

COMMITTEE: COUNCIL

DATE: 4TH NOVEMBER 2008

**SUBJECT: REVISION OF THE COUNCIL'S CONTRACTS
PROCEDURE RULES**

**REPORT BY: CHIEF EXECUTIVE (HEAD OF LOCAL
DEMOCRACY)**

CONTACT OFFICER: DEBBIE JANES 01582 546038

IMPLICATIONS:

LEGAL ✓ COMMUNITY SAFETY

EQUALITIES ENVIRONMENT

FINANCIAL ✓ CONSULTATIONS

STAFFING OTHER

WARDS AFFECTED: NONE

PURPOSE

1. The purpose of this report is to submit to the Council a recommendation of Administration Committee, arising from it's meeting held on 10th September 2008.

RECOMMENDATION(S)

2. Council is recommended to:

- (i) approve the revised Chapter 9 of Part 4 of the Council's Constitution relating to the Council's Contracts Procedure Rules as attached at the Appendix A to this report; and
- (ii) instruct the Head of Legal Services to amend the Constitution including the making of any necessary consequential amendments accordingly.

BACKGROUND

3. At its meeting held on 10th September 2008, Administration Committee considered a report of the Head of Legal Services which sought approval to revise Chapter 9 of Part 4 of the Council's Constitution relating to the Council's Contract Procedure Rules.

REPORT

4. Chapter 9 of Part 4 to the Council's Constitution sets out the relevant Council rules relating to the tendering of Council Contracts and the procedures which should be used at that time. The Rules were originally adopted when the Constitution was first approved and save for minor changes have not been substantially reviewed since that time.
5. A full review of the Rules has been conducted by officers and they have now been substantially updated to accord with recent legal and changes and simplified. They will also now allow for the Council's tendering exercises to be conducted in a modern market. The revised Chapter 9 is attached at Appendix A to this Report
6. Administration Committee resolved:

"That the Council be recommended to:

- (i) approve the revised Chapter 9 of Part 4 of the Council's Constitution relating to the Council's Contracts Procedure Rules attached at Appendix A to the Head of Legal Services report (Ref: 9) and
- (ii) instruct the Head of Legal Services to amend the Constitution including the making of any necessary consequential amendments accordingly."

PROPOSAL/OPTION

7. That the Council approve the changes as referred to at paragraph 6 (i) and (ii) above.

LEGAL IMPLICATIONS

8. The changes will update Standing Orders in line with current procurement law and practice and this has been agreed with Richard Stevens in Legal Services on 3 October 2008.

FINANCIAL IMPLICATIONS

9. The updating of the contracts procedures should make procurement and financial processes more efficient. There are no direct financial implications arising from this report. Agreed with the Head of Corporate Finance, 3rd October 2008.

APPENDIX

10. The following appendix is attached to this report:

Appendix A: Revised Chapter 9 to Part 4 of the Constitution

LIST OF BACKGROUND PAPERS **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

Committee report ref: ADMC/9/08/9 and Administration Committee Minute: 49/08.