

CABINET

7 FEBRUARY 2023

CONTRACT PROCEDURE RULES ADDENDUM REPORT

Report from: Bhupinder Gill, Assistant Director, Legal and Governance

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Summary

The Business Support Overview and Scrutiny Committee considered the report at its meeting on 25 January and its comments are set out in this Addendum Report, along with officer responses where required.

1. Business Support Overview and Scrutiny Committee

1.1. The Head of Category Management introduced the report which set out a proposed updated set of Contract Procedure Rules to replace those set out at Chapter 4, Part 7 of Medway Council's Constitution. The revised suite simplified terminology used for better end user engagement, improved accountability across the various layers of the organisation and updated thresholds at which procurement board level governance would apply to procurement activity, which would only apply to projects valued equal to or greater than activities that would be subject to the Public Contracts Regulations 2015 for Goods/Services and the Light Touch Regime, or £500k for works projects.

1.2. Members then raised a number of questions and comments, which included:

- **Information governance issues** – reference was made to two cases where there had been issues with information governance and officers were looking into these incidents to identify any learning that could be made. It was suggested that an update on this work be provided to the next meeting of this Committee.
- **Recurring contract transactions** – in response to a question about how the Council safeguard against tenderers who repeatedly fall just under the threshold for contract value limit with multiple contracts, it was confirmed that the Category Management team approve all new suppliers onto the Finance Management system and periodically ask for a report detailing if any officers have breached their original request.

- **Climate change** – reference was made to section 4.2 of the report, which did not include climate change as a listed benefit from the rules. In response officers confirmed that social value was referred to at that part of the report, which included climate change as one of the five elements that underpinned social value, however, undertook to review the section to ensure a more explicit reference to climate change.
- **Criminal Records Bureau checks (Disclosure Barring Services – DBS)** – in relation to the DBS check reference within the Contract Procedure Rules at Appendix 1, a suggestion was made that all elected Members should be subject to DBS checks, particularly given their role as Corporate Parents. Officers explained that previous rule changes had removed the legal requirement for all Councillors to be automatically subjected to DBS checks but could investigate the legalities and practicalities of introducing DBS checks for all Members following the next local elections in May 2023.

1.3. The Committee:

- a) noted the comments of the Audit Committee on the draft revised Contract Procedure Rules set out in Appendix 2 to the report;
- b) reviewed and provided comments on the draft revised Contract Procedure Rules, and recommended their approval to Full Council, after consideration by Cabinet; and
- c) recommended Cabinet to instruct officers to explore the benefits and requirements of Elected Members having a DBS check, given their role as Corporate Parents and that this be considered for all Members in the next municipal year.

2. Director comments

- 2.1. In relation to the recommendation to Cabinet regarding DBS checks for Elected Members, with Cabinet's agreement, officers will explore the requirement as a separate stream of work and will implement any changes if required. It is noted this recommendation is separate to the Contract Procedure Rules, which were supported by the Business Support Overview and Scrutiny Committee and forwarded to the Cabinet for approval.

Lead officer contact

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Appendices

None

Background papers

None