Strategy
Councillor S Broadbent	- Cabinet Member for Economic Development and Regeneration
Councillor D J Carroll	- Cabinet Member for Youth and External Partnerships
Councillor D A Johncock	- Cabinet Member for Planning
Councillor Mrs J D Langley	- Cabinet Member for Housing
Councillor G Peart	- Cabinet Member for Community
Councillor L Wood	- Cabinet Member for HR, ICT and Customer Services

### By Invitation

Councillor Z Ahmed	- Deputy Cabinet Member for Strategy and Communications
Councillor R Gaffney	- Chairman of the Improvement & Review Commission
Councillor M Harris	- Deputy Cabinet Member for Economic Development and Regeneration
Councillor D Knights	- Deputy Cabinet Member for HR, ICT and Customer Services
Councillor M E Knight	- Leader of the East Wycombe Independent Party
Councillor R Raja	- Leader of the Labour Group
Councillor S K Raja	- Deputy Cabinet Member for Community
Councillor S Saddique	- Deputy Cabinet Member for Finance and Resources
Councillor A Turner	- Deputy Cabinet Member for Planning

**Also present:** Councillors R Farmer, A R Green and P R Turner

## 12 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G Hall (Deputy Cabinet Member for Environment) and D Watson (Cabinet Member for Finance and Resources)

## 13 MINUTES

**RESOLVED:** That the first paragraph within the exclusion of press and public section be amended to read Minute Nos 10 and 11; and Cllr Peart be removed from the attendance section due to the fact that he had tendered his apologies.

That subject to the amendments above, the notes of the last meeting be agreed as a true record.

#### **14 DECLARATIONS OF INTEREST**

Councillor D Johncock declared an interest in relation to Minute 16 by virtue of his son's employment with DRF, and whilst commenting that there was no legal obligation to do so, withdrew from the meeting for the duration of this item.

Councillors Ms K Wood and L Wood declared a pecuniary interest in relation to Minute 17 due to living near to the site, and both withdrew from the Chamber for the remainder of the meeting at the commencement of this item.

#### **15 HIGH WYCOMBE TOWN CENTRE MASTERPLAN: NEXT PHASES**

The report before Cabinet detailed proposals under the High Wycombe Town Centre Masterplan to regenerate the town centre, in particular the delivery of the schemes funded as part of the Local Growth Deal 2014. Cabinet approval was sought to agree to commence consultation with stakeholders and the wider public on the detailed infrastructure improvements for Queen Victoria Road and Easton Street, in preference to the Oxford Road element.

Members noted the importance of the High Wycombe Town Committee being consulted by the County Council, and felt this should be added to the agenda for the next Town Committee meeting.

The following decisions were made to support the delivery of the Local Growth Deal Major Scheme and regeneration of High Wycombe.

**RESOLVED:** That as part of the delivery of the High Wycombe Town Centre Masterplan, approval be given to proceed with the Queen Victoria Road/Easton Street element of the High Wycombe Town Centre Masterplan, funding for which had been approved in principle by Cabinet in June 2016, and was considered annually by Cabinet as part of the Community Infrastructure Levy and Section 106 Funding Allocations.

**At this point, the Deputy Leader, Cllr Barnes took the Chair as the Leader left the meeting.**

#### **16 GOMM VALLEY AND ASHWELLS DEVELOPMENT BRIEF**

The report before Cabinet set out and provided an assessment of the consultation responses received in relation to the Gomm Valley and Ashwells Development Brief. Cabinet approval was being sought to adopt the Development Brief as a planning document, to ensure greater control was maintained by the Council over the development of the site.

It was noted that the Development Brief contained detailed planning guidance that would be a material consideration when planning decisions were made on planning

applications in this area. The brief would help co-ordinate future development and the provision of infrastructure.

The following decisions were made as land at Gomm Valley and Ashwells was reserved for future development under the Council's Core Strategy. Cabinet had previously agreed that the reserve sites needed to be released for development to meet the current development needs of the District, particularly for housing.

**RESOLVED:** That the the Gomm Valley and Ashwells Development Brief: Draft for Adoption (Appendix A of the report) be adopted as planning guidance for the area.

## **17 REFERRAL FROM THE HIGH WYCOMBE TOWN COMMITTEE - CEMETERY SECURITY**

Councillor A Green, Chairman of the High Wycombe Town Committee, presented the Committee's recommendations in relation to the proposed enhanced Cemetery security arrangements. He confirmed that the following options had been proposed at the High Wycombe Town Committee:

1. Additional fencing on the northern footpath side - £20,000
2. Additional planting along the eastern and southern edges – existing maintenance budget as minimal cost
3. Installation of locally recorded CCTV at the two main gateways and on the rear entrance to the Snowdrop Garden - £3,000
4. Installation of higher gates at the Lodge, Office and Snowdrop entrances - £9,000
5. Permanent closure of the Hampden Road/Snowdrop entrance – no cost.

The High Wycombe Town Committee had considered the above options and endorsed the below recommendations for implementation at its meeting in June 2017.

The following decisions were made as there had been resident concern about suspected incidents of vandalism at the Cemetery. A few incidents had been reported to Wycombe District Council and the Police. Two residents, whose children had been buried in the Cemetery, had written to the Bucks Free Press about their concerns. One of these residents presented a recent petition to the Council seeking 24/7 CCTV coverage.

**RESOLVED:** That (i) options 2, 3 and 5 as set out in paragraph 11 of the report be agreed; and

(ii) delegated authority be granted to the Head of Community to implement options 1 and 4 should the need arise following a review to be held in the Autumn 2017; to release up to a maximum of £32k from the Special Expenses Reserve.



## 18 FILE ON ACTION TAKEN UNDER DELEGATED AUTHORITY

Cabinet received the following files on actions taken under delegated powers:

Community C/19/17 – C/25/17

Finance F/19/17 – F/20/17

Planning & Sustainability PS/53/17 - PS/59/17

### EXCLUSION OF PRESS AND PUBLIC

**RESOLVED:** That pursuant to Regulation 4(2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 the press and public be excluded from the meeting during consideration of Minute Nos 19 and 20, because of their reference to matters which contain exempt information as defined as follows:

#### **Minute 19 - Baker Street Area Renewal Phase E (Desbox)**

Information relating to the financial or business affairs of any particular person (including the authority holding that information) (Paragraph 3, Part 1 of Schedule 12A, Local Government Act 1972)

(The need to maintain the exemption outweighs the public interest in disclosure, because disclosure could prejudice the Council's position in any future tender process or negotiations)

#### **Minute 20 - File on Action taken under Exempt Delegated Powers**

**Community sheet nos: C/04/17- C/05/17**

**Economic Development and Regeneration sheet nos: EDR/25/17 – EDR/37/17**

Information relating to the financial or business affairs of any particular person (including the authority holding that information) (Paragraph 3, Part 1 of Schedule 12A, Local Government Act 1972)

(The need to maintain the exemption outweighs the public interest in disclosure, because disclosure could prejudice the Council's position in any future tender process or negotiations)

## 19 BAKER STREET AREA RENEWAL PHASE E (DESBOX)

Cabinet were asked to recommend to Council the provision of funding from the Major Projects Capital Programme to enable further regeneration of the Baker Street area, which was largely owned by the Council.

An addendum to the report was circulated at the meeting.

The following decisions and recommendation were made as it was proposed that DesBox would be a 'container village', subject to planning permission, that could provide small workspace, specifically aimed at artists/craftsmen and small businesses in the creative design sector.

**RESOLVED:** That (i) the funding and development of Phase 3 of Baker Street Area Renewal ('DesBox') in accordance with Paragraph 17 of the report be agreed; and

(ii) Delegated authority to enter into a construction contract for the proposed development detailed in paragraphs 8 & 9 of the report within the budget limit as set out in Paragraph 19 of the addendum be granted to the Corporate Director of Growth and Regeneration, Major Projects Executive, Head of Finance and Commercial and the Head of Democratic, Legal & Policy Services, in consultation with the Cabinet Members for Economic Development and Regeneration and Finance and Resources.

**Recommended:** That a new allocation to the Major Projects Capital Programme to fund the proposed development as detailed in paragraph 17 of the report be approved.

## **20 FILE ON ACTION TAKEN UNDER EXEMPT DELEGATED POWERS**

Cabinet received the following files on exempt actions taken under delegated powers:

Community: C/04/17 – C/05/17

Economic Development & Regeneration: EDR/25/17 – EDR/37/17

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Chairman

### **The following officers were in attendance at the meeting:**

Karen Satterford - Chief Executive  
Ian Hunt - Democratic Services Manager

## Standards Committee Minutes

Date: 11 July 2017

Time: 6.15 - 6.35 pm

**PRESENT:** Councillor C Etholen (in the Chair)

Councillor K Ahmed, Councillor D J Carroll, Councillor M Clarke, Councillor R Newman and Councillor A D Collingwood

Independent Member: Mr G Houalla and Mr M Pearce

Parish Council Member: Parish Councillor Mr A Cobden

### **20 MINUTE'S SILENCE**

A 1 minute silence was observed to pay respects to Parish Councillor Brian Swain, a Co-opted Parish Member, who had sadly passed away.

### **21 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Green and Councillor Savage.

### **22 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **23 MINUTES OF PREVIOUS MEETING**

**RESOLVED:** That the minutes of the meeting held on 8 February 2017 be confirmed as a correct record and signed by the Chairman.

### **24 REVIEW OF INDEPENDENT PERSON TRAINING**

The Committee received a report which informed Members about training which had been attended by Mr Houalla, Independent Person.

Mr Houalla reported that the training had provided information on legislation, process and the role of the Independent Person. It included anonymised case studies and information from experienced Independent Persons. Mr Houalla noted that the training demonstrated that Wycombe District Council was following best practice guidance and that he had been surprised to note that many Councils had only the minimum of one Independent Person.

In response to a question it was noted that the Council could choose to appoint more than two Independent Persons. However, after a discussion it was accepted

that the current two Independent Persons provided enough resilience and expertise required in relation to the number of cases presented for review.

It was reported that Independent Persons and Councillors were invited to attend the same training.

**RESOLVED:** That the report be noted.

## **25 QUARTERLY COMPLAINTS UPDATE**

A report was submitted which provided an overview of recent complaint cases regarding Member conduct since February 2017.

It was reported that since the last meeting four new complaints had been submitted with two concluded at Stage 1. Regarding the other two complaints, one was at Stage 2, and the other one had been completed since the report had been compiled. Progress would be reported at the next meeting.

In response to a question it was noted that if no response was received from a complainant then it was considered that they were not dissatisfied with the Member's response and the complaint would not progress further.

It was noted that the continuing small number of complaints suggest that ethical standards continue to be respected by local Councillors.

**RESOLVED:** That the report be noted.

## **26 SUPPLEMENTARY ITEMS (IF ANY)**

There were no supplementary items.

## **27 URGENT ITEMS (IF ANY)**

There were no urgent items.

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Chairman

### **The following officers were in attendance at the meeting:**

Julie Openshaw - District Solicitor  
Jemma Durkan - Senior Democratic Services Officer

# Agenda Item 15

## HANDY CROSS PHASE 5 PROCUREMENT PROCESS

**Cabinet Member:** Councillor S Broadbent

**Wards Affected:** None

**Officer contact:** Charles Brocklehurst Ext: 3280

Email: Charles.brocklehurst@wycombe.gov.uk

### PROPOSED DECISION

For the procurement of the contractor to build the proposed nursery at Handy Cross, to waive the requirement within Contract Standing Orders which requires the Council to advertise all contracts with a value of more than £10,000, and to delegate the authority to award the contract as set out in paragraph 15.

### Reason for decision

To ensure that the procurement process is:

- a) Compliant with good practice
- b) Achieves Value for Money
- c) Supports our wider objectives not to disadvantage SMEs within our procurement approach
- d) To follow the advice of our appointed project managers in ensuring that the contract can be managed to deliver on time and on budget.

### Corporate Implications

1. This report varies the usual procedure set out within the Council's Constitution for the award of contracts. The reasons for doing so are to enable our Project Managers to deliver the objectives on the contract on budget and within timescales as well as achieving best value overall.

### Executive Summary

2. This report outlines an alternative approach to our usual procurement process because of the size and nature of the project. This contract although significant for a small provider is small scale for larger contractors within the market. As a result there is a risk that the tendering process may put off smaller providers but be too small to demand the attention of larger providers.

### Sustainable Community Strategy/Council Priorities - Implications

3. The need to comply with a procurement process which achieves best value is principle within UK law. This continues to apply alongside other requirements for contracts below the EU threshold. Although the council cannot discriminate in favour of local providers there are ways in which we can conduct a

procurement exercise which does not discourage SMEs from submitting a tender. In accordance with the Council's broader obligations this project is designed to achieve our wider economic objectives for Handy Cross.

## **Background and Issues**

4. The Council intends to award a contract for the construction of nursery and toddler gym at Handy Cross hub ("the Contract") at a cost below the EU threshold of £4.1M. The Council has appointed programme management advisors TUV SUD PMSS (TUV) to manage the project on our behalf including the procurement of the contractor and project management of the build through to handover to the tenants. The parties to the works contract would be the Council and the Contractor.
5. The Public Contract Regulations 2015 (PCR) and wider legal framework for procurement sets out broad principles for those contracts which fall below the threshold for EU Procurement. The broad principles include the requirement to prevent, identify and remedy conflicts of interest and to avoid any distortion of competition and to ensure equal treatment of economic operators. However if the process meets the broad principles and falls below the EU threshold it is not necessary to advertise the contract. The Council sets out rules to conduct procurement to comply with the principles but it is possible to comply with the principles without adhering to the rules we have set out and sometimes it is identified that a different process will better deliver best value. The rules should not be waived unless an alternative process is described to Members which is compliant with the requirements. The requirements in relation to any conflicts of interest apply (whether the contract is advertised or not) and TUV or Council Officers will not be able to be involved in the process where a conflict of interest exists. TUV have already been appointed as project managers to conduct the procurement as they have the expertise and market knowledge to do so.
6. TUV have advised that this type of contract would benefit from a different procurement approach which utilises market expertise to identify the appropriate contractors to deliver contracts of this type and size. They are also mindful of the Council's overall objective of conducting a process which does not disadvantage SMEs in the tendering process. In order to address these points TUV have proposed that in this instance the contract is not advertised, instead TUV propose that they together with council officers should draw up a long list of no less than ten potential contractors to be invited to participate in the Stage 1 qualification process. The proposed alternative process is set out below.

## **Proposed Process**

TUV have proposed a two stage procurement process.

7. In Stage 1 potential tenderers would be assessed to ensure they are suitable to provide services to the Council, taking account of factors such as experience, and financial stability. The Stage 1 documentation would include pre agreed qualification criteria and a scoring process to enable the identification of a shortlist of tenderers to invite to participate in Stage 2.

8. Stage 2 is the competitive tender exercise through which the most appropriate tender is selected using a pre agreed evaluation process based on a balance of cost and quality.
9. The Council's Contract Standing Orders require us to advertise all opportunities with a value of more than £10,000.
10. The Contract value is below the EU works threshold.
11. Part 4 of PCR applies to contracts valued between £25,000 and relevant threshold (Part 4 contracts). PCRs require: "where a contracting authority advertises a contract award opportunity". "In those circumstances the Contracting Authority shall publish information about the opportunity on Contracts Finder". Contracts Finder is a national website which provides information to potential bidders about contracts worth over £10,000 with the government and its agencies. So following the standard Council process would result in this opportunity being advertised nationally.
12. It is therefore proposed that the requirement to advertise be waived on this occasion so that process above recommended by our advisors can be followed.

### **Risks**

13. **Publication of contract award.** Where a Part 4 Contract is awarded, Regulation 112 of PCRs requires Contracting Authorities to publish certain basic information about that contract on Contracts Finder. However the risk of successful challenge from contractors who are not invited on to the long list is considered to be low.
14. **Conflict of interests.** Within the documentation at Stage 1 applicants will be required to state any potential conflicts of interest resulting from relationships with Council Members, Council Officers TUV staff and TUV subcontractor's staff. The usual operational risks associated with works contracts will be managed as agreed between Officers and TUV.

### **Delegated authority**

15. In the project programme, contract award is scheduled for early September 2017. Cabinet authority is required for award of contracts between £500,000 and £2M. This contract is expected to fall within these limits. The next Cabinet scheduled for 18<sup>th</sup> September 2017. Council is therefore requested to delegate authority to the Interim Corporate Director (Growth & Regeneration) in consultation with the Interim Head of Finance and Commercial Services and the Cabinet Members for Economic Development and Regeneration and Finance and Resources.
16. If the actual contract value exceeds the estimate by more than 5% Officers will revert to full Cabinet for authorisation.