

North Somerset Council

Report to Audit Committee

Date of Meeting: 25 April 2024

Subject of Report: Proposed Constitution changes - Proposed Amendments to the Contract Standing Orders and Public Participation for Planning and Regulatory Committee

Town or Parish: N/A

Officer/Member Presenting: Director of Corporate Service, Head of Procurement and Asst Director Legal & Governance

Key Decision: N/A

Reason:

Not an Executive decision.

Recommendations

1. That the Contract Standing Orders (CSOs) set out in Appendix 1 of the report be recommended to Council for adoption.
2. That Audit Committee provide any comments on the proposed changes to the standing order related to Planning & Regulatory Committee public participation.

1. Summary of Report

The report seeks approval of amendments to the Contract Standing Orders to ensure that they are legally compliant and up to date. The amendments to the Contract Standing Orders are reflective of wider government legislation, are benchmarked against neighbouring authorities and are intended to allow North Somerset Council greater flexibility and access to local supplier markets.

The proposed changes to public participation rules for Planning and Regulatory Committee are being promoted by that Committee's Chairperson and Vice-chairperson following feedback received from town and parish council representatives and seek to afford suitable opportunity for those councils to address the Committee.

2. Policy

The Council has approved a Constitution which sets out how the Council operates, how decisions are made and the procedures to be followed to ensure that the Council is efficient, transparent, and accountable to the local populace. Some of the processes set out in the Constitution are required by law, while others are a matter for the Council to decide upon and approve.

The Constitution contains Articles and Standing Orders containing the basic rules governing the Council's business. Standing Orders and Contract Standing Orders are found in Part 4.

3. Details

Contract Standing Orders

The existing Contract Standing Orders were approved in July 2017. The key areas of proposed change are:

- Updates to reflect the UK leaving the EU, removing references to European legislation the Council is no longer subject to.
- Addition of Primary Care contracts (Pharmacies, GP Surgeries) to the list of areas where the CSOs **do not** apply.
- Introduction of a section clarifying the use of Grant funding.
- Threshold changes relating to contract value, approval, and decision-making.
- Introduction of requirements for an annual Commissioning Plan and amendments to the use of combined Commissioning and Procurement Plans.
- Updated reference to a new Social Value policy and guidance.
- Further clarification for the use of framework agreements and framework contracts.
- Clarification on contract award processes.
- Addition of advice regarding Health & Social Care Contracts including reference to the Provider Selection Regime (January 2024).

The proposed revised Contract Standing Orders are included in Appendix 1.

The Procurement Team have developed new guidance, templates, flow charts, processes, and training to support the proposed changes which will be available on approval of the revised Contract Standing Orders.

Standing Order 17A – Public Speaking at Planning & Regulatory Committee

Public speaking at committee meetings is at the discretion of the Council and when a council elects, as is the case in North Somerset Council, to have public speaking addresses is carried out in accordance with rules set by the council.

Following feedback from town and parish council representatives the Chairperson and Vice-chairperson of Planning and Regulatory Committee are promoting the changes to Standing Order 17A set out in Appendix 2.

4. Consultation

Consultation on the revised Contract Standing Orders has been undertaken with the Executive, Corporate Leadership Team, Directorate Leadership Teams, the S151 Officer, the Monitoring Officer, and the Head of Finance.

The proposed revisions to Standing Order 17A will be drawn to the attention of all members ahead of publication of the Annual Meeting agenda at which changes will be considered in order that members have opportunity to consider in depth ahead of the meeting.

5. Financial Implications

There are no direct financial implications relevant to this report.

6. Legal Powers and Implications

N/A

7. Climate Change and Environmental Implications

N/A

8. Risk Management

Risk	Inherent Risk Score	Residual Likelihood	Residual Impact	Residual Risk	Comments:
Reduced oversight of Procurement Team due to increased thresholds.	Medium	3	2	Low/Medium	Approval levels for Key Decisions and Director approval. Clear responsibilities set out for adherence to the Standing Orders. Training and provision of standard templates and guidance.
Increased opportunity for legally required contract notices not to be published.	Medium	3	2	Low/Medium	Procurement developing mandatory MS forms to facilitate officers registering their contracts and posting award notices.
Reduced compliance with the Local Authorities (Data Transparency) Code 2015	Medium	3	2	Low/Medium	Procurement developing mandatory MS forms to facilitate officers registering their contracts and posting award notices.
Low value contracts may feature a less accessible audit trail for review.	Medium	3	2	Low/Medium	Training and provision of standard templates and guidance.

There are no material risks associated with the proposed change to Standing Order 17A.

9. Equality Implications

The proposed changes should not have any material impact on equality or diversity groups.

10. Corporate Implications

The Constitution is a single point of reference containing the principal operating structures and procedures of the authority. The Constitution sets out corporate governance and establishes how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent, and accountable to the local populace.

11. Options Considered

The proposed amendments to the Contract Standing Orders have taken place in consideration of UK law and the position of the Council. The recommendations contained in this report have been developed using the professional judgement of Council officers in consultation with corporate leadership and are designed to provide an appropriate balance of risk, resourcing, accountability, responsibility, consistency, and flexibility.

Not changing Standing Order 17A following feedback is an option but was discounted as not being supportive of the Council's aim to be open and listening when making decisions.

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Appendices:

Appendix 1 Proposed Contract Standing Orders

Appendix 2 Proposed changes to Standing Order 17A

Background Papers:

[North Somerset Council Constitution - December 2023 \(n-somerset.gov.uk\)](https://www.n-somerset.gov.uk)