



CONSTITUTION AND STANDARDS COMMITTEE

29 September 2022

REPORT TITLE:	REVIEW OF CONTRACT PROCEDURE RULES
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The report provides for consideration of the recommendations of the Audit and Risk Management Committee in respect of The Review of Contract Procedure Rules. The full minute of the Audit and Risk Management Committee and associated Report of the Director of Law and Governance is attached.

RECOMMENDATION/S

The Audit and Risk Management Committee held on 27 June 2022 resolved to recommend that the Constitution and Standards Committee consider the following

Resolved – That the changes to the Contract Procedure Rules that are highlighted in the appendix to this report be approved with the exception of section 3.2.3 where the original text is to be preserved, and Constitution and Standards Committee be asked to recommend their adoption by the full Council as part of the Council's Constitution.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The Committee is required to review the Contract Procedure Rules (CPR) every 2 years.
- 1.2 Since the last review in September 2020 the UK has withdrawn from the European Union (Brexit). The CPR need to reflect that event.
- 1.3 An opportunity has been taken to simplify procedures for low value procurements below £25,000 so that procurement officers have more time to concentrate on higher value procurements.
- 1.4 It is also proposed that the Head of Procurement is given more discretion to delegate to his senior officers the duty to decide whether approval should be given to requests for exceptions to the CPR and to approve contract extensions where the value is under £100,000. This will provide additional business continuity and resilience to the procurement service by reducing reliance on the availability of a single person to provide approvals.
- 1.5 Some changes rationalise the terminology used in the CPR.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Other options have been considered as reported within the minutes of the Audit and Risk Management Committee and appended report.

3.0 BACKGROUND INFORMATION

- 3.1 The changes to the Contract Procedure Rules follow the exit from the single European market which removes the requirement to comply with European Union rules, along with minor substantive changes such as changes in the value of changes in delegation and updating of values connection with some rules. The changes have been commented on by Audit and Risk Management Committee but require approval from Constitution and Standards Committee and Council before they can be enacted.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications of the decision, only an alteration of the rules.

5.0 LEGAL IMPLICATIONS

- 5.1 In accordance with the Part 3B of Constitution (Committee Terms of Reference), the Constitution and Standards Committee has two main areas of responsibility, which are overseeing the operation of the Council's Constitution

and for promoting and maintaining high standards of ethical conduct and probity within the Council, including the exercise of all functions of the Authority in relation to ethical standards and, in particular, those under Chapter 7 of the Localism Act 2011.

5.2 The Constitution and Standards Committee is charged by full Council to keep the Council's constitutional arrangements under review and to make recommendations as to amendments and improvements to the Council's Constitution, including the codes and protocols. As part of the matter of business that was the subject of the report to Audit and Risk Management Committee falls under that responsibility reserved to the Constitution and Standards Committee, the Audit and Risk Management Committee's resolution is presented as a recommendation.

5.3 As the decision in this matter is the subject of a recommendation from another Committee, the Constitution and Standards Committee must take into account the resolution of that Committee and give due regard to the guidance and comments made by its members. The Constitution and Standards Committee must not, however, consider itself bound by that Committee's recommendations or otherwise fetter its discretion; its Members must come to their own decision. In doing so, the Committee must satisfy itself that it has been provided with all relevant information or a suitable précis to enable it to comply with its duties and make a lawful decision.

5.4 Other legal considerations are as set out in the annexed report(s).

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 This report is for information only and does not contain any direct resource implications.

7.0 RELEVANT RISKS

7.1 The risks were covered in the original report submitted to the Committee.

8.0 ENGAGEMENT/CONSULTATION

8.1 Engagement and Consultation were covered in the original report submitted to the Committee.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are no direct environment or climate implications from this decision.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are no direct community wealth implications from this decision.

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APPENDICES

Appendix 1 Report to Audit and Risk Management Committee

Appendix 2 Contract Procedure Rules showing the proposed amendments

Appendix 3 Minute Extract from the meeting of Audit and Risk Management Committee held on 27 June 2022.

BACKGROUND PAPERS

Constitution

CIPFA recommendations on public procurement.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Audit and Risk Management Committee	27 June 2022