

REVIEW OF PROCEDURAL RULES
WDA/32/09

Recommendation

That the revisions to the Authority's Procedural Rules, Financial Procedural Rules and Contractual Procedural Rules be approved and adopted with immediate effect.

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Report of the Director

1. Purpose of the Report

- 1.1 To seek Members' approval to the proposed revisions to the Authority's set of Procedural Rules.

2. Background

- 2.1 The Authority's constitution is made up of the following documents:
- Scheme of Delegation
 - Procedural Rules (Appendix 1)
 - Financial Procedural Rules (Appendix 2)
 - Contract Procedural Rules (Appendix 3)
 - Access to Information Procedural Rules (Appendix 4)
- 2.2 All of these documents are reviewed at least annually and address issues arising from the annual review of the Code of Corporate Governance.
- 2.3 The Scheme of Delegation was approved at the Authority's Annual Meeting held on 26th June 2009, in accordance with Procedural Rules. Members were informed at that meeting that the remaining documents listed in 2.1 above would be reviewed later in the year.
- 2.4 This review has now taken place and takes into account the areas for improvement identified as part of the annual review of the Authority's Corporate Governance, as reported to Members at the Authority's Annual Meeting.

3. Review of Procedural Rules

- 3.1 The current Procedural Rules were approved by Members at the Annual Meeting on 27th June 2008.
- 3.2 The recent review of the Procedural Rules has highlighted a number of minor amendments, particularly in relation to the references to 'Solicitor to the Authority,' which has been amended to read, 'Monitoring Officer,' and to update the definition of this role.
- 3.3 During the review, an anomaly was picked up in relation to the definition of a key decision. In 2004, Members approved the definition of a key decision which included a de minimis amount for revenue and capital expenditure, of £250K and £1M respectively. The definition quoted in the Authority's Procedural Rules only quotes one single amount of £250K for both revenue and capital. It is therefore proposed to amend the definition in the Procedural Rules to reflect the original definition.
- 3.4 In addition, it is proposed to remove the requirement to approve the schedule of meetings at the Authority's Annual Meeting as this item has historically been dealt with at the same time as agreeing the date of the Annual Meeting and therefore is considered prior to this meeting.
- 3.5 The proposed revisions are notated in the draft document attached at Appendix 1 for Members' consideration.

4. Review of Financial Procedural Rules

- 4.1 The current Financial Procedural Rules were approved by Members on 12th December 2008 to include a mechanism to make advance payments under partnership arrangements.
- 4.2 As a result of the current review, a number of minor amendments have been identified including a reference to the role of the Treasurer as Certifying Officer under the provisions of the Local Government (Contracts) Act 1997 and references to 'Solicitor to the Authority,' which has been amended to read, 'Monitoring Officer.'
- 4.3 A more detailed review has been identified as an action for the Assistant Director Finance as part of the Code of Corporate Governance assessment and is scheduled for completion by March 2010.
- 4.4 The proposed revisions are notated in the draft document attached at Appendix 2 for Members' consideration

5. Review of Contractual Procedural Rules

- 5.1 The current Contractual Procedural Rules are reviewed each year and were last amended in June 2006.
- 5.2 The latest review has identified a number of proposed amendments which are detailed below.
 - 5.2.1 References throughout the document to the 'Solicitor to the Authority,' have been amended to read, 'Monitoring Officer.'
 - 5.2.2 An anomaly has been identified in relation to the upper and lower limits of tender sums for specified rules. For example, tenders less than £20,000 fall under one rule whilst tenders above £20,000 fall under another. However, tenders estimated at exactly £20,000 fall into neither category. The wording around the upper and lower limits has therefore been amended throughout the document to remove this anomaly.
 - 5.2.3 References to the U.K Public Contract Regulations or E.U Public Procurement Directives have been made to reflect current legislation applicable to these rules.
 - 5.2.4 Rule 11 (i) has been amended to include a reference to the Authority's Sustainable Procurement Policy.
 - 5.2.5 Rule 14 (v) has been added to reflect the requirement to certify contracts under the Local Government (Contracts) Act 1997.
- 5.3 The proposed revisions are notated in the draft document attached at Appendix 3 for Members' consideration.

6. Other Procedural Rules

- 6.1 The Access to Information Rules were also reviewed, however, no amendments have been identified. A copy of the current document is attached at Appendix 4 for Members' information.

7. Risk Implications

- 7.1 The following risk analysis had been undertaken in relation to this report:

Identified Risk	Likelihood Rating	Consequence Rating	Risk Value	Mitigation
Procedural rules do not reflect legislative changes.	3	5	15	Annual review of documents.
Procedural rules do not sufficiently ensure internal control	2	5	10	Annual Corporate Governance assessment reviews controls and assesses any weaknesses

8. HR Implications

8.1 There are no HR implications associated with this report.

9. Environmental Implications

9.1 There are no environmental implications associated with this report.

10. Financial Implications

10.1 There are no financial implications associated with this report.

11. Conclusion

11.1 Members are asked to consider the proposed amendments to the Authority's set of procedural rules and approve the revised documents.

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The background documents to this report are open to inspection in accordance with Section 100D of The Local Government Act 1972 - Nil.