

**To:** Council  
**Date:** 7 December 2015  
**Report of:** Monitoring Officer  
**Title of Report:** Constitutional amendments

## Summary and Recommendations

**Purpose of report:** This report recommends changes to the Council's Constitution.

**Policy Framework:** N/A

**Recommendation(s):** Council is recommended to approve, with immediate effect, the amendments to the Constitution as set out in Appendix 1.

## Appendices

Appendix 1 - Contract Rules

### Contract Rules

1. Section 19 of the Constitution is reproduced, with tracked changes, in its entirety as Appendix 1. The key changes to the Contract rules are:-
  - Introduction of a paragraph stating that the rules do not apply where the Council is using its own employees, although best value should be considered.
  - Increase of quotation threshold to £150k. This change is proposed as accredited Procurement Champions within service areas have been trained to manage more straight forward procurements. An open tender process may be conducted if deemed appropriate instead of seeking quotes.
  - Tenders to be sought for all contracts over £150k.

- Reference to the use of the government's procurement portal, Contracts Finder, where opportunities above £25k are advertised.
  - Increase in the threshold for use of the Council's procurement portal from £5k to £10k – exception to this would be where an approved list is used and quotes for works (less than £100k) under the approved list are sought in accordance with the procedure for using the approved list.
  - Increase in the value for granting exemptions from £100k to £150k.
  - Clarity on the rules regarding when contracts can be extended in terms of value (in line with the UK Public Contract Regulations).
  - Introduction of a new clause which provides clarity on when a contract needs to be a bespoke contract and when a contract can be effected via an official purchase order.
  - A reduction in the threshold required for contracts to be included in the Council's Contracts Register from £10k to £5k in line with the requirements of the updated Transparency Code for Local Government.
2. The changes are proposed to bring the Contract Rules in line with legislation, as well as adapting the Rules to the needs of the business.

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**Background papers: none**