

WEST NORTHAMPTONSHIRE COUNCIL
DEMOCRACY AND STANDARDS COMMITTEE

Date: 11 March 2024

Report Title	Amendments to the Constitution - Review of Contract Procedure Rules and Scheme of Delegation
Report Author	Sarah Hall sarah.hall@westnorthants.gov.uk

Contributors/Checkers/Approvers		
Monitoring Officer	Sarah Hall	
Chief Finance Officer (S.151)	Martin Henry	
Communications	Becky Hutson	

List of Appendices

- Proposed amended Contract Procedure Rules - (Appendix 1)
- Proposed amended Scheme of Delegation - (Appendix 2)

1. Purpose of Report

- 1.1 The purpose of this report is for the Democracy and Standards Committee to review draft amendments to the Contract Procedure Rules and the Scheme of Delegation within the Constitution and recommend approval of the proposed changes to Full Council for approval.

2. Executive Summary

- 2.1 The Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose. The Council must operate in accordance with its Constitution and the rules set out within it. The Constitution is divided into different parts which set out the basic rules governing the Council's business as well as some of the detailed rules.
- 2.2 In accordance with best practice, the Constitution is regularly reviewed. This report focusses on a recent review of the Contract Procedure Rules and a review of the associated contracting elements of the Scheme of Delegation to Officers. The authority to amend the Constitution is a Council decision. Democracy and Standards Committee is asked to consider the draft amendments to the Contract Procedure Rules and Scheme of Delegations to Officers and make a recommendation to Council.

3. Recommendations

- 3.1 It is recommended that the Democracy and Standards Committee:
- a) Agree the amendments proposed to the Contract Procedure Rules and Scheme of Delegation to Officers as set out at Appendices 1 and 2 and recommend their approval to Council.

4. Reasons for Recommendations

- 4.1 Keeping the Constitution under regular review helps ensure that it is legally compliant, complete, reflects the character and culture of the authority and supports effective and efficient decision making.

5. Report Background

- 5.1 Since the formation of West Northamptonshire Council in 2021, minor amendments have been made to the Contract Procedure Rules (located at Part 9.6 of the Constitution).
- 5.2 A recent review of the Contract Procedure Rules has identified a need for the Rules to be amended further to ensure that they are more 'outward facing', more easily accessible to members of the public and that they cross reference accurately and logically with other parts of the Constitution, in particular the Scheme of Delegation to Officers.
- 5.3 At present, the Contract Procedure Rules are long, contain internal instructions and policy elements to Officers (which could be detailed in separate guidance documents sitting outside of the Constitution), and contain Officer delegated powers which are repeated in the Scheme of Delegation to Officers.
- 5.4 This review has therefore resulted in proposed changes to the Contract Procedure Rules and Scheme of Delegations to Officers as detailed at Appendices 1 and 2.
- 5.5 Various sections have been removed from the current Contract Procedure Rules, for example:
- a. Procedural rules of the Chief Officers
 - b. Rules for Officers prior to starting any procurement process
 - c. Rules for Officer using Framework agreements and Dynamic Purchasing Systems
 - d. Contracts reserved for Social Enterprises and Mutuals
 - e. Consultants, Temporary Agency and/or External Subject Matter Experts
 - f. Rules on seeking the advice of the Monitoring Officer
 - g. Rules on seeking procurement advice
 - h. Rules regarding any potential conflict of interest

The review has been undertaken in partnership by Legal services and the Procurement Team to develop a customer facing document that is legally compliant, reflects best practice and is more easily understandable by the public and businesses that we may contract with.

The Handbook for Officers on Contracts and Procurement, which already exists, will be updated and re-issued to Officers if the Contract Procedure Rules are amended. By retaining Officer guidance in a document outside of the Constitution, this enables it to be updated as necessary to reflect changes to best practice and legislation without formal Council approval.

- 5.6 The Scheme of Delegation to Officers has been amended and updated to reflect all delegations and to more accurately record all exceptions to the Contract procedure Rules. Previously some elements were stated in the Contract Procedure Rules and others in the Scheme of Delegation. All exceptions are now recorded in one place.
- 5.7 The proposed amendments to the Contract Procedure Rules have had the result of streamlining them. This is because many of the more detailed internal instructions to Officers carrying out procurements, that are not relevant to the public, have been moved to the Officer Handbook. A further review of the Contract Procedure Rules will be undertaken in Autumn 2024 upon the introduction of the

Procurement Act 2023. This will require further changes to the Rules and will provide an opportunity to assess the impact of the changes recommended today and make any other changes necessary.

6. Issues and Choices

- 6.1 The Committee could choose not to make any changes to the Contract Procedure Rules and Scheme of Delegation, however this would result in the Rules not reflecting best practice and being out of date in several areas. It would also miss the opportunity to ensure that all delegations and exceptions are accurately recorded within the Scheme of Delegation to Officers.

7. Implications (including financial implications)

7.1 Resources and Financial

- 7.1.1 There are no financial implications arising directly as a result of amending the Contract Procedure Rules or Scheme of Delegation.

7.2 Legal

- 7.2.1 Regular review of the Constitution helps to ensure these legal requirements are met. The amendments set out above will assist in ensuring the Council is able to operate in a lawful manner and follow best practice.

7.3 Risk

- 7.3.1 There are no significant risks arising from this report. Reviewing the Constitution helps to reduce any risks that could arise as a result of the Constitution not properly supporting decision making and delivery of Council services.

7.4 Consultation

- 7.4.1 The Procurement Team have been consulted and support the proposed changes to the Contract Procedure Rules and Scheme of Delegation to Officers.

7.5 Consideration by Overview and Scrutiny

- 7.5.1 Not applicable to this report.

7.6 Climate Impact

- 7.6.1 There is no climate impact to consider in relation to the recommendation.

7.7 Community Impact

- 7.7.1 There are no specific community impacts arising from the report.

8.0 Background Papers

- 8.0.1 None

End of report