
Subject:	REVISION TO CONTRACT STANDING ORDERS
Meeting and Date:	Council – 31st January 2024
Report of:	Head of Finance & Investment and Monitoring Officer
Decision Type:	Non- Executive
Classification:	Unrestricted

Purpose of the report: The purpose of this report is to propose revisions to Contract Standing Orders to the Council for adoption.

Recommendation: That the Council, acting on the recommendation of the Governance Committee and the Monitoring Officer, adopts the revised Contract Standing Orders appended to this report.

1. Summary

- 1.1 A requirement of the existing Contract Standing Orders (CSO's) is that they are reviewed and updated on a regular basis with any such recommendations made by the Monitoring Officer being agreed and adopted by the Council (after consideration by the Governance Committee).
- 1.2 The Governance Committee considered the revised Contract Standing Orders at its meeting of 28th September 2023 and resolved: -

“That the Council be recommended to adopt the revised Contract Standing Orders appended to the report of the Head of Finance & Investment and Monitoring Officer”

2. Introduction and Background

- 2.1 Contract Standing Orders were last updated by Council on the 25th January 2023. Following their agreement, it has come to notice that there was a typographical error in the version adopted and in addition, there are two further amendments proposed for clarity in respect of the Council's obligations under the Local Government Transparency Code.
- 2.2 This report sets out the amendments proposed, and the revised Council's Contract Standing Orders (attached at Appendix A). The amendments are summarised below.
- 2.3 **Publishing Contracts on the Councils Contract Register** - It is proposed to amend this to read: -
- 5.4.7 that all contracts of a value of £5,000 or more are included on the Councils Contract Register (This includes purchase orders that meet the £5000 threshold).*
- 2.4 The proposed amendment ensures full compliance with the Local Government Transparency Code and provides clarity that contracts shall also deem to include all purchase orders that also meet the £5,000 threshold (currently only Contracts over £15,000 are included on the Council's Contract Register).

- 2.5 **Financial Thresholds and Procedures** - In accordance with Part 4 of the Public Contracts Regulations 2015 and guidance issued by the Cabinet Office, it is proposed to amend to read:

7.4.1 All contract opportunities with a value of £30,000 inclusive of VAT and above must be published on 'Contracts Finder' where the Council has advertised such opportunity in the form of a notice or advertisement as set out in 7.3 above.

- 2.6 The proposed amendment (adding the wording 'inclusive of VAT') clarifies the position regarding the inclusion of VAT.

- 2.7 **Extensions and Other Variations to Existing Contracts** - In order to rectify the typographical error in the version adopted by Council on the January 23, it is proposed to re-instate the wording highlighted in bold below that was omitted error from the previous version: -

*14.2.2 Subject to a written report in an approved format to be submitted to the Monitoring Officer (or his nominee) and Section 151 Officer (or his nominee); which shall include reasons for the extension or other variation which demonstrate that the need for the extension or other significant variation is genuinely exceptional **or provisions are made for extension in the existing contract.***

*14.2.3 Subject to approval by the Monitoring Officer and Section 151 Officer (or his nominee), who shall record that they have considered the reasons for the extension or other significant variation and that they are satisfied that the circumstances justifying the extension are genuinely exceptional **or provisions are made for extension in the existing contract.***

3 Identification of Options

- 3.1 Option 1: To note the report and adopt the revised Contract Standing Orders appended to this report.
- 3.2 Option 2: To not note the report nor adopt the revised Contract Standing Orders appended to this report.

4. Evaluation of Options

- 4.1 Option 1 is the recommended option to ensure Contract Standing Orders are reflective of current legislation and working practices.
- 4.2 Option 2 is not the recommended option as it will mean Contract Standing Orders are not reflective of current legislation and working practises.

5. Resource Implications

- 5.1 There are no resource implications arising from this report.

6. Appendices

Appendix 1 – Revised Contract Standing Orders

7. Background Papers

Public Contract Regulations 2015

Local Government Transparency Code

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