

REVIEW OF THE COUNCIL'S FINANCIAL AND CONTRACTUAL PROCEDURE RULES AND CONSTITUTION

PORTFOLIO RESPONSIBILITY: CORPORATE, CUSTOMER SERVICES AND HUMAN RESOURCES

CABINET

21 FEBRUARY 2008

Wards Affected

None

Purpose

To seek Cabinet's endorsement to the review of the Council's contract procedure rules and financial procedure rules made in light of the Section 151 Officer Report and Crookall Review (the Appendices to this report refer).

To seek Cabinet's endorsement to the three mini guides explaining the asset management, financial management and procurement processes described in the contract and financial procedure rules

To seek Cabinet's endorsement to changes to the deadline for receipt of formal questions from Councillors to full Council.

Key Decision

This is not a Key Decision

Recommendations

THAT it be recommended to Council that:

- (i) the financial and contract procedure rules attached to this report be endorsed and accepted;**
- (ii) the mini guides to asset management, financial management and procurement be endorsed;**
- (iii) the amendment to Standing Order 4.25 of the Council's Constitution be accepted and that questions from Councillors be received by 10.30 a.m. on the Tuesday before the relevant Council Meeting;**
- (iv) note be taken of any amendments from Cabinet to recommendations set out in (i) (ii) and (iii) and be presented to full Council on 7 March 2008 for approval.**

Reasons

Cabinet at its meetings of the 20 September 2007 and 15 November 2007 resolved that a review of the Council's financial and contractual procedure rules was undertaken by the Director of Resources and the Head of Legal and Democratic Services. This review has now been completed. The review contract and financial procedure rules and the Constitution on Councillors questions were presented to Strategic Monitoring Committee on 18 February 2007.

Considerations

1. Cabinet approved the recommendation to review the financial elements of the Council's Constitution. The revised financial and procedure rules and contract procedure rules were presented to Audit and Corporate Governance Committee on 21 December 2007 and subsequently to the Standards Committee meeting of the 18 January 2008 following Council on the 2 November 2007.
2. The Director of Resources and Head of Legal and Democratic Services met on 30 January 2008 along with relevant members of their teams to discuss the comments, questions and suggestions for improvement prepared by Legal Services. All issues were resolved to the satisfaction of the Director of Resources and the Head of Legal and Democratic Services.
3. A further series of small amendments has resulted and further amendments have been made to the review and the report attached hereto which present the outcome of that review and comments of the Constitutional Review Working Group of the 11 February 2008.
4. Mini guides to the asset management, financial management and procurement frameworks supporting the draft financial procedure rules are appended to the report which will assist both Members and Officers to understand the amendments to the existing rules.
5. Subject to Cabinet's approval, the revised financial procedure rules and contract procedure rules, plus the mini guides will be presented to Council on 7 March 2008 alongside the financial management strategy. Member and Officer awareness sessions can also be arranged as required.
6. The amendment in respect of Councillor's questions is at the second bullet point to change the time by which Councillor's questions should be received. Councillors questions should be received by 10.30 a.m. on the Tuesday before the relevant Council Meeting.

Financial Implications

The adoption of the revised financial procedure rules and contract procedure rules should ensure Council obtaining best value in relation to its contract and should be adopted as good practice across the authority

There will be ongoing costs in terms of Officer time to support seminars for both Members and Officers and for the rules to be embedded across the Council.

Risk Management

The proposed revisions to the financial governance elements of the Council's Constitution are designed to ensure that all reasonable steps have been taken to manage the risk of non compliance with financial policies and procedures to an acceptable level. The revisions are a positive and appropriate response to the issues identified in the Crookall Review.

Appendices

- Appendix 1 - The budget and policy framework (Appendix 3 of the Constitution)
- Appendix 2 - Financial procedure rules (Appendix 4 of the Constitution)
- Appendix 3 - Contract procedure rules (Appendix 5 of the Constitution)
- Appendix 4 - Mini guides

Background Papers

None identified