



## Report to Council

**Subject:** Amendments to the Contract Standing Orders, Standing Orders for Dealing with Land and Financial Regulations

**Date:** 5 October 2011

**Author:** Helen Barrington – Council Solicitor and Monitoring Officer

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### 1. Purpose of the Report

To seek approval for amendments to the Contract Standing Orders, Standing Orders for Dealing with Land and Financial Regulations.

### 2. Background

2.1 Members will recall that the attached report was presented to the Council meeting on 6 July 2011 recommending minor changes to the Contract Standing Orders, Standing Orders for Dealing with Land and Financial Regulations. In view of the operation of Standing Order 29, consideration of the report was adjourned without further discussion.

### 3. Recommendation

3.1 That the amendments to the Contract Standing Orders, Standing Orders for Dealing with Land and Financial Regulations outlined in the attached report are approved.

3.2 That the Council Solicitor and Monitoring Officer be authorised to make the appropriate amendments to the Constitution to incorporate the amendments.

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### 1. Purpose of the Report

To seek approval for amendments to the Contract Standing Orders, Standing Orders for Dealing with Land and Financial Regulations following the removal of the Personnel and Resources Committee from the committee structure.

### 2. Background

2.1 Following the removal of the Personnel and Resources Committee from the committee structure, it is necessary to review the references to the Committee in the Contract Standing Orders, Standing Orders for Dealing with Land and Financial Regulations.

2.2 Contract Standing Order 13.02 currently states:

*“13.02 Tenders not within the budgetary provision shall be referred to the Personnel and Resources Committee for approval.”*

It is proposed that the reference to Personnel & Resources Committee be deleted and replaced with “Cabinet”.

2.3 Paragraph 7 of the Tender Procedure contained in the Standing Orders for Dealing with Land states:

*“7. The relevant Cabinet Member shall be authorised to accept the highest tender in any case. In any case where the relevant Cabinet Member considers that the highest tender should not be accepted he shall forthwith submit a report on the matter to the Personnel and Resources Committee which may authorise acceptance of another tender if it is satisfied for good reason that such lower tender should be accepted in which case the reasons for any such decisions shall be given and any necessary Ministerial consent shall be obtained before a binding contract for the sale shall be entered to.”*

It is proposed that this is amended so that it is consistent with the Contract Standing Orders this will enable the Head of Service to accept the highest tender and refer the matter to the relevant portfolio holder, if they do not wish to do so. The paragraph would therefore state:

“7. The relevant Head of Service shall be authorised to accept the highest tender in any case. In any case where the relevant Head of Service considers that the highest tender should not be accepted he shall forthwith submit a report on the matter in consultation with the Head of Corporate Services to the relevant Cabinet Member who may authorise acceptance of another tender if he is satisfied for good reason that such lower tender should be accepted in which case the reasons for any such decisions shall be given and any necessary Ministerial consent shall be obtained before a binding contract for the sale shall be entered to.”

- 2.4 Paragraph 1-14 of the Financial Regulations require that virements in excess of £50,000 are considered by the Personnel and Resources Committee.

It is proposed that the reference to Personnel and Resources Committee is deleted and replaced with ‘Cabinet’.

- 2.5 The proposed changes fall within Standing Order 29 which states:

*“29. Variation and Revocation of the Constitution*

*Any motion to add to, vary or revoke the Articles of the Constitution, Procedural Standing Orders, Standing Orders relating to Contracts, Standing Orders dealing with Land and Standing Orders relating to staff except for the amendment of financial limits and other amendments appropriate to give effect to changes in officers’ duties, responsibilities and titles, shall, when proposed and seconded, stand adjourned without disclosure to the next ordinary meeting of the Council.”*

Consequently, these changes cannot be agreed straightaway.

### 3. **Recommendation**

- 3.1 That the amendments to the Contract Standing Orders, Standing Orders for Dealing with Land and Financial Regulations outlined in the report are approved.
- 3.2 That the Council Solicitor and Monitoring Officer be authorised to make the appropriate amendments to the Constitution to incorporate the amendments.