

**South Lakeland District Council**  
**Council**

**Thursday, 11 November 2021**

**Update to the Council's Constitution - Contract  
Procedure Rules**

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**Portfolio:** Cllr Philip Dixon - Customer and Locality Services Portfolio Holder  
**Report from:** Monitoring Officer  
**Report Author:** Linda Fisher – Legal, Governance and Democracy Lead Specialist  
(Monitoring Officer)  
**Wards:** (All Wards);  
**Forward Plan:** Not applicable

**Links to Council Plan Priorities:**

The Constitution underpins the Council's decision making processes in achieving the aims and objectives of the Council's priorities. Ensuring the Constitution is updated regularly will assist in achieving the following priorities:-

- Working across boundaries;
  - Delivering a balanced community;
  - A fairer South Lakeland; and
  - Addressing the climate emergency.
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**1.0 Expected Outcome and Measures of Success**

1.1 That the amendments to the Constitution are agreed to provide further delegation and clarity relating to procurement and contracting processes.

**2.0 Recommendation**

**2.1 It is recommended that Council: -**

**(1) Agrees the proposed amendments to the Constitution outlined in the attached Contract Procedure Rules and highlighted in red and authorises the Monitoring Officer to make the necessary amendments to the Council's Constitution**

**3.0 Background and Proposals**

3.1 One of the duties of the Monitoring Officer is to monitor and review, on an annual basis, the operation of the Constitution to ensure that its aims and principles are given full effect. Rather than carrying out an annual review it is considered more appropriate to treat the Constitution as a living document and we encourage in year amendments to the Constitution to ensure that it is kept up to date and meets the business needs of the Council.

3.2 The Council's current Monitoring Officer commenced work at the Council in August 2019 and has consulted Council officers, members, parish councils and the public on the current constitution. In 2020 proposals for changes to the Officer Scheme of

Delegation and streamlining decision making relating to Procurement decision making were brought to the July 2020 Council meeting.

3.3 The Monitoring Officer has further consulted with the Leadership Team and Officers on the Procurement Procedure Rules and Contract Procedure Rules. This report is the outcome of that consultation. Cabinet has also approved the changes.

3.4 In summary this report proposes the following changes to introduce clarity of thresholds for the levels of delegated decision making:

- Under £25,000 Administrative decision by Lead Specialist. **Changed from £10,000.**
- Above £25,000 up £60,000 then the relevant Director by Administrative Decision
- Above £60,000 to £100,000 then delegated executive decision of the relevant Director (NB requirement to place item on the Forward Plan if over the Key decision threshold)
- Above £100,000 to £250,000 then delegated executive decision of the relevant Portfolio Holder (NB requirement to place item on the Forward Plan if over the Key Decision threshold) **NEW.**
- Above £250,000, Cabinet once approved by Cabinet the decision to be implemented by Administrative decision. (NB requirement to place item on the Forward Plan if over the Key decision threshold)
- Changing the threshold for Lead Officers to £25,000 from £10,000, introducing a new threshold of Portfolio Holder and Director decision making.

- **DFG**

To clarify the process to be followed for the disabled facilities grants in light of recommendations from Internal Audit.

- **Forward Plan and the Procurement Schedule**

To clarify the process for the use of the Forward Plan and the Procurement Schedule. This is essential to ensure to ensure effective decision making.

- **Procurement Schedule**

The Procurement Schedule has been updated to provide clarity of the decision making route for all matters on the Schedule and the proposed updated Schedule is the subject of the Procurement Update report to Council on 11 November 2021.

#### 4.0 Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Contract Procedure Rules
2	Decision Making Thresholds

#### 5.0 Consultation

5.1 Consultation has taken place with Leadership team and officers engaged in the procurement process, as well as the Constitutional Working Group and Cabinet members. Cabinet has approved the proposed changes on 20 October 2021.

#### 6.0 Alternative Options

6.1 Members could chose not to approve the changes as proposed, or to make amendments to the proposals. However it is considered the proposed amendments

are required as part of the good governance of the Council and to ensure that appropriate controls are in place.

## 7.0 Implications

### Financial, Resources and Procurement

7.1 There are no financial implications arising from this report.

### Human Resources

7.2 There are no Human Resource implications arising from this report.

### Legal

7.3 The changes proposed have been identified by officers and are required to ensure that we have a clear and up to date Constitution.

### Health and Sustainability Impact Assessment

7.4 Have you completed a Health and Sustainability Impact Assessment? No

7.5 If you have not completed an Impact Assessment, please explain your reasons: N/A

7.6 Summary of Health and Sustainability Impacts

		Positive	Neutral	Negative	Unknown
<b>Environment and Health</b>	Greenhouse gases emissions		X		
	Air Quality		X		
	Biodiversity		X		
	Impacts of Climate Change		X		
	Reduced or zero requirement for energy, building space, materials or travel		X		
	Active Travel		X		
<b>Economy and Culture</b>	Inclusive and sustainable development		X		
	Jobs and levels of pay		X		
	Healthier high streets		X		
	Culture, creativity and heritage		X		
<b>Housing and Communities</b>	Standard of housing		X		
	Access to housing		X		
	Crime		X		
	Social connectedness		X		

### Equality and Diversity

7.7 Have you completed an Equality Impact Analysis? No

7.8 If you have not completed an Impact Analysis, please explain your reasons: N/A

## 7.9 Summary of Equality and Diversity impacts

Please indicate: P = Positive impact; 0 = Neutral; N = Negative; Enter "X"					
Age	P		0	X	N
Disability	P		0	X	N
Gender reassignment (transgender)	P		0	X	N
Marriage & civil partnership	P		0	X	N
Pregnancy & maternity	P		0	X	N
Race/ethnicity	P		0	X	N
Religion or belief	P		0	X	N
Sex/gender	P		0	X	N
Sexual orientation	P		0	X	N
Armed forces families	P		0	X	N
Rurality	P		0	X	N
Socio-economic disadvantage	P		0	X	N

Risk Management	Consequence	Controls required
The risk is ambiguity within the Constitution and incorrect decision-making	Challenge to the Council's decision making decisions	The amendments are proposed to manage this risk.

### Contact Officers

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### Background Documents Available

Name of Background document	Where it is available
Council's Constitution	<a href="https://www.southlakeland.gov.uk/your-council/councillors-and-decisions/council-constitution/">https://www.southlakeland.gov.uk/your-council/councillors-and-decisions/council-constitution/</a>
Cabinet Report CEX/55 20 October 2021	<a href="https://democracy.southlakeland.gov.uk/documents/s33791/Update%20to%20the%20Councils%20Constitution.pdf">https://democracy.southlakeland.gov.uk/documents/s33791/Update%20to%20the%20Councils%20Constitution.pdf</a>

### Tracking Information

Signed off by	Date sent	Date Signed off
Section 151 Officer	29/10/2021	29/10/2021
Monitoring Officer	Report Author	01/11/2021
CMT	Proposals went to CMT 23/09/21	23/09/21

Circulated to	Date sent
Lead Specialist	Report author

<b>Circulated to</b>	<b>Date sent</b>
Human Resources Lead Specialist	N/A
Communications Team	N/A
Leader	21/09/2021
Committee Chairman	N/A
Portfolio Holder	21/09/2021
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	N/A
Council	November 2021
Constitutional Working Group	21/09/21