



Contract Procedure Rules

SUMMARY

- 1.1 A minor tweak is required to paragraphs 36.1 and 37.1 of the Contract Procedure Rules in relation to the signing and sealing of contracts. It has been identified that the existing wording could be open to misinterpretation and does not wholly reflect the appropriate practice.
- 1.2 This reports seeks to gain that consent and note other consequential changes that will be made under the Monitoring Officer's delegation.

RECOMMENDATION

- 2.1 To approve the revised wording for the signing and sealing of contracts to be inserted in paragraphs 36.1 and 37.1 of the Contract Procedure Rules.
- 2.2 To note that the Contract Procedure Rules will be revised to reflect up-to-date job titles following the senior management restructure that was implemented in October 2015.

REASONS FOR RECOMMENDATION

- 3.1 Following approval of the revised Council Constitution in November 2015, the Contract Procedure Rules form Part 6 of the Constitution. Changes to it therefore require Council approval.
- 3.2 The Monitoring Officer is authorised to make consequential changes.

SUPPORTING INFORMATION

- 4.1 There are three levels of officer operating within Legal Services who are authorised to sign and seal the contracts. These are:
 - The Director of Governance;
 - The Head of Legal Services; and
 - Principal Lawyers with delegated authority from the Director of Governance.

4.2 The practice is that any contract must be signed by a combination of any two individuals included on the list at paragraph 4.1. However, the existing wording contains an anomaly as it appears to exclude a combination of Head of Legal Services and one Principal Lawyer. Such an exclusion would be illogical given that two Principal Lawyers are authorised to sign and seal.

4.3 It is proposed to change the wording to read as follows:

A contract under seal must be signed by:

The Director of Governance and Monitoring Officer and one of the following:

- a. Head of Legal Service OR*
- b. a Principal Lawyer with delegated approval from the Director of Governance and Monitoring Officer*

or

The Head of Legal Service and a Principal Lawyer with delegated approval from the Director of Governance and Monitoring Officer

or

Two Principal Lawyers with delegated approval from the Director of Governance and Monitoring Officer

4.4 The existing wording is as follows:

Contracts under seal must be signed by either of the following:-

Director of Legal & Democratic Services

AND

Head of Legal Services or one DCC Principal Lawyer with delegated approval by the Director of Legal and Democratic Services

OR

Two DCC Principal Lawyers with delegated approval by the Director of Legal and Democratic Services.

OTHER OPTIONS CONSIDERED

5.1 None.

This report has been approved by the following officers:

Legal officer Other(s)	Janie Berry, Director of Governance None
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IMPLICATIONS

Financial and Value for Money

1.1 None

Legal

2.1 While the existing practice can be easily justified, tightening up the wording in the Contract Procedure Rules avoids doubt and the risk of misinterpretation.

Personnel

3.1 None.

IT

4.1 None

Equalities Impact

5.1 None

Health and Safety

6.1 None

Environmental Sustainability

7.1 None

Property and Asset Management

8.1 None

Risk Management

9.1 See 2.1 within this Appendix.

Corporate objectives and priorities for change

10.1 Addressing inconsistencies or anomalies as they arise is good practice and ensures strong governance.