



Constitution & General Purposes Committee

7th February 2021

Title	Constitution Review
Report of	Monitoring Officer Head of Governance
Wards	Not Applicable
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A – Contract Procedure Rules (Tracked) Appendix B – Contract Procedure Rules
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Summary

A housekeeping amendment to the Constitution is proposed as set out in the report and appendices.

Officers Recommendation

That the Committee recommend to Council that the Constitution be amended to incorporate the changes set out in this report and the amended versions attached within at Appendices A and B.

1. WHY THIS REPORT IS NEEDED

- 1.1 The terms of reference of the Committee include responsibility to “proactively review and keep under review all aspects of the Council’s Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council”.
- 1.2 Detailed changes and the reason for them are as set out in the table below:

No.	Section	Reference(s)	Issue Identified	Changes Proposed
1	Contract Procedure Rules	Section 2.2 Scope	<p>The Council's Contract Procedure rules provide the governance structure around the procurement of works, goods, and services. The Council has identified and is undertaking community infrastructure support projects which are not currently identified within the Contract Procedure Rules and as such an update is required to section 2.2 Scope of the rules to address this omission and provide clarity on the procedure that should be followed when such support projects are delivered. It is suggested that 2.2 Scope be amended to include the wording "<i>including those payments that constitute an investment in the community infrastructure of the Borough</i>"</p>	<p>Amend the Contract Procedure rules section 2.2 Scope to include the following wording "<i>including those payments that constitute an investment in the community infrastructure of the Borough</i>"</p> <p>Section 2.2 Scope will therefore read as follows: <i>The Contract Procedure Rules do not apply to Non-Procurement activities whereby the Council has to pay for a Service which it did not initiate or for payments where it is not appropriate to tender including (but not exclusively) inter-authority and inter-agency payments, subscriptions/memberships, emergency temporary accommodation for vulnerable people, assessments, recoupment and Council grant allocations recoupment and Council grant allocations, including those payments that constitute an investment in the community infrastructure of the Borough. Payments to third parties for these activities are subject to authorisation by Finance.</i></p>

2. REASONS FOR RECOMMENDATIONS

- 2.1 The Constitution and General Purposes Committee are required under their terms of reference to proactively review and keep under review all aspects of the Constitution. These proposals are recommended to ensure the smooth running of the Council.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The Committee could retain the current Constitution un-amended. This is not recommended as the Constitution needs to be kept under review to ensure that it complies with legislation and best practice.

4. POST DECISION IMPLEMENTATION

- 4.1 Subject to the committee's approval, the recommendations will form part of a report to Council on 1 March 2022 to make final approval.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Barnet Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded, properly accounted for, and used economically, efficiently and effectively. By keeping the Constitution under review it ensures that the framework in which the Council is governed supports the delivery of corporate priorities and performance.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 There are no resource implications as a result of these proposals.

5.3 Social Value

- 5.3.1 None in the context of this decision

5.4 Legal and Constitutional References

- 5.4.1 Council's Constitution, Article 7 - the Constitution and General Purposes Committee terms of reference includes responsibility "To keep under review all aspects of the Council's Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council".
- 5.4.2 The Local Government Act 1972, Section 135, outlines the requirement for Local Authorities to have Contract Standing Orders, also known as Contract Procedure Rules, intended to promote good procurement practices.

5.5 Risk Management

- 5.5.1 The process of managing changes to the Constitution through the Constitution and General Purposes Committee ensures that the proposals are developed through Member

participation and consideration.

5.6 **Equalities and Diversity**

5.6.1 The decision-making processes of the Council, as enshrined within the Constitution, need to be transparent and accessible to all sectors of the community.

5.7 **Corporate Parenting**

5.7.1 None in the context of this decision

5.8 **Consultation and Engagement**

5.8.1 None in context of this decision

5.8 **Insight**

5.8.1 None in the context of this decision.

6. **BACKGROUND PAPERS**

6.1 The currently adopted Constitution can be accessed here:

<http://barnet.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13581&path=0>