

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	AUDIT AND STANDARDS COMMITTEE	24 SEPTEMBER 2020	7
CONTRACT PROCEDURE RULES: GUIDE TO BUYING FOR THE COUNCIL			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The Contract Procedure Rules in the Constitution presently require officers to refer to the councils "Guide to Buying for the Council when they procure works, goods or services. This report suggests making a change to the Rules to require officers to comply with applicable parts of the Guide, or explain their reasons for not doing so.

RECOMMENDATION

1. Recommend to council that the existing rule 1.3 of the Council's Contract Procedure Rules be replaced by the following: *"Buyers should normally follow the guidance in the "Guide to Buying for the Council", which is available on the council's intranet. They should record and be able to explain the reason for any decision to not follow the Guide"*.

SUMMARY OF PREVIOUS DECISIONS

The council's constitution, including the Contract Procedure Rules, is presented regularly to the Council for review and endorsement.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	√
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

1. The "Guide to Buying for the Council" is a practical guide for officers involved in procurement and commissioning of works, goods and services for the Council. It does not form part of the Contract Procedure Rules, and therefore of the council's constitution, but is intended to explain and amplify those Rules.

2. Rule 1.3 of the Contract Procedure Rules, which forms part 4b of the constitution, presently provides that *“Buyers should also refer to the “Guide to Buying for the Council”, which is available on the council’s intranet”*. Members are asked to recommend changing rule 1.3, so it reads: *“Buyers should normally follow the guidance in the “Guide to Buying for the Council”, which is available on the council’s intranet. They should record and be able to explain the reason for any decision to not follow the Guide”*.
3. Making the suggested change would elevate the status of the Guide to “comply or explain”, rather than being simply a reference document. This would be in line with good practice, as recommended by the council’s internal auditors.
4. The constitution requires that most changes to the constitution be made by the council after reference to the Audit & Standards Committee, so the committee is asked to recommend the change to the Council.
5. Relevant officers will be considering a broader review of contract procedure rules in the Autumn, which may result in a further report to the committee.

IMPLICATIONS	
Finance	There are no financial implications arising directly from this report.
Legal	Compliance with the councils Contract Procurement Rules, and therefore with the “comply or explain” approach to the Guide if the suggested change is adopted, is mandatory unless their application is suspended.
Community Safety	None
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	Compliance with good practice advice like the Guide reduces the council’s risk of failing to comply with legislation and internal rules about procurement.

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Curtis	ian.curtis@fylde.gov.uk & Tel 01253 658506	14 August 2020

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Guide to Buying for the Council	Latest version August 2020	Town Hall, Lytham St Annes