



**Hampshire
& Isle of Wight**
FIRE & RESCUE AUTHORITY

HIWFRA Full Authority

Purpose: Approval

Date: December 2023

Title: Amendments to Contract Standing Orders and Standing Orders

Report of Monitoring Officer

SUMMARY

1. This report introduces proposed changes to the Authority's Contract Standing Orders, which form part of the Constitution.
2. Contract Standing Orders govern the Authority's procurement processes, ensuring that procurement exercises are done in accordance with relevant legal obligations and Best Value requirements.
3. The Authority is asked to consider and adopt the proposed amendments to Contract Standing Orders to improve efficiency and effectiveness and ensure the operational independence of the Chief Fire Officer.
4. The report also proposes a minor addition to the Authority's Standing Orders, to assist compliance with the Equality Act 2010.

BACKGROUND

Contract Standing Orders

5. The Authority is a "best value" authority for the purposes of the public procurement regime. This means that the Authority is subject to the procurement processes and rules set out in the Public Contracts Regulations 2015.

6. The Authority has adopted Contract Standing Orders as part of its Constitutional documents. Contract Standing Orders govern procurement processes, ensuring that when the Authority procures goods and services, it complies with its legal obligations and “best value” requirements.
7. Procurement Officers have reviewed the Authority's current Contract Standing Orders and now propose amendments to bring them up to date and to ensure that procurement processes are streamlined and efficient, whilst still ensuring compliance with legal obligations and appropriate risk management.
8. The proposed amendments to Contract Standing Orders are set out at Appendix 1. In summary, the changes:
 - (a) Simplify the processes by removing the separate procedure for procuring contracts of a value of £100,000 or more, but below the relevant statutory thresholds (currently £178,000 for goods and services contracts) and instead have a process for contracts which are below the relevant threshold and a process for contracts which are above the relevant threshold.
 - (b) Remove the requirements for the Authority itself to approve use of specialist procurement procedures, modifications to contracts or waivers of Standing Orders for contracts with a value of £1m or more. The proposed amendments allow the Chief Fire Officer (in consultation with the Monitoring Officer) to approve such matters, unless the contracts relate to strategic or policy matters, in which case Authority approval will be required.
 - (c) There are also a number of other minor changes which are intended to either tidy up language or ensure consistency with current procurement legislation.
9. The proposed amendments are designed to ensure efficiency by removing unnecessary steps that do not add value. In respect of the proposal to remove the processes for contracts above £100K but below threshold, there are no real additional risks or issues in respect of contracts that fall within these financial limits and therefore there is little to be gained by having additional processes.
10. The proposed amendments in respect of specialist procurement processes and modifications to contracts ensure that the Chief Fire Officer can make appropriate operational decisions. However, where a contract relates to a strategic or policy matter, then the Authority will still be required to provide approval. This helps to ensure appropriate operational independence of the

Chief Fire Officer to deal with operational decisions, whilst also ensuring that the Authority retains oversight and decision-making in respect of strategic or policy matters.

Standing Orders

11. The Authority has Standing Orders which govern the procedures at formal meetings of the Authority and its committees. Standing Orders are also set out in the Constitution at Part 4.
12. In order to assist with the Authority's obligations under the Equality Act 2010, it is proposed that a new Standing Order is added as Standing Order 34 (there are currently 33 Standing Orders):

34. Reasonable Adjustments to Standing Orders

34.1 Where a member or other person attending a meeting of the Authority has a disability as defined in the Equality Act 2010 and any of these Standing Orders puts that member or other person at a substantial disadvantage in comparison with others who are not disabled then, having taken advice from the Monitoring Officer, the Chairman may:

- 34.1 make such adjustments to Standing Orders; or
- 34.2 apply such interpretations to Standing Orders,

as are reasonable in the circumstances, in order to avoid that disadvantage.

SUPPORTING OUR SAFETY PLAN AND PRIORITIES

13. Appropriate Contract Standing Orders and efficient procurement processes ensure that the Authority delivers public value and efficient public services. This in turn assists with front line service delivery.
14. Effective Contract Standing Orders and Standing Orders are part of the Authority's overall governance framework ensuring effective governance in line with the National Framework.

RESOURCE IMPLICATIONS

15. There are no resource implications associated with these proposals as they relate to administrative and procedural matters relating to procurement processes.

IMPACT ASSESSMENTS

16. There are no equality impacts associated with the proposals in this report, which are administrative in nature. The proposals in respect of Standing Orders will assist the Authority to meet its legal obligations under the Equality Act 2010 and so will have a positive equality impact.

LEGAL IMPLICATIONS

17. The Authority is a Best Value authority and is subject to the Public Contracts Regulations 2015. Contract Standing Orders assist in ensuring that the Authority complies with its obligations under the Regulations. The Authority is able to set appropriate financial limits in its Contract Standing Orders and is also able to delegate matters to the Chief Fire Officer in order to ensure the efficient operation of the Service.
18. The proposed amendments to Contract Standing Orders aim to strike a sensible balance between efficiency and appropriate oversight, checks and balances.
19. The proposed amendment to Standing Orders will assist the Authority to comply with its existing legal obligations in the Equality Act 2010 and will therefore assist with legal compliance.

RISK ANALYSIS

20. There are no real risks associated with the removal of procedures for procurement of contracts of a value between £100,000 and the relevant threshold. The risks of a procurement challenge arise in respect of contracts with a value above the relevant threshold.
21. Delegation of additional functions to the Chief Fire Officer may carry some risks. However, these are mitigated by requiring the Chief Fire Officer to exercise the relevant delegations in consultation with the Monitoring Officer, as well as oversight and scrutiny of the Chief Officer by the Authority.
22. There are no risks associated with the proposed amendment to Standing Orders, and the proposal should, in fact, mitigate the risks of non-compliance with legal obligations in the Equality Act 2010. Any adjustments to Standing Orders under the proposed new provision will need to be “reasonable”, based on legal advice from the Monitoring Officer, and therefore will be in line with the Authority’s legal obligations.

CONCLUSION

23. In the circumstances, and for the reasons set out in this report, it is recommended that the Authority approves the recommendations and adopts the amended Contract Standing Orders and agrees the minor amendment to Standing Orders.

RECOMMENDATION

24. That the proposed amendments to Contract Standing Orders set out at Appendix 1 be approved by the HIWFRA Full Authority.
25. That the proposed addition to Standing Orders set out at paragraph 12 above be approved by the HIWFRA Full Authority.

APPENDICES ATTACHED

APPENDIX 1 – Updated Contract Standing Orders

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