



Cabinet Member for Policing and Equalities

Time and Date

9.30 am on Monday, 23rd March, 2026

Place

Meeting Rooms, Council House, Earl Street, Coventry, CV1 5RR

Public Business

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 4)
 - (a) To agree the minutes of the Cabinet Member for Policing and Equalities meeting held on 24th November 2025.
 - (b) Matters arising
4. **Elected Members Training and Development Strategy 2026-30** (Pages 5 - 24)

Report of the Director of Law, Governance and Safer Communities.
5. **Proposed Amendments to the Constitution - Various** (Pages 25 - 44)

Report of the Director of Law, Governance and Safer Communities.
6. **Proposed Amendments to the Constitution - Contracts and Finance Procedure Rules** (Pages 45 - 96)

Report of the Director of Law, Governance and Safer Communities.
7. **Outstanding Issues**

There are no outstanding issues
8. **Any Other Business**

To consider any other items of business which the Cabinet Member decides to take as a matter of urgency because of the special circumstances involved.

Private Business

Nil

Julie Newman, Director of Law, Governance and Safer Communities, Council House, Coventry

Friday, 13 March 2026

Note: The person to contact about the agenda and documents for this meeting is Lara Knight Email: lara.knight@coventry.gov.uk

Membership: Councillors P Akhtar (Deputy Cabinet Member), AS Khan (Cabinet Member), J Lepoidevin (Shadow Cabinet Member) and G Lloyd (By Invitation)

Public Access

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Lara Knight

Email: lara.knight@coventry.gov.uk

Coventry City Council
Minutes of the Meeting of Cabinet Member for Policing and Equalities
held at 9.00 am on Monday, 24 November 2025

Present:

Members: Councillor AS Khan (Cabinet Member)
 Councillor J Lepoidevin (Shadow Cabinet Member)

Employees (by Directorate):

Law and Governance: L Knight, R Masih, A Wright

Apologies: Councillor P Akhtar

Public Business

46. Declarations of Interest

There were no disclosable pecuniary interests.

47. Minutes

The minutes of the meeting held on 1st September 2025 were agreed and signed as a true record.

48. Licensing Act 2003 – Review of Statement of Licensing Policy 2026 - 2031

The Cabinet Member for Policing and Equalities considered a report of the Director of Law and Governance, which set out the outcome of the eight-week consultation undertaken on the review of the Council's Statement of Licensing Policy for the Licensing Act 2003 and sought approval of a revised policy for the period 2026-2031.

The Cabinet Member noted that the report had been considered by the Licensing and Regulatory Committee at its meeting held on 18th November 2025, who had supported the proposed revised policy.

The Licensing Act 2003 requires each Licensing Authority to prepare and publish a Statement of Licensing Policy. The Policy sets out how the Licensing Authority intends to approach its licensing responsibilities and how it intends to promote the four licensing objectives of:

- Preventing of Crime & Disorder
- Promotion of Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

The Policy must be renewed every five years and be subject to a full consultation process.

The current Statement of Licensing Policy came into effect on 16th March 2021, to cover the period up to 16th March 2026.

At the meetings of the Cabinet Member for Policing and Equalities on 28th July 2025 and the Licensing and Regulatory Committee on 5th August 2025, a report was considered on the draft revised Statement of Licensing Policy and the Director of Law and Governance was authorised to consult on its contents.

Public consultation took place between 12th August 2025 and 7th October 2025, which included mail shots to representatives of the licensed trade, clubs and key partners; formally writing to the Chief Officers of the responsible authorities; mail shots to businesses and organisations; and wider public consultation through the City Council website.

Officers indicated that there were no major changes to the policy except for some minor wording amendments following the consultation, which were highlighted in the draft revised policy at Appendix 1.

The revised draft Statement of Licensing Policy was attached as an appendix to the report. It was recommended that the revised draft Statement of Licensing Policy be recommended for adoption, to take effect from 16th March 2026.

The Cabinet Member noted the results of the consultation and the comments of the Licensing and Regulatory Committee.

RESOLVED that, the Cabinet Member for Policing and Equalities recommends that the Council adopt the revised Statement of Licensing Policy attached as Appendix 1 to the report.

49. **Outstanding Issues**

There were no outstanding issues.

50. **Any Other Business**

There were no other items of business.

(Meeting closed at 9.08 am)



Ethics Committee	19 March 2026
Cabinet Member for Policing and Equalities	23 March 2026
Council	24 March 2026

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor AS Khan

Director approving submission of the report:

Director of Law, Governance and Safer Communities

Ward(s) affected:

N/A

Title:

Elected Members Training and Development Strategy 2026-30

Is this a key decision?

No - although the proposals affect more than two electoral wards, the impact is not expected to be significant.

Executive summary:

The environment in which Councillors' work is constantly changing. Ensuring that Councillors are properly supported to help them meet the high demands placed on them to carry out this challenging role effectively is increasingly important. To respond to this need, the Elected Members Training and Development Strategy was agreed at Council on 22 March 2022 which provided a strategic approach to the training and development offer to Elected Members. To ensure that the offer to Elected Members is still relevant the strategy has been refreshed to ensure it still meets those needs.

During the lifetime of the current strategy the offer and uptake of training by Elected Members has increased from 5 courses delivered internally or organised for Elected Members in 2018-19, resulting in 57 attendances to 41 courses delivered or arranged internally resulting in 206 attendances, in 2024-25.

A further consultation with Members took place between December 2025 and March 2026. The result of this suggests there is increased support for a core training programme, as well as improved communication and satisfaction with the offer provided.

The strategy covers:

- Purpose of the Strategy
- Assessing Need and Requesting Training
- Training Matrix
- Governance and Delivery

Recommendations:

The Ethics Committee is requested to:

- 1) Support the refreshed Elected Members Training and Development Strategy
- 2) Agree to receive an annual report on delivery of the Strategy as well as any progress reports as requested

The Cabinet Member for Policing and Equalities is requested to:

- 1) Recommend that Council approve the refreshed Elected Members Training and Development Strategy as appended to the report
- 2) Recommend that Council approve the proposals for core training for Elected Members as identified in Section 3 of the report.

Council is recommended to:

- 1) Approve the refreshed Elected Members Training and Development Strategy as appended to the report
- 2) Approve the proposals for core training for Elected Members as identified in Section 3 of the report.

List of Appendices included:

The following appendices are attached to the report:

Appendix A – Refreshed Elected Members Training and Development Strategy 2026-2030
Appendix B – Data 2026

Background papers:

None

Other useful documents

None

Has it or will it be considered by Scrutiny?

No

Has it or will it be considered by any other Council Committee, Advisory Panel or other body?

Yes

Members Training and Development Cabinet Member Advisory Panel – 5 March 2026
Ethics Committee – 19 March 2026

Will this report go to Council?

Yes - 24 March 2026

Report title: Elected Members Training and Development Strategy 2026-30

1. Context (or background)

- 1.1. The Elected Members Training and Development Strategy was agreed at Council on 22 March 2022 and provided a strategic approach to the training and development offer to Elected Members.
- 1.2. In the four years since the Strategy's implementation there has been an increase in the offer of training for Elected Members, as well as a broader offer and a higher uptake of training by Elected Members.
- 1.3. This can be seen in the fact that in the municipal year 2018-19 there were 5 courses delivered internally or organised for Elected Members, resulting in 57 attendances, in 2024-25 there were 41 courses delivered or arranged internally resulting in 206 attendances. The data from 2024-25 does not include one off external training, as this was not recorded during 2018-19, however there were 17 external opportunities taken up, resulting in an additional 43 sessions attended. More detailed data can be found in Appendix B of this report.

2. Options considered and recommended proposal

- 2.1. **Do nothing** (Not recommended)
- 2.2. The current Elected Members Training Strategy was agreed in 2022. It is good practise to review and refresh all strategies to ensure that they reflect changing needs and practice of those intended to benefit from the implementation of the strategy. To ensure that the Strategy remains relevant to Elected Members training needs this option is not recommended.
- 2.3. **Not have an Elected Members Training Strategy** (Not recommended)
- 2.4. Before the implementation of the current Elected Members Training Strategy there was an ad hoc approach to Elected Members training, which resulted in a poor offer and subsequently a poor uptake of training by Elected Members. Therefore, this option is not recommended.
- 2.5. **Approve the refreshed Elected Members Training and Development Strategy** (Recommended proposal)
- 2.6. The role of an Elected Member is ever changing as demands from residents and Council policy and services evolve over time. In addition, there are legislative changes and requirements (for example in relation to planning) that need to be taken in account. Therefore, to be able to ensure that the Elected Members Training and Development Strategy is relevant to those demands and changes it is considered necessary to review and refresh the Strategy which had been in place since 2022.
- 2.7. The timing of this refresh means that all current Elected Members will have served their term of office under the previous Strategy, so are able to contribute to the review of that Strategy through a process of surveys and via the Members Training and Development Cabinet Member Advisory Panel. The proposed refreshed Strategy can be found at Appendix A of this report. The Strategy covers:
 - Purpose of the Strategy
 - Assessing Need and Requesting Training

- Training Matrix
- Governance and Delivery
- Appendix 1 – Example Training Matrix
- Appendix 2 – Revised Terms of Reference for Elected Members Training and Development Advisory Panel

- 2.8. To support the refresh of the strategy, the survey undertaken in 2019 was repeated to provide a comparison on how training is viewed by Elected Members compared to before there was a strategy in place. There has been an increase in support for a core training programme for all Elected Members (94.4% in 2026 compared to 83.3% in 2019).
- 2.9. There has also been improved communication about training. 94% receive information from Internal Communication compared to 78% in 2019. Also, in 2019 28% of respondents said they received no information about training. In 2026 this was 0%.
- 2.10. Elected Members feel the Council is better meeting their training needs. 89% feel the Council is meeting their training needs “A lot” or “A Moderate amount” compared to 62.5% in 2019. Also, in 2019 12.5% said the Council wasn’t meeting their needs at all. In 2026 this was 0%. More information on the results can be found at Appendix B.
- 2.11. As well as being based on more recent Elected Member feedback, the updated Strategy reflects the changes in how the Strategy is administered by Governance Services, as well identifying a process to assess the added value of one-off training requests that have a cost associated with it. It is proposed that this will be assessed by the Monitoring Office in consultation with the Chair of the Member Training and Development Cabinet Member Advisory Panel.
- 2.12. In reviewing the Strategy, it was considered that the terms of reference for the Member Training and Development Cabinet Member Advisory Panel should also be reviewed to ensure that they reflect the way in which the delivery of the Strategy has evolved over time. The membership of the Advisory Panel is cross-party, chaired by a representative from the controlling group, and also invites newly elected Members to attend as observers.
- 2.13. The terms of reference have been amended to include a requirement to submit an annual report to the Ethics Committee who have taken an interest in Elected Member training and have requested regular reports on delivery of the Strategy, including receiving an update of the core training requirements. The amended terms of reference can be found in Appendix 2 of the Strategy.

3. Core Training

- 3.1. In order to ensure that a wide range of training and development is offered to Elected Members, a training matrix will be developed and endorsed by the Members Training and Development Advisory Panel. The training matrix will be regularly reviewed and evaluated to ensure it meets Elected Members’ training needs.
- 3.2. The training matrix will provide a programme of core training which all Elected Members will be required to complete throughout their term of office. In addition to this there will be role specific core training for those Elected Members with special responsibilities, or who sit on specific Committees. An example of the training matrix can be found at Appendix 1 of the Strategy document.

3.3. Core training for all Elected Members will include:

- Code of Conduct
- Induction programme for newly elected Members
- Personal Safety
- Equalities
- Data Protection and Cyber Security
- Health and Safety

3.4. Elected Members appointed to Planning Committee and Licensing and Regulatory Committee will also be required to complete training to sit on those Committees in accordance with the Constitution.

4. Supplementary Training and Development

4.1. There will also be a programme of regular in-house supplementary training, identified by regular training needs analysis through consultation with Elected Members. This will be organised and arranged, but not necessarily delivered, internally by Council officers.

4.2. In addition to an in-house programme, Elected Members may request to attend ad hoc one-off training requests delivered by external organisations, such as the Local Government Association (LGA). A training request pro-forma will be developed and managed by Governance Services. There will be a budget allocated to enable one-off requests.

4.3. Elected Members will also be able to request additional training, where several Elected Members have identified that a greater understanding of an issue is required and is not covered by the current offer. This will enable the training and development programme to be responsive and flexible to Elected Members training needs.

4.4. The training strategy provides a framework in which there is flexibility to offer a variety of training methods as well as insight from Members directly through surveys as well as strategic oversight from a Members advisory panel

5. Results of consultation undertaken

5.1. Elected Members are regularly consulted on their training needs to ensure that the offer is relevant and accessible. An additional survey repeating the original survey in 2019 was conducted in December 2025- February 2026. The findings of this survey have informed the development of this Strategy. The Members Training and Development Cabinet Member Advisory Panel considered and supported the proposed refreshed Strategy as their meeting on 5 March, 2026.

6. Timetable for implementing this decision

6.1. Once agreed by Council the Strategy can be implemented from May 2026.

7. Comments from Director of Finance and Resources and Director of Law and Governance

7.1. Financial Implications

There is no cost of developing the strategy other than officer time as this will be delivered by existing officers. There is already a budget allocated for Members training and development. These proposals would be delivered within the existing budget allocation.

7.2. Legal Implications

The provision of a training and development Strategy and core training will further the ability of Elected Members to undertake their roles and make robust and informed decisions

8. Other implications

8.1. How will this contribute to the One Coventry Plan?

By enabling a well-trained cohort of Elected Members with the skills and knowledge to deliver the One Coventry Plan.

How is risk being managed?

By providing the opportunity for Elected Members to have access to good quality training and development, the risk to the organisation is reduced. Elected Members with appropriate skills and knowledge leads to good decision making. In Councils where poor decision making has taken place, this has led to poor management and significant risks to the organisation.

8.2. What is the impact on the organisation?

By delivering the Strategy, Elected Members will continue to have access to relevant training, meaning the Council will be better equipped to deliver the ambitions in the One Coventry Plan. Responsibility for managing the Elected Members Training and Development Strategy lies with the Head of Governance Services.

8.3. Equalities / EIA?

The implementation of an Elected Members Training and Development Strategy will include needs assessment in terms of accessibility, to ensure that there are no negative impacts on any protected group.

8.4. Implications for (or impact on) climate change and the environment?

There will be no implications or impact on climate change or the environment as a result of implementing the Elected Members Training and Development Strategy

8.5. Implications for partner organisations?

None

Report author(s):

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Governance and Scrutiny

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Contributor/approver name	Title	Service Area	Date doc sent out	Date response received or approved
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Asher Veness	Governance Services Officer	Law, Governance and Safer Communities	27/2/26	27/2/26
Adrian West	Head of Governance Services	Law, Governance and Safer Communities	27/2/26	6/3/26
Other Members				
Names of approvers for submission: (officers and members)				
Finance: Richard Shirley	Lead Accountant	Finance	27/2/26	27/2/26
Legal: Amy Wright	Solicitor	Law, Governance and Safer Communities	5/3/26	5/3/26
Director: Julie Newman	Director of Law, Governance and Safer Communities	-	27/2/26	4/3/26
Members: Councillor AS Khan	Cabinet Member for Policing and Equalities	-	26/2/26	27/2/26
Councillor Nazir	Chair of Ethics Committee	-	27/2/26	2/3/26

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Appendix A - Coventry City Council Elected Members Training and Development Strategy 2026-2030

Introduction

This refreshed Elected Members Training and Development Strategy builds on the work delivered through the original strategy agreed in 2022.

The underlying purpose of the strategy remains – that Elected Members are at the heart of the One Coventry Plan. They need the skills and knowledge to be able to deliver Coventry's ambitions. A well-trained and informed cohort of Elected Members is key to the success of the One Coventry Plan.

Elected Members are also required to work within the 7 Principles of Public Life, also known as the Nolan Principles. These are:

1. Selflessness
2. Integrity
3. Objectivity
4. Accountability
5. Openness
6. Honesty
7. Leadership

The Elected Members Training and Development Strategy will continue to underpin the Nolan Principles, with the Code of Conduct being at the core of the training programme offered.

In order to do this the One Coventry Members Training and Development Strategy aims to provide:

- A clear purpose
- A framework to assess the training and development needs of Members including a clear process for Members to request one off training
- A training matrix that provides a core training programme covering the fundamental skills and knowledge Members need, as well as supplementary training for Members
- Governance and support for the development and delivery of the strategy

Purpose of the Strategy

The environment in which councillors work is constantly changing. Ensuring that councillors are properly supported to help them meet the high demands placed on them to carry out this challenging role effectively is increasingly important.

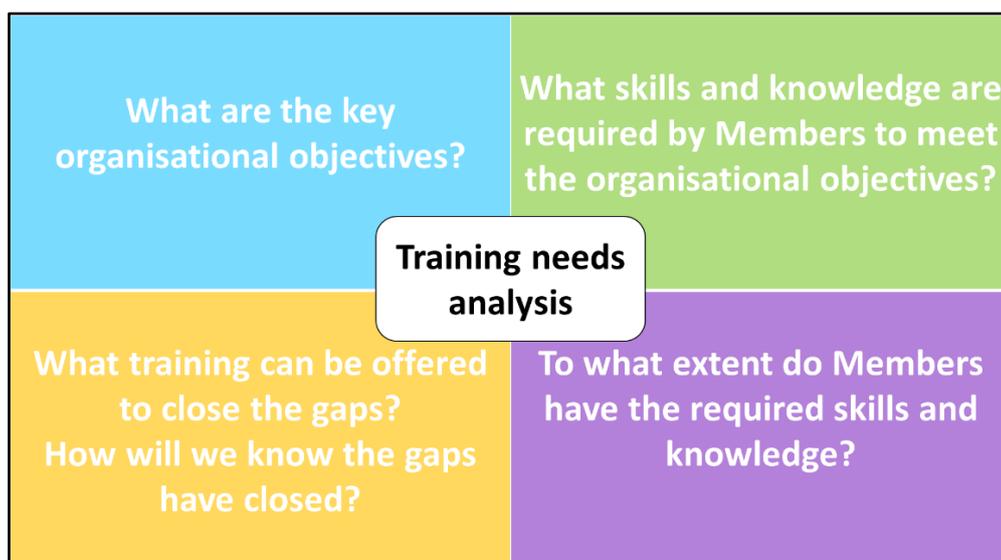
Since the implementation of the current strategy in 2022 the training and development offered to Members has increased significantly and as consequence so has Members engagement and attendance at training increased.

Assessing Need and Requesting Training

Through the training needs assessment, in addition to the core training offer, there will be a supplementary training offer open to those Elected Members who would like to benefit from attending training not offered as part of the core programme.

Appendix A - Coventry City Council Elected Members Training and Development Strategy 2026-2030

Members will also be able to request to attend training offered by external providers, or arrange in-house training not covered by the core or supplementary offer. Where there is a cost associated with external one-off training, this request will be evaluated by the Monitoring Officer in consultation with the Chair of the Members Training Advisory Panel. A pro-forma is available on the Members section of the intranet to request additional one-off training that has a cost.



There will be six different categories of training available to Members. Training will be categorised as either “knowledge based” or “enabling skills”, in the core, role specific and supplementary training offer, as well as training by request. These will be detailed in the training matrix.

Training needs will be assessed through annual consultation with all Elected Members as well as senior officers within the organisation. Consultation will cover accessibility to training as well as the training subject areas, to ensure maximum take up of training by Members. Members will also be able to access one to one training needs analysis.

Training Matrix

In order to ensure that a wide range of training and development is offered to Members, a training matrix has been developed and is endorsed by the Members Training and Development Advisory Panel. The training matrix will be regularly reviewed and evaluated by the Members Training and Development Advisory Panel to ensure it meets Members’ training needs.

The training matrix will provide a programme of *core* training which all Elected Members will be expected to complete during their term of office. In addition to this there will be *committee specific mandatory training* for those Elected Members who sit on committees where this is a requirement.

There will also be a programme of regular in-house *supplementary training*, identified through training needs analysis. This will be organised and arranged, but not necessarily delivered, internally by Council officers within Governance Services.

Appendix A - Coventry City Council Elected Members Training and Development Strategy 2026-2030

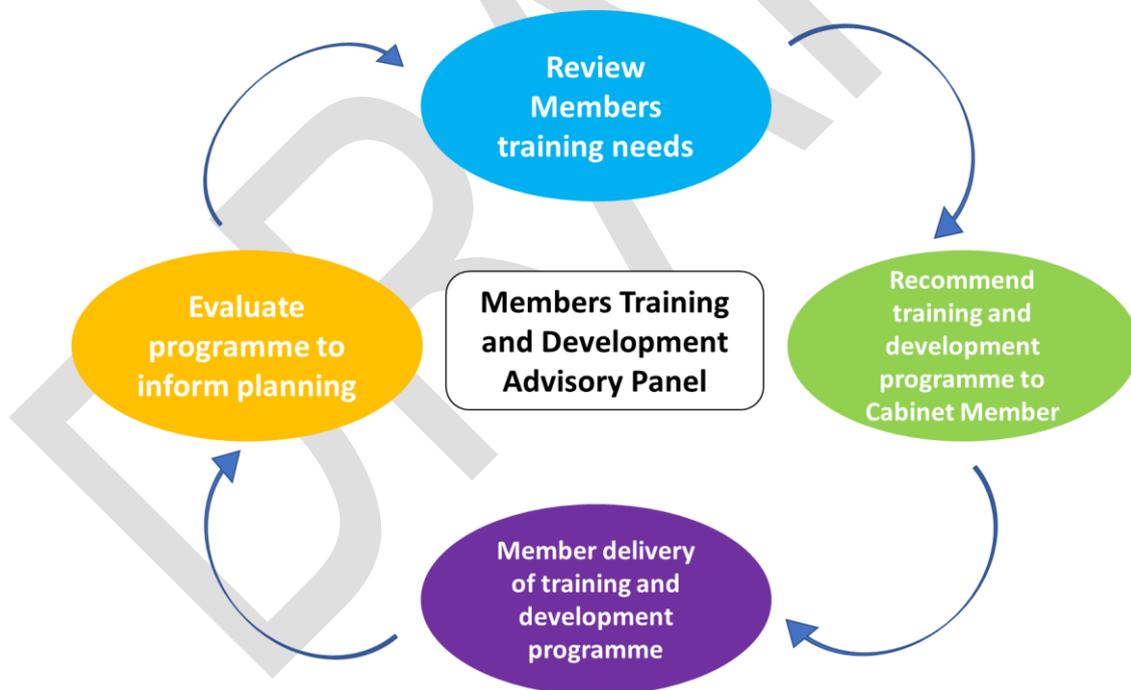
In addition to an in-house programme, Elected Members may request to attend ad hoc *one-off training* delivered by external organisations, such as the LGA. There will be a budget allocated to this and a training request pro-forma managed by Governance Services and requests will be reviewed and considered by the Monitoring Officer following consultation with the Chair of the Advisory Panel (see below)

Members will also be able to request *additional training*, where several Members have identified that a greater understanding of an issue is required and is not covered by the current offer. This will enable the training and development programme to be responsive and flexible to Members training needs.

An example of the training matrix from 2024-25 can be found at Appendix 1

Governance and Delivery

The programme of training and development should be regularly reviewed and evaluated to ensure that it still meets the requirements of Elected Members. In order to do this a Cabinet Member Advisory Panel made up of cross-party Elected Members and senior officers will meet on a regular basis to review Members training needs, recommend a training and development programme to the Cabinet Member, monitor delivery of the training and development programme and evaluate the programme to inform future planning.



Members of the advisory panel will promote the training and development programme to all Elected Members. . Terms of Reference for this panel can be found at Appendix 2.

The Elected Members training and development programme will be delivered and supported by colleagues in Governance Services.

Appendix A - Coventry City Council Elected Members Training and Development Strategy 2026-2030

Appendices

Appendix 1 – Example Training Matrix

	Core Training	Role Specific Mandatory Training	Supplementary Training
Knowledge Based	New Members Induction Programme	Licensing	Scrutiny Work Programming
	Code of Conduct and Declarations	Planning	Audit and Financial Scrutiny Board Training
	Data Protection and Cyber Security	Planning Advisory Service – Making Defensible Decisions	All Scrutiny Financial Training
	Local Government Finance and Budget Setting		Bus Franchising – All Members Seminar x 2
Enabling skills	Case work management tool	Chairing Skills	Pre-election Personal Safety
			Cabinet Member Media Training
			Diversity and Inclusion in Recruitment – All Members Seminar
			LGA – Handling Online Abuse and Harassment
			Windows 11
			West Midlands Police - Operation Ford – Personal Safety
			Public Speaking

Examples of one off or additional training are the LGA run Leadership programmes or regular seminars circulated for Members to sign-up to.

Appendix A - Coventry City Council Elected Members Training and Development Strategy 2026-2030

Appendix 2 - Draft Revised Terms of Reference for the Advisory Panel

1. The Panel will be constituted as a Cabinet Member Advisory Panel with representation from all political groups. Chair to be from majority group.
2. The purpose of the Panel is to:
 - i. review Members training needs,
 - ii. recommend a Members' training and development programme to the Cabinet Member,
 - iii. monitor delivery of the training and development programme,
 - iv. evaluate the programme to inform future planning
3. Elected Members on the advisory panel will promote the training and development programme to all Elected Members.
4. The panel will meet for a minimum of two times, each municipal year
5. The Panel will agree an annual report to be considered by Ethics Committee, as well as any progress reports as requested.

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Introduction and Background

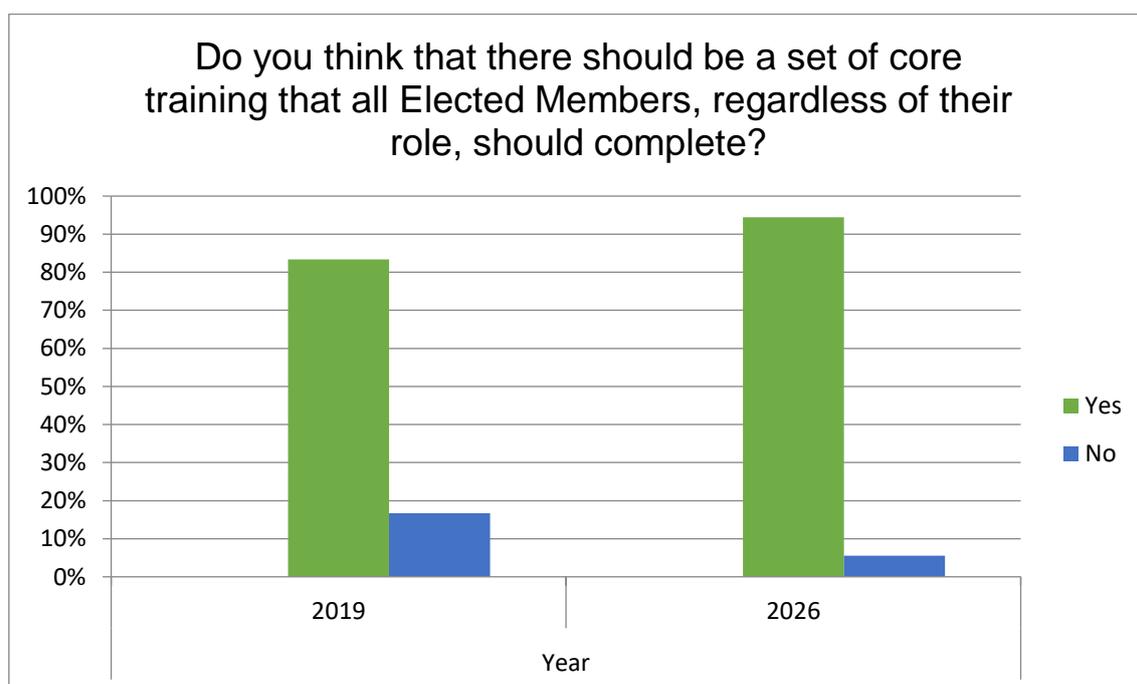
To support the refresh of the training and development strategy for Members, the survey that was originally conducted in 2019 to identify a baseline in terms of training delivered, take-up of training and Members views on training, was repeated. To do this an online questionnaire, was circulated to all Elected Members between December 2025 and March 2026. Hard copies were also made available. The questions in the 2026 version mirrored the original 2019 version, to enable a comparison over time from before the strategy was in place and four years on.

In addition to the data from the questionnaire data on attendance at training was also considered.

The key messages from the data are:

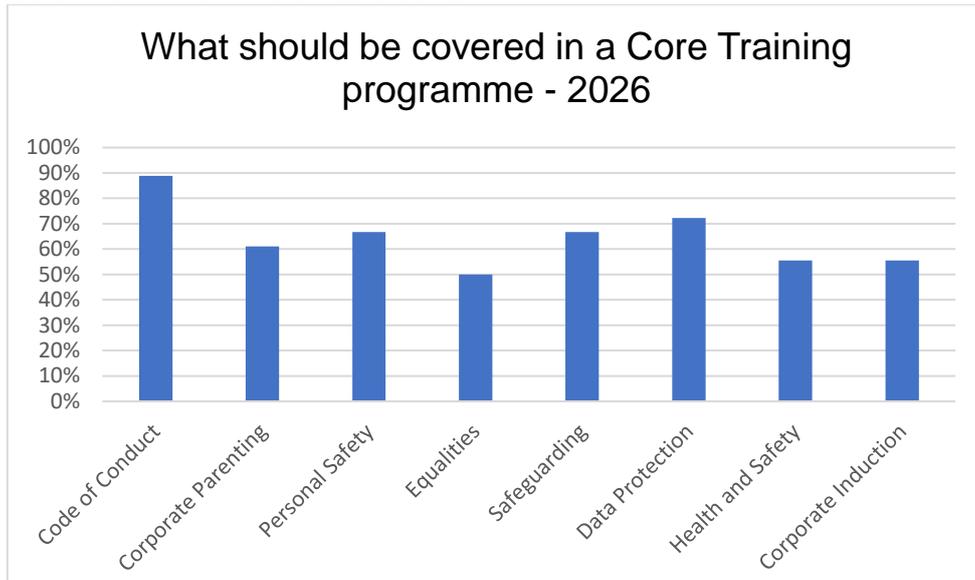
1. There are key skills and knowledge that Elected Members need, to be able to undertake their roles effectively

Do you think that there should be a set of core training that all Elected Members, regardless of their role, should complete? (25/2/26)



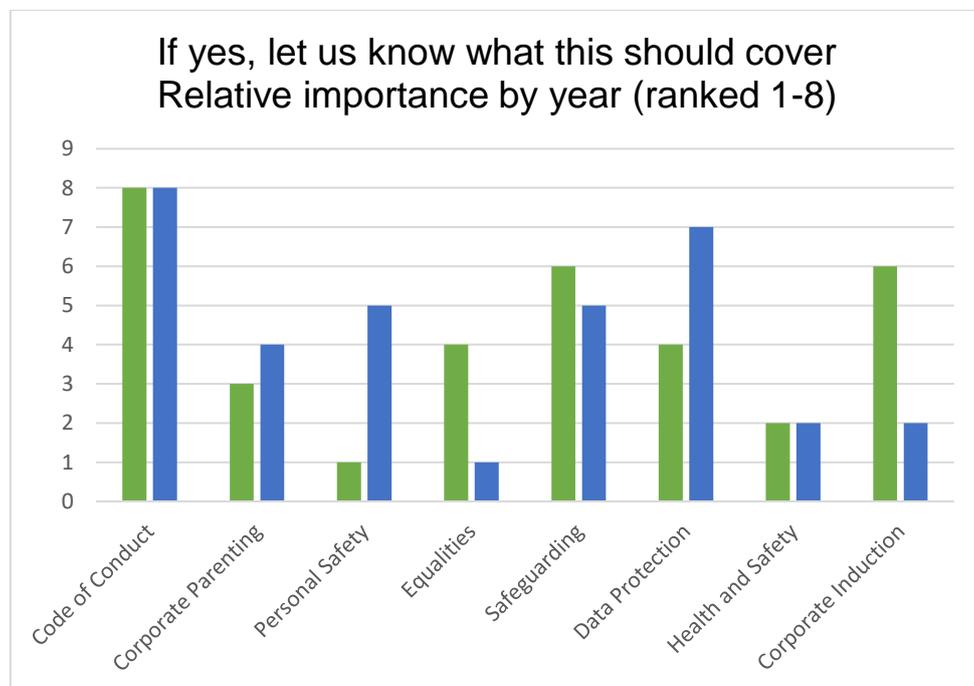
The percentage of Members who consider that there should be a set of core training has increased between 2019 and 2026 from 83% to 94%. This shows an increased support for a core training programme.

If yes, let us know what this should cover



Elected Members who completed the questionnaire were also given several options as to what should be included in a mandatory training programme. 89% of the respondents thought that Code of Conduct should be included in a core training programme.

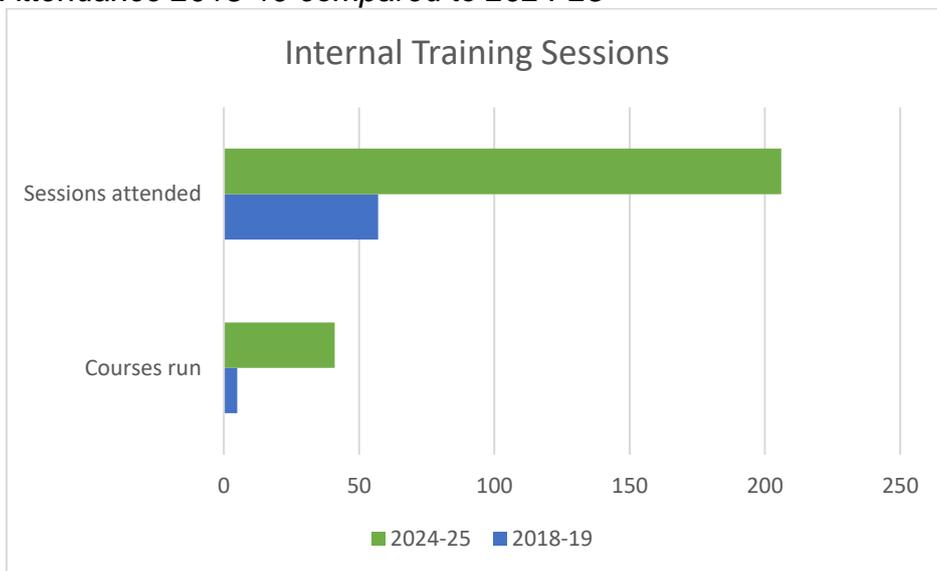
The relative importance of courses in the core offer has changed since 2019, with Personal Safety and Data Protection, being ranked significantly higher in 2026 than in 2019 and Equalities and Corporate Induction being ranked lower.



2. Take up of training and attendance has significantly improved since the introduction of the strategy

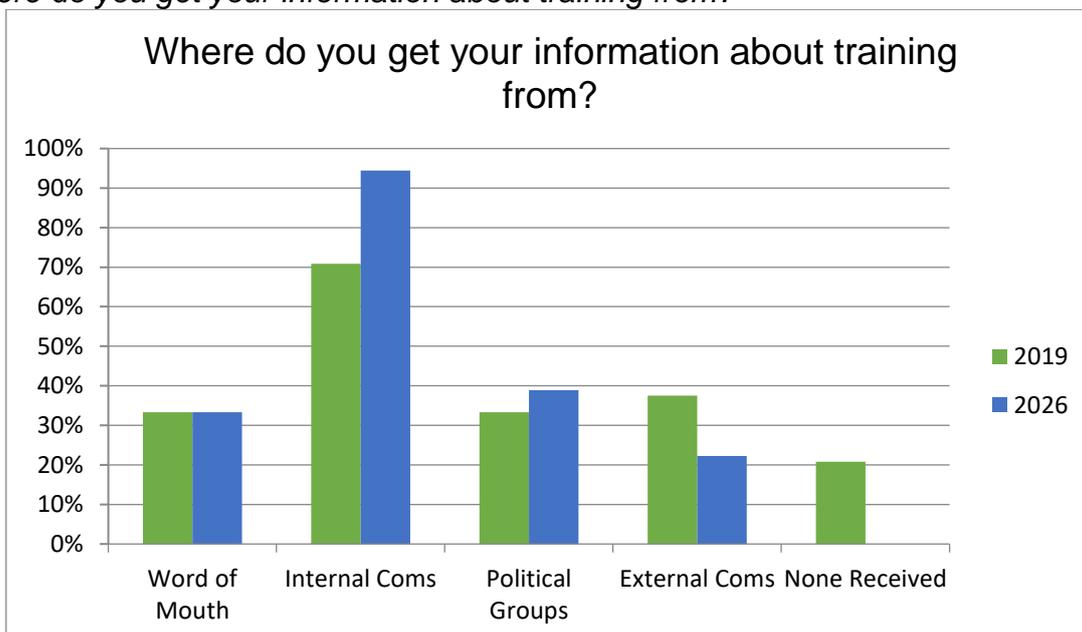
Attendance at training offered was poor in 2019, as was the offer to Members. The highest attendance of 63% of all Elected Members was for Data Protection and Information Security, which was a mandatory training session for all employees and Elected Members. However, this may not reflect a true picture as there could have been training provided which was not included within these figures as there was no co-ordinated approach to training for Members. In total there were 57 recorded training session attendances arising from 5 courses offered to Members. This compares with 41 internally arranged or delivered courses resulting in 206 attendances. In addition to this there were 17 external courses that Members accessed resulting in an additional 43 attendances.

Training Attendance 2018-19 compared to 2024-25



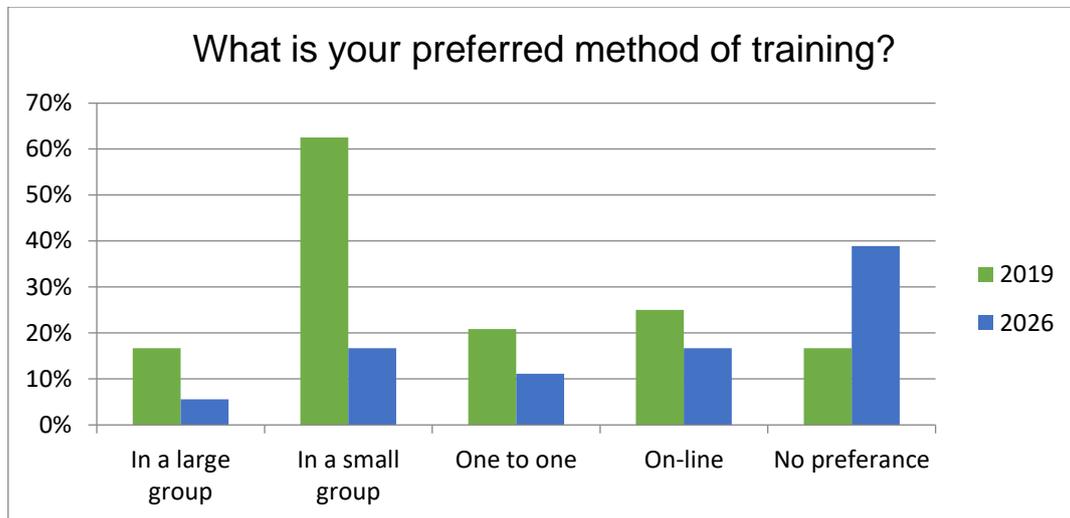
3. Communication with Members about training has improved

Where do you get your information about training from?



Internal coms is still the highest source of information about training, and no respondents have said they receive no information about training in 2026, whereas in 2019 about 20% chose this option.

4. What type of training do you prefer?

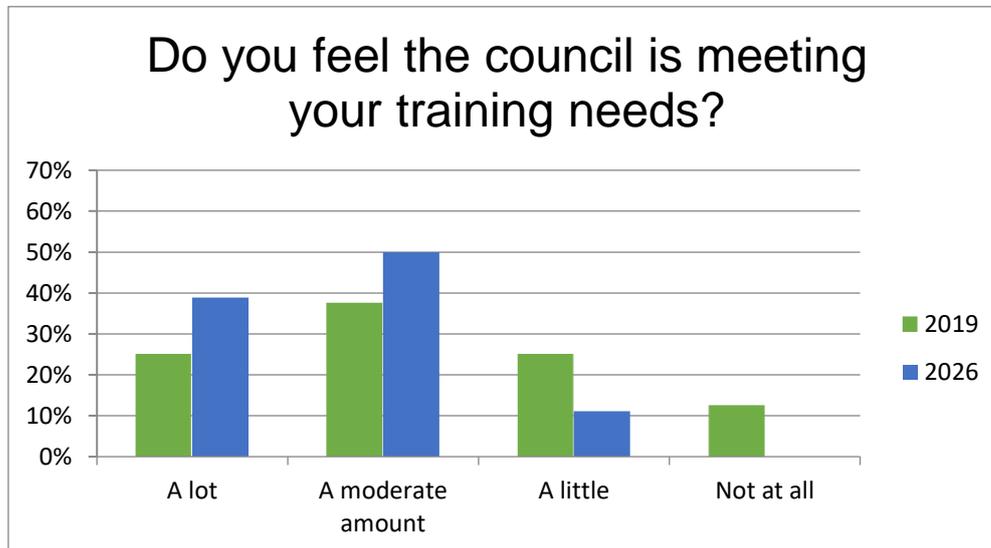


Preference for training delivery has shifted overtime, which reflects the growing confidence in using technology to access training delivery. In 2026, the most popular response was that they had “no preference” on method of training delivery, compared to “In a small group” in 2019. During the lifetime of the previous strategy there has been a moved to offer a wider mix of formats, including hybrid. This mixed offer will increase, including a variety of times of the day. This is to reflect the feedback shown in the chart below from the 2026 survey.



5. Meeting Members Needs

There has also been an increase in the percentage of Members who feel that the Council is meeting their training needs. As can be seen in the chart below in 2019 12.5% of respondents felt that the Council wasn't meeting their training needs at all. No respondents chose this option in 2026. There was also an increase in responses for "A lot" and "A moderate amount".



The training strategy provides a framework in which there is flexibility to offer a variety of training methods as well as insight from Members directly through surveys as well as strategic oversight from a Members advisory panel.

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Public report
Cabinet

Cabinet Member for Policing and Equalities
Council

23 March, 2026
24 March, 2026

Name of Cabinet Member:

Cabinet Member for Policing and Equalities - Councillor AS Khan

Director approving submission of the report:

Director of Law, Governance and Safer Communities

Ward(s) affected:

Not applicable

Title: Proposed Amendments to the Constitution - Various

Is this a key decision? No

Executive summary:

The Constitutional Advisory Panel, at its meeting on 25 February, 2026, considered a number of proposed amendments to the Constitution following a review to ensure that the Constitution is current, effective and meets requirements.

The Advisory Panel agreed with the proposed amendments with some additions. This report seeks approval from the Cabinet Member for Policing and Equalities to recommend those amendments to the Constitution (with the additions requested by the Constitutional Advisory Panel) to Council and for Council to approve those amendments.

Recommendations:

The Cabinet Member for Policing and Equalities is requested to recommend that Council approves:-

- 1) That the following paragraphs be inserted into Parts 1 and 2 of the Constitution:-

Main Opposition Group and Leader of the Main Opposition Group.

The Main Opposition Group is the Political Group that has the numerically largest opposition Group. The Leader of that Group is the Leader of the Main Opposition Group. In the event of there being one than more Group having the same numerically largest number of seats, all of those Groups will be afforded the same rights.

Shadow Cabinet Members

The Leader of the Main Opposition Group will be entitled to nominate Councillors to act as Shadow Cabinet Members. Shadow Cabinet Members have no decision-making powers but will be entitled to attend meetings in their role and speak at the discretion of the Cabinet Member. They will also be entitled to receive briefings in relation to their Shadow Portfolio.

- 2) The amendments to the Member Officer Protocol (Part 4D of the Constitution) as shown as tracked changes in the Appendix to this report.
- 3) That Paragraph 4.1 in Part 2D of the Constitution in relation to membership of the Scrutiny Co-ordination Committee and Scrutiny Boards be amended to read as follows.
 - 4.1 Councillors, except a member of the Cabinet, may be appointed as a member of a Scrutiny Board and the Scrutiny Co-ordination Committee. However, in order to ensure that no Member may be involved in scrutinising a decision in which they have been directly involved, no former Cabinet Member may sit on the Scrutiny Board relevant to the portfolio they held as a Cabinet Member or the Scrutiny Co-ordination Committee (if it relates to their former portfolio) for a period of 12 months. In addition, any Member who is appointed as a Deputy Cabinet Member may not be appointed to the Scrutiny Board or Scrutiny Co-ordination Committee which is relevant to the portfolio for which they have been appointed as a Deputy Cabinet Member.
- 4) That Paragraph 10.1.3 in Part 1 of the Constitution be amended to read as follows:-
 - 10.1.3 The office of Lord Mayor and Deputy Lord Mayor will be offered to the Councillor who has the longest service and has not previously held the office. If that Councillor declines that offer, then it is offered to the next person in order of length of service. Any Councillor who declines the offer may take up the offer in a subsequent year.
- 5) That the following Paragraph be inserted into the Council Procedure Rules (Part 3A of the Constitution) :-
 - 9.11 Every Motion made in pursuance of a Notice of Motion must be lawful and will be regarded as tentative only until this has been confirmed by the Monitoring Officer. If the Motion is considered to be unlawful, the Monitoring Officer will submit a report on this matter to the next meeting of Council. No action may be taken on the matter until the Council has considered the advice of the Monitoring Officer.
- 6) That the Director of Law, Governance and Safer Communities be delegated authority to determine all matters relating to street naming and numbering, including the naming and renaming of streets and the allocation of property numbers, following consultation

with the relevant Ward Councillors and relevant Cabinet Member and that the Scheme of Delegation (Part 2M of the Constitution) be updated accordingly.

Council is recommended to:-

- 1) Approve the amendments to the Constitution as detailed in Recommendations 1) to 6) above.
- 2) Delegate authority to the Director of Law, Governance and Safer Communities to make the necessary amendments to the Constitution.

List of Appendices included:

The following appendices are attached to the report:

Appendix 1 – Proposed amendments to the Member/Officer Protocol (Part 4D of the Constitution)

Background papers:

None

Other useful documents

None

Has it or will it be considered by Scrutiny?

No

Has it or will it be considered by any other Council Committee, Advisory Panel or other body?

Yes – The Constitutional Advisory Panel – 25 February, 2026

Will this report go to Council?

Yes - 24 March, 2026

Report title: Proposed Amendments to the Constitution

1. Context (or background)

- 1.1. The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that decisions are efficient, transparent and accountable to local people. The purpose of the Constitution is to ensure that the Council's decision-making and governance arrangements help the Council to achieve its corporate aims, objectives and priorities effectively and efficiently. It also ensures the Council meets its legal duties.
- 1.2. The Monitoring Officer has authority to make minor changes (such as changes to Director's titles, updating legislative changes and typographical errors).
- 1.3. The Constitution is a living document and is regularly reviewed and benchmarked against other Local Authorities to ensure that it is current, effective, reflects best practice and is up to date. A number of proposed amendments have been identified as part of this process.

2. Options considered and recommended proposals

2.1 Definition of Main Opposition Group and Shadow Cabinet Members

There is currently no definition of the Main Opposition Group, the Leader of the Main Opposition Group or Shadow Cabinet Members. The Constitution refers to the "numerically largest opposition group" when referring to appointing non-voting reps on Cabinet and Coventry Shareholders Committee.

In relation to the Leader of the Main Opposition Group, they are referred to in the Constitution in relation to adjudication for rejecting petitions. In relation to Shadow Cabinet Members, there is a requirement to consult with them in some instances relating to Government Consultation Papers, however Shadow Cabinet Members are not defined.

It is therefore proposed that the following be inserted into Parts 1 and 2 of the Constitution:-

Main Opposition Group and Leader of the Main Opposition Group.

The Main Opposition Group is the Political Group that has the numerically largest opposition Group. The Leader of that Group is the Leader of the Main Opposition Group. In the event of there being one than more Group having the same numerically largest number of seats, all of those Groups will be afforded the same rights.

Shadow Cabinet Members

The Leader of the Main Opposition Group will be entitled to nominate Councillors to act as Shadow Cabinet Members. Shadow Cabinet Members have no decision-making powers but will be entitled to attend meetings in their role and speak at the

discretion of the Cabinet Member. They will also be entitled to receive briefings in relation to their Shadow Portfolio.

2.2 Amendments to the Member Officer Protocol – Part 4D of the Constitution

The Protocol aims to help elected Members and Senior Officers to set and promote clear expectations about how Members and Officers work together for the benefit of local residents and the good governance of the authority. It is common practice for the Protocol to be part of a Local Authority's Constitution.

The Local Government Association has recently published good practice guidance on Member Officer Protocols and Coventry's Protocol has been reviewed in light of that guidance. The current Protocol is attached as an Appendix to this Briefing Note and proposed amendments identified as part of the review are tracked on that document.

The Constitutional Advisory Panel requested that Paragraph 9 of the Protocol include the following wording (which has been included in the amendments shown in Appendix 1):-

“Chairs of Scrutiny Boards and other Bodies should also receive briefings as appropriate.”

2.3 Membership of Scrutiny Boards and the Scrutiny Co-ordination Committee

Currently the Constitution provides the following paragraph 4.1 in relation to the membership of Scrutiny Boards and the Scrutiny Co-ordination Committee in Part 2D:-

4.1 Any Councillor, except a member of the Cabinet, may be appointed as a member of a Scrutiny Board. However, no Member may be involved in scrutinising a decision in which they have been directly involved.

Approval is sought to the following two proposed amendments to this paragraph.

- a) It has been custom and practise for a number of years that Deputy Cabinet Members (who are Scrutiny Members) are not appointed to the Scrutiny Board that is relevant to the portfolio for which they were appointed as a Deputy Cabinet Member. It is therefore proposed that this arrangement be formalised by the addition of wording as detailed at 4.1 below.
- b) The current wording in 4.1 above would preclude a former Cabinet Member from scrutinising a decision that they had made as a Cabinet Member. However, it would not preclude them from being appointed to a Scrutiny Board that would have responsibility for potentially scrutinising those decisions. This may lead to the former Cabinet Member having to declare and leave meetings for particular items on an agenda. It is therefore proposed to add additional wording as detailed below.

The Constitutional Advisory Panel requested that the proposed amended wording also include reference to former Cabinet Members not being able to sit on the Scrutiny Co-

ordination Committee (as well as Scrutiny Boards) where it relates to their former portfolio.

Taking into account the proposed amendments detailed in a) and b) above, together with the request from the Constitutional Advisory Panel, it is proposed that Paragraph 4.1 in Part 2D be amended to read as follows.

4.1 Councillors, except a member of the Cabinet, may be appointed as a member of a Scrutiny Board and the Scrutiny Co-ordination Committee. However, in order to ensure that no Member may be involved in scrutinising a decision in which they have been directly involved, no former Cabinet Member may sit on the Scrutiny Board relevant to the portfolio they held as a Cabinet Member or the Scrutiny Co-ordination Committee (if it relates to their former portfolio) for a period of 12 months. In addition, any Member who is appointed as a Deputy Cabinet Member may not be appointed to the Scrutiny Board or Scrutiny Co-ordination Committee which is relevant to the portfolio for which they have been appointed as a Deputy Cabinet Member.

2.4 **Appointment of Lord Mayor and Deputy Lord Mayor**

For a number of years, due to the non-political nature of the roles and in recognition of their long serving dedication to public service by Councillors, the office of Lord Mayor and Deputy Lord Mayor has been offered to Councillors on the basis of their length of service.

The relevant paragraph is 10.1.3, Part 1 of the Constitution:-

“The office of Lord Mayor and Deputy Lord Mayor **by convention** will be offered to the Councillor who has the longest service and has not previously held the office. If that Councillor declines that offer, then it is offered to the next person in order of length of service. Any Councillor who declines the offer may take up the offer in a subsequent year.”

It is proposed to delete the words “by convention” from the above paragraph to make this clearer and to reflect the current custom and practise.

2.5 **Motions**

There is currently a paragraph in the Council Procedure Rules (Part 3A - Paragraph 9.9) which ensures that if a Motion adopted at a Council meeting pursuant to a Notice of Motion (which could include an amendment moved at the meeting) would increase expenditure or reduce income, then it is regarded as tentative only and if necessary, will be considered by the appropriate Body, to be referred back to the Council if appropriate. This ensures that if there were financial consequences of any amendment moved at the meeting to a Motion, (which would not be known in advance of the meeting) there is a mechanism to ensure that the decision-making body is fully aware of those consequences on the Council’s budget.

In order to provide a similar mechanism to ensure that any Motion adopted as a result of an amendment moved to a Notice of Motion is lawful, it is proposed to insert the

following paragraph in the Council Procedure Rules, which mirrors Paragraph 9.9 relating to any financial consequences: -

9.11 Every Motion made in pursuance of a Notice of Motion must be lawful and will be regarded as tentative only until this has been confirmed by the Monitoring Officer. If the Motion is considered to be unlawful, the Monitoring Officer will submit a report on this matter to the next meeting of Council. No action may be taken on the matter until the Council has considered the advice of the Monitoring Officer.

2.6 Street Naming and Numbering (SNN)

SNN is a legal function of local authorities, essential for ensuring that streets and properties are clearly identifiable for residents, emergency services, postal services (Royal Mail), and other users. Coventry City Council's approach to SNN has historically been based on long-standing national legislation and established good practice across the sector. Operationally, the Council's Building Control service administers SNN, maintaining the Local Land and Property Gazetteer and coordinating with Royal Mail, fire services, etc., for new address assignments.

Under the Council's Constitution, some aspects of SNN are already delegated to officers. For example, allocation of street numbers is explicitly delegated to the Director of Regeneration & Economy. However, street naming (assigning or changing street names) is not explicitly listed in the scheme of delegation. In practice, this function has been carried out under general officer delegations by the Director of Law, Governance and Safer Communities to ensure that decisions are made lawfully and impartially within the Council's governance arrangements. This means that up to now, officers (rather than Members) make SNN decisions, following policy guidelines and in consultation with relevant parties (e.g. emergency services and local Councillors informally), which helps ensure consistency and avoids politicisation of routine naming decisions.

In the absence of an explicit mention of "street naming" in the Constitution's Scheme of Delegation (Part 2M) and with upcoming changes in legislation and a desire to involve elected Members more formally in the process (without transferring decision-making entirely away from officers), in order to provide clarity and transparency in the Council's Constitution, approval is sought to the following delegation : -

That the Director of Law, Governance and Safer Communities be delegated authority to determine all matters relating to street naming and numbering, including the naming and renaming of streets and the allocation of property numbers, following consultation with the relevant Ward Councillors and relevant Cabinet Member.

3. Results of consultation undertaken

The proposed amendments outlined above were considered by the Constitutional Advisory Panel at their meeting on 25 February, 2026. All Political Group Leaders were invited to attend that meeting.

4. Timetable for implementing this decision

If approved by Council at their meeting on 24 March, 2026, the amendments will come into effect immediately.

5. Comments from Director of Finance and Resources and Director of Law, Governance and Safer Communities

5.1. Financial Implications

There are no specific financial implications arising from the recommendations within this report.

5.2. Legal Implications

There are no specific legal implications arising from the recommendations within this report. The Constitution ensures that the Council fulfils its legal duties.

The proposed amendment in paragraph 4.5 above relating to Motions will ensure that the Council only adopts Motions which are lawful.

6. Other implications

6.1. How will this contribute to the One Coventry Plan?

The Constitution ensures that the Council's decision-making and governance arrangements help the Council to achieve its corporate aims, objectives and priorities effectively and efficiently.

How is risk being managed?

Not applicable

6.2. What is the impact on the organisation?

None

6.3. Equalities / EIA?

Not applicable

6.4. Implications for (or impact on) climate change and the environment?

None

6.5. Implications for partner organisations?

None

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Contributor/approver name	Title	Service Area	Date doc sent out	Date response received or approved
Contributors:				
Adrian West	Head of Governance	Law, Governance and Safer Communities	26/02/26	26/02/26
Names of approvers for submission: (officers and members)				
Davina Blackburn	Strategic Lead – Regulation and Communities	Law, Governance and Safer Communities	27/02/26	05/03/26
Finance: Ewan Dewar	Head of Finance	Finance	26/02/26	27/02/26
Legal: Shanita Manhertz	Trainee Solicitor	Law and Governance	26/02/26	27/02/26
Director: Julie Newman	Director of Law, Governance and Safer Communities	Law, Governance and Safer Communities	26/02/26	27/02/26
Members: Councillor M Mutton	Chair of the Constitutional Advisory Panel	-	06/03/26	06/03/26
Councillor AS Khan	Cabinet Member for Policing and Equalities	-	06//03/26	10/03/26

This report is published on the council's website: www.coventry.gov.uk/meetings

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PART 4D: MEMBER OFFICER PROTOCOL

1. Status of this Code

- 1.1 This Protocol seeks to offer guidance on some of the issues which most commonly arise in relation to the relationships between Members and Officers.
- 1.2 The Protocol is partly a statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty. In particular, it covers the behaviour that is expected between Members and Officers.
- 1.3 The Protocol gives guidance only, but it ~~will be~~ ~~may be~~ ~~taken into account~~ considered if there is a complaint about a Member or an Officer. Members must observe the Members' Code of Conduct. Any complaints received in relation to alleged breaches of the Code of Conduct will be considered initially by the Monitoring Officer. Officers are also obliged to comply with the Code of Conduct for Employees. Any complaints received about Officers behaviour or conduct will be considered by the relevant managers.

2. Roles of Members and Officers

- 2.1 Officers and Members both serve the public, but they have different roles. Officers are employees of the Council and are politically neutral. Their role is to advise Members and implement the policies of the Council to the best of their abilities. Members are office holders and will often belong to a political party. They are obliged to exercise their own judgement in respect of matters before them but may also legitimately pursue party political objectives. Officers are answerable to the Chief Executive, not to individual Members (whatever office they hold), but there should be good communication between senior officers and Members with special responsibility for their area of work.

3. Expectations

3.1 What Members can expect from Officers:

- (a) A commitment to the authority as a whole, not to any political group.
- (b) A working partnership.
- (c) An understanding of and support for respective roles, workloads and pressures.
- (d) Timely responses to enquiries and complaints in accordance with agreed standards: (see paragraph 7)

- (e) Professional advice, not influenced by political views or preference.
- (f) Regular up-to-date information on matters that can be reasonably considered appropriate and relevant to the Member's needs, having regard to any individual responsibilities that they have and positions that they hold.
- (g) Awareness and sensitivity to the political environment.
- (h) Respect and courtesy.
- (i) Training and development in order to carry out their roles effectively.
- (j) Not to have personal issues raised with them by Officers outside the agreed procedures.
- (k) Officers should not try to persuade individual Members to make a decision in their personal favour or raise things to do with their employment with individual Members. Nor should they approach individual Members with allegations about other Officers. They should use the Council's grievance, whistle blowing and disciplinary procedures instead; ~~and~~.
- (l) Compliance with the Employee Code of Conduct.

3.2 What Officers can expect from Members:

- (a) A working partnership.
- (b) An understanding of and support for respective roles, workloads and pressures.
- (c) Political policy direction and leadership.
- (d) Respect and courtesy.
- (e) Members should generally restrict their discussion on strategic or significant issues to more senior officers (that is the Chief Executive, Directors or Heads of Service); Members should raise all queries on operational matters initially with Directors or Heads of Service who will ensure that Members receive a prompt response.
- (f) Members are encouraged to use regular briefings and/or normally make appointments before visiting Officers in order to try to avoid frequent unscheduled interruptions; Members wishing to arrange visits to Council services in relation to their role should arrange this with the relevant senior officer and not visit unannounced.

- (g) Members should not pressure Officers to work outside their normal hours or to do anything they are not allowed to do or that is not part of their normal work.
- (h) Not to be subject to bullying, harassment or intimidation. Members should have regard to the seniority and experience of Officers in determining what constitutes a reasonable request. Members with special responsibilities should be particularly aware of this.
- (i) Members should not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly.
- (j) Members may occasionally find that they have a personal interest in a matter that needs to be raised with Officers. Members should be clear about their personal interest and use appropriate and formal language when contacting Officers in this instance. Close personal familiarity between individual Members and Officers can damage the relationship of mutual respect and prove embarrassing to Members and Officers. Members and Officers are encouraged to contact the Monitoring Officer for advice if they are concerned about this.
- (k) Members should not make detrimental remarks about individual Officers during meetings, in public or to the media, and.
- (l) Members should at all times comply with the Member Code of Conduct.

4. Limitations on behaviour

4.1 The distinct roles of Members and Officers necessarily impose limitations upon behaviour. By way of illustration and not as an exclusive list:

- (a) Personal relationships between individual Members and Officers can confuse the separate roles and get in the way of the proper discharge of the authority's functions. In this situation, others may feel that a particular Member or Officer may be treated more favourably.
- (b) Personal relationships should be avoided. Where they do exist, the Officer concerned must notify their manager.
- (c) The need to maintain the separate roles means that there are limits to the matters on which Members may seek the advice of Officers, both in relation to personal matters and party-political issues.
- (d) Relationships with particular individuals or party groups should not be such as to create public suspicion that an employee favours that Member or group above others.

5. Politeness and respect

- 5.1 Members and Officers should show each other politeness and respect. Members have the right to challenge Officers' reports or actions, but they should avoid personal and/or public attacks; and ensure their criticism is fair and constructive.
- 5.2 Officers should not publicly criticise Council decisions even if they do not personally agree with those decisions.

6. Complaints about Members or Officers

- 6.1 If an Officer feels a Member is not treating them with politeness and respect, they should consider talking to the Member directly. If they do not feel they can talk to the Member or talking to the Member does not help, they should talk to their Head of Service or Director immediately. The manager approached will talk to the Member or the Leader of their political group and may also tell other senior officers. The Officer will be told the outcome. Officers may also make a complaint alleging a breach of the Members' Code of Conduct
- 6.2 If a Member feels an Officer is not treating them with politeness and respect, they should consider talking to the Officer directly. If they do not feel they can talk to the Officer or talking to the Officer does not help, they should talk to the Officer's Head of Service or Director immediately. If the problem continues the Head of Service or Director approached will consider whether to use the Council's disciplinary procedures.

7. Members' enquiries

- 7.1 Officers should answer Members' enquiries, in whatever form, within five working days. If that is not possible, they should send a holding reply. Members should contact a more senior officer in the event that a response is not received within this time. Where a ~~Senior Officer~~Head of Service considers that the enquiry received is inappropriate, the Member should be advised of this and the reason or reasons why the enquiry is considered to be inappropriate. ~~Members should contact a more senior officer in the event that a response is not received within this time. The Chief Executive may be asked to resolve any issues arising from unreasonable delays in responding to Members' enquiries.~~

- 7.2 Members have a right to information that is reasonably necessary to enable them to perform their duties. This is often described as the 'need to know'. This principle balances transparency and data protection (GDPR).

So, councillors:

- May access information relating to committees they sit on, or decisions they must make.

- May not access confidential or personal data unrelated to their role or ward casework.

Requests should be **specific** and **relevant** to the member's role.

Officers should respond **promptly** and **respectfully** but can ask for clarification.

7.3 When disclosing information, officers should make it clear whether the information should be treated as confidential or can be shared with members of the public and the Member should treat the information accordingly.

7.4 The Chief Executive may be asked to resolve any issues relating to Members' enquiries arising from unreasonable delays or dispute about the reasonableness of requests or the need to know principle in responding to Members' enquiries.

8. Casework

8.1 Where a Member is making an enquiry of Officers as part of their ward casework, Officers will normally assume that they have the implicit consent of an individual to disclose personal information about them to the Member but only where:-

- the Member represents the ward in which the individual lives;
- the Member makes it clear that they are representing the individual in any request for their personal information to the local authority; and
- the information is necessary to respond to the individual's complaint.

8.2 In all other cases Officers may need to seek the explicit consent of the individual to share their personal data with the Member in order to comply with ~~the~~ Data Protection Legislation.

8.3 Personal information about third parties (i.e. individuals who have not sought the Member's assistance) may only be shared with a Member where the law permits this. See also paragraphs 9.1.3 and 9.1.4 below.

8.4 In particular, Members should forward only the minimum information required to only the people that need to see it and be very careful not to forward email chains or attachments which may contain personal data to a wide group of people who should not have access to it.

~~8.3~~8.5 Members should always follow data protection requirements as set out the guidance for Members.

9. Information and advice

9.1 Requests for written information

- 9.1.1 Members should be provided with adequate information about services or functions on which they may be called upon to make decisions or to scrutinise the decisions of others, or which affect their constituents. This information will normally be made routinely available by Officers in the form of reports, departmental plans etc. Members are encouraged to make use of existing sources of information wherever possible.
- 9.1.2 Written information supplied to a Member regarding the implications of current Council policies or containing statistical information about Council services may be copied to the relevant Cabinet Member.
- 9.1.3 The Leader of the Council or Leader of any other political group may request the Chief Executive or other designated Officer to prepare reports on matters relating to the authority for consideration by the group. Such requests must be reasonable and should not seek confidential information in relation for instance to casework or personal details of applicants for services.
- 9.1.4 Wherever possible, such requests will be met. However, if the Officer considers that the cost of providing the information, or the nature of the request is unreasonable or inappropriate, the request will be referred to the Chief Executive for determination, where necessary in consultation with the Leaders of the political groups. Requests will also only be met where they comply with Data Protection or other legal requirements.
- 9.1.5 Officer reports to political groups should be limited to a statement of relevant facts, identification of options and the merits and demerits of such options for the authority. Reports should not deal with any political implications of the matter.

9.2 Briefings

- 9.2.1 In order for them to discharge their responsibilities Cabinet Members [and Deputy Cabinet Members](#) will be briefed by senior officers (Chief Executive, Directors or Heads of Service) on service issues, proposals and policy development ~~either on an ad hoc or a regular basis~~ [or when urgent issues require it. Regular briefings should normally be monthly but may be agreed](#) in accordance with the requirements of the Member involved [but should be proportionate and reasonable](#).

[Chairs of Scrutiny Boards and other bodies should also receive briefings as appropriate.](#)

- 9.2.2 ~~The other political party groups may also have nominated Shadow Cabinet Members and, if those so request, the r~~ Relevant senior officers will make themselves available to [meet with Shadow Cabinet Members](#) ~~meet with~~

~~them~~ to brief them on service issues on a regular basis (no more than monthly) or as requested. ~~The other political party groups~~ Shadow Cabinet members should be aware that at times the amount of information that officers can share with them may be limited due to issues of confidentiality.

9.2.3 The content of these informal briefing sessions shall remain confidential ~~as~~ between Officers and the political group concerned.

9.3 News Items

9.3.1 When an event or development occurs in the city which has or will have a significant impact on the Council or city residents, the Chief Executive will ensure that the Leaders of all political groups are informed as soon as possible.

9.4 Ward Members

9.4.1 Senior officers should ensure that Ward Members are given information relevant to their ward where appropriate. As well as letting Ward Members know when there has been a significant incident in their ward, Ward Members should be notified about the following types of issue:-

- (a) Public consultation events affecting their wards;
- (b) Proposed changes to services sited within their wards;
- (c) Applications and proposals in their wards

9.4.2 Ward Members should be invited by Officers to public events, such as openings, festivals etc., in their Wards regardless of political affiliation.

9.4.3 The ~~Media and~~ Communications Team will advise Cabinet Members of 'photo shoots' taking place. The Team will aim to give 48 hours' notice of any photo shoot to the Cabinet Member.

9.4.4 If Officers organise a public meeting about a specific Ward issue, all the Ward Members should be invited and given as much notice as possible.

9.4.5 If Officers undertake consultation about specific ward issues they should consult the Members for that ward at the start of the consultation.

9.4.6 Ward Members should be told in advance about anything which particularly affects their ward and which is potentially controversial.

9.5 Officer Attendance at Group Meetings

9.5.1 The Leader of the Council or Leader of any other political group may ask the Chief Executive or relevant Director to give or arrange a private briefing for the party group on a matter of relevance to the Council.

9.5.2 Any briefings offered to ~~or requested by~~ a party group will be offered to the other party groups.

9.5.3 While Officers may attend political group meetings at which individuals who are not elected Members may be present, Members need to understand that those Officers' ability to share confidential information with the Group may be limited. In particular Officers will not be able to share personal information with third parties present if to do so would cause the Council to breach Data Protection Legislation.

9.5.4 Decisions at group meetings are not Council or Cabinet decisions and party groups do not have any delegated authority to make formally binding decisions.

9.6 **Advice for Members with Special Responsibilities**

9.6.1 The Lord Mayor, Cabinet Members and Committee Chairs can ask the Chief Executive, Directors and Heads of Service for extra background information and advice on different courses of action.

9.6.2 Although these Members have additional responsibilities and different relationships because of their more frequent contact with Officers, these Members must still respect the impartiality of Officers. This includes not asking them to undertake work of a party-political nature, or to do anything which would prejudice that impartiality.

9.6.3 The Leaders of ~~minority any opposition political~~ groups can ask the Chief Executive, Directors or Heads of Service for background information or more details about items coming to the next meeting of a Committee or Cabinet. The appropriate Chair or Cabinet Member will be entitled to receive the same information.

9.6.4 Party Group Leaders can ask for advice on presenting their budget in a correct and accurate form. This will be given in confidence.

10. **Members' Briefings on AgendasMeetings and Reports**

10.1 **Briefings on agendasMeetings**

10.2 The Directors and Heads of Service will give briefings on full Council, Cabinet and Committee agendasmeetings to the Leader and Deputy Leader and Committee Chairs as appropriate.

~~10.3 **Consultation on agendas**~~

~~10.3.1 **The Leader will be consulted on agendas for the Cabinet. Committee Chairs will be consulted on agendas for their Committees.**~~

10.4.10.3 Requests for reports

10.4.10.3.1 Instructions for reports to come to Cabinet or Committees can only come from the Leader, Cabinet, a Cabinet Member in respect of the Cabinet and a Committee or a Committee Chair in respect of Committees. Cabinet Members may ask for reports to come to their Cabinet Member meetings.

10.4.210.3.2 Whilst Cabinet Members have political responsibility for drawing up proposals for consideration or for the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, Senior Officers will always be fully responsible for the contents of any report submitted in [his/her/their](#) name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. Any issues arising between a Cabinet Member and a Senior Officer in this respect should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.

11. Support services to Members and Political Groups

11.1 Support services should only be used for Council business. They should never be used for private purposes, for party political or campaigning activity.

12. Correspondence

12.1 Between Members and Officers

12.2 If emails or letters between Officers and Members are copied to someone else, they should say so. Blind copies should not be sent. Members should not forward information received from an Officer to a constituent or member of the public if that information is expressed to be private or confidential.

12.3 Letters on behalf of the Council

12.4 Letters on behalf of the Council will normally be sent by Officers rather than Members. The Leader or Committee Chairs may write some letters on behalf of the Council, for example representations to government ministers. Members must never send letters that create obligations or give instructions on behalf of the Council.

13. The Council as an Employer

13.1 The Council as a whole employs its Officers. The appointment and dismissal of Officers and any disciplinary or grievance proceedings will be carried out in accordance with the Employment Procedure Rules and any other agreed policies and procedures.

14. Responsibility for this Code

- 14.1 The Monitoring Officer has overall responsibility for this Protocol and will periodically review how it is working.



Public report
Cabinet Member

**Cabinet Member for Policing and Equalities
Council**

**23 March 2026
24 March 2026**

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor AS Khan

Director approving submission of the report:

Director of Law, Governance and Safer Communities

Ward(s) affected:

None

Title:

Proposed Amendments to the Constitution – Contract and Finance Procedure Rules

Is this a key decision?

No

Executive summary:

The Constitutional Advisory Panel, at its meeting on 25 February 2026, considered proposed amendments to the Constitution in relation to changes to the Contract Procedure Rules, Part 3G and the Financial Procedure Rules, Part 3F.

The Advisory Panel agreed with the proposed amendments. This report seeks approval from the Cabinet Member for Policing and Equalities and Council to the proposed amendments to the Constitution.

The report also outlines minor amendments and corrections required to ensure that the Constitution is up to date.

Recommendations:

The Cabinet Member for Policing and Equalities is requested to:-

- 1) Recommend that Council approves the proposed amendments to the Contract Procedure Rules, Part 3G of the Constitution as detailed in Appendix A to the report and delegates authority to the Director of Law, Governance and Safer Communities to make the necessary amendments to the Constitution.
- 2) Recommend that Council approves the proposed amendments to the Financial Procedure Rules, Part 3F of the Constitution as detailed in Appendix B to the report

and delegates authority to the Director of Law, Governance and Safer Communities to make the necessary amendments to the Constitution.

Council is recommended to:-

- 1) Approve the proposed amendments to the Contract Procedure Rules (Part 3G of the Constitution) as detailed in Appendix A to the report and delegate authority to the Director of Law, Governance and Safer Communities to make the necessary amendments to the Constitution.
- 2) Approve the proposed amendments to the Financial Procedure Rules (Part 3F of the Constitution) as detailed in Appendix B to the report and delegate authority to the Director of Law, Governance and Safer Communities to make the necessary amendments to the Constitution.

List of Appendices included:

The following appendix is attached to the report.

Appendix A - Details of the proposed amendments to the Contract Procedure Rules (Part 3G)

Appendix B - Details of the proposed amendments to the Financial Procedure Rules (Part 3F)

Background papers:

N/A

Other useful documents

N/A

Has it or will it be considered by Scrutiny?

No

Has it or will it be considered by any other Council Committee, Advisory Panel or other body?

Yes – Constitutional Advisory Panel – 25 February 2026

Will this report go to Council?

Yes – 25 March 2026

Report title: Proposed Amendments to the Constitution

1. Context

- 1.1 The Council's Constitution sets out how the Council carries out its business and makes decisions. It is a living document and is reviewed and updated from time to time to ensure that it meets changing legislative requirements and reflects changes in practise within the Council.
- 1.2 The Constitutional Advisory Panel at its meeting on 25 February 2026 considered proposed changes to the Constitution. These were amendments to the Contracts Procedure Rules as set out in Part 3G of the Constitution and amendments to the Financial Procedure Rules as set out in Part 3F of the Constitution.

2. Options considered and recommended proposals

2. Contracts Procedure Rules – Part 3G

- 2.1 The proposed amendments to the Contract Procedure Rules as set out in Appendix A are to align to the introduction of the Local Government (Exclusion of Non-Commercial Considerations) (England) Order 2026.
- 2.2 Government have introduced a new voluntary policy that permits in-scope contracting authorities such as Coventry City Council to reserve competitions for below-threshold contracts. Such reservations can be made for:
 - a) Businesses based within the local area or United Kingdom; and/or
 - b) Small and Medium-Sized Enterprises (SMEs) and/or Voluntary and Community Social Enterprises (VCSEs).
- 2.3 Previously, authorities were prevented from reserving below-threshold contracts by reference to the location of contractors as a consequence of section 17(5)(e) of the Local Government Act 1988. To bring the policy about, legislation has been made that disapplies the restriction in section 17(5)(e) of the Act, but only in specific circumstances.
- 2.4 While the policy is voluntary, when in-scope authorities do opt to use it, they must adhere to the provisions set out in the Local Government (Exclusion of Non-Commercial Considerations) (England) Order 2026 and ensure that notice requirements are followed in accordance with the Procurement Act 2023 and Procurement Regulations 2024.
- 2.5 The Order defines a 'relevant contract' as a contract that is a below-threshold contract for the supply of goods, services or works to a contracting authority, a framework or a concession contract.
- 2.6 The 'local area' (3.1(a)) is defined as the City of Coventry or the City of Coventry together with any areas of the counties bordering the City of Coventry. Where a joint procurement exercise is being undertaken with two or more Authorities, the local area is defined as the

areas of the Authorities or the areas of the Authorities together with any areas of the counties bordering the relevant Authorities.

- 2.7 'Based within' (3.1(a)) is defined by the Order as being "where that contractor is based or has established substantive business operations, not taking account of the location of the corporate ownership or control of the contractor".
- 2.8 The option to reserve competitions for below-threshold contracts should be considered on a case-by-case basis and shall be made only where sufficient market intelligence exists in order to deliver value for money through a competitive procurement exercise, and not as a way to de facto directly award contracts.
- 2.9 The proposed changes to the Contract Procedure Rules can be summarised as follows:
 - Inclusion of Reserving Competitions for Below-Threshold Contracts at Rule 20 of the Contract Procedure Rules (Part 3G).
 - In accordance with paragraph 2.8 above and new Rule 20.5 of the CPRs, Directors - in conjunction with the Head of Legal and Procurement Services - shall ensure that a Preliminary Market Engagement Notice is published and market engagement held prior to the reservation of any below-threshold contracts in the subsequent Tender Notice.
- 2.10 The Constitutional Advisory Panel agreed that all of the proposed amendments, as detailed in Appendix A, should be recommended to the Cabinet Member for Policing and Equalities for approval.

3. Financial Procedure Rules – Part 3F

- 3.1. The Council periodically receives grant allocations from central government that are paid directly into the Council's bank account. In these circumstances, there is often no requirement to sign a funding agreement and, in some cases, no discretion for the Council to refuse the funding.
- 3.2. Where such grants must be accepted at pace, the current constitutional arrangements do not explicitly set out a clear approval route, creating a degree of ambiguity in what is effectively an unavoidable transaction.
- 3.3. Appendix B introduces a process within the grant income and expenditure provisions of Part 3F of the Constitution in order to address this. The amendment confirms that where:
 - 3.3.1. a grant allocation is received by the Council from central government,
 - 3.3.2. no agreement is required to be signed, and
 - 3.3.3. acceptance is not discretionary,

approval of the grant (irrespective of value) will be delegated to the Director of Finance and Resources (Section 151 Officer), or in his/her absence, the Head of Finance.

- 3.4. The amendment:

- 3.4.1. Strengthens financial governance by clearly identifying the accountable decision-maker;
- 3.4.2. Reflects the practical reality that some grants must be accepted without delay or choice; and
- 3.4.3. Retains flexibility where speed is required, while ensuring Section 151 oversight.

3.5. The change does not reduce transparency or accountability and sits alongside existing reporting and monitoring arrangements.

3.6. The Constitutional Advisory Panel agreed that all of the proposed amendments, as detailed in Appendix B, should be recommended to the Cabinet Member for Policing and Equalities for approval

4. **Results of consultation undertaken**

4.1 The proposed amendments have been considered by the Constitutional Advisory Panel to which all Group Leaders were invited to attend.

5. **Timetable for implementing this decision**

5.1 It is proposed that following Council approval, authority be delegated to the Director of Law, Governance and Safer Communities to make the amendments to the Contract Procedure Rules, Part 3G, and the Financial Procedure Rules, Part 3F.

6. **Comments from the Director of Finance and Resources and the Director of Law, Governance and Safer Communities**

a. Financial Implications

There are no specific financial costs arising from the recommendations within this report. The changes proposed to contract procedure rules are a legislative change with no additional financial implications.

b. Legal Implications

There are no specific legal implications arising from the recommendations within this report. The proposed changes to the Contract Procedure Rules, Part 3G reflect a change in legislation.

7. **Other implications**

a. **How will this contribute to the One Coventry Plan?**

<https://www.coventry.gov.uk/strategies-plans-policies/one-coventry-plan>

Not applicable.

b. How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report.

c. What is the impact on the organisation?

Not applicable

d. Equalities / EIA?

Not applicable

e. Implications for (or impact on) climate change and the environment?

None

f. Implications for partner organisations?

None

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John Redfern	Corporate and Commercial Lawyer	Law, Governance and Safer Communities	02-03-26	02-03-26

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Lara Knight	Governance Services Co-ordinator	Member Services	03.03.26	10.03.26
Finance: E Dewar	Head of Finance	Finance	03.03.26	03.03.26
Director: Julie Newman	Director of Law, Governance and Safer Communities	Law, Governance and Safer Communities	03.03.26	09.03.26
Councillor M Mutton	Chair of the Constitutional Advisory Panel	-	03.03.26	10.03.26
Councillor A S Khan	Cabinet Member for Policing and Equalities	-	03.03.26	12.03.26

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PART 3

RULES OF PROCEDURE

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PART 3G: CONTRACT PROCEDURE RULES

1. Introduction

- 1.1. These Contract Procedure Rules (CPRs) are the standing orders required by the Local Government Act 1972. They are part of the Council's Constitution and are, in effect, the instructions of the Council to officers and councillors for making contracts on behalf of the Council. The purpose of these CPRs is to set clear rules for the procurement of works, goods and services for the Council and to ensure a system of openness, integrity and accountability, in which the probity and transparency of the Council's procurement process will be beyond reproach. Accordingly, these CPRs must be followed for **all** contracts (but excluding the categories listed in Rule 6.2, grants and land contracts which are dealt with under different rules) for:-
- the supply of goods to the Council;
 - the supply of services to the Council; and
 - the execution of works for the Council.
- 1.2. The Council has a Procurement Strategy, setting out how the Council intends to go about procuring works, goods and services. Conformity to these CPRs, and the Council's Employee Code of Conduct and relevant associated employment policies, will ensure that contracts are let in accordance with the 'Procurement Strategy and any associated User Guides and Procedures'.
- 1.3. The Council is subject also to the following regulations:
- (a) The Procurement Act 2023 ("[PA2023](#)") and supplementary Procurement Regulations 2024.
 - (b) the Health Care Services (Provider Selection Regime) Regulations 2023, (introduced by the Health Care Act 2022 for the procurement of in-scope health care services and public health services in England.
- 1.4. For contracts entered in to prior to the commencement of the Procurement Act and supplementary Regulations, the Council is also subject to the Public Contracts Regulations 2015 in relation to the management of contracts for goods, services and works, and the Concession Contracts Regulations 2016 in relation to the management of concession contracts.
- 1.5. These legislations require contract letting procedures to be open, fair and transparent. These CPRs provide a basis for true and fair competition in contracts, by providing clear and auditable procedures, which, if followed, will give confidence that the Council has a

Part 3G – Contract Procedure Rules

procurement regime that is fully accountable and compliant with the legislation.

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2. Summary of CPRs – Governance Process
Governance process for goods, services and works (other than Health Care Services)

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10
Financial Value (per Contract) for Governance	Approval to Procure	Minimum Process	Advertising opportunity on the Central Digital Platform	Advertising award on the Central Digital Platform	Minimum Tender/Quote Timescales	Contract Terms	Opening of tenders	Authority to Award Contract	Contract Signing
£1,000,000 and above	Procurement Board. In addition, unless acting within approved budgets, Cabinet where the Contract Value (not estimated framework agreement value) is £1m and above on a per annum basis	Competitive tenders in compliance with the Procurement Act 2023 (PA2023) (Note 1 below) Or direct appointment of a Local Authority Trading Company (LATC) in accordance with the Teckal arrangement contained in PA2023 where best value can be demonstrated.	Yes, where over £100k estimated contract value and 'open market'. No, where between £100k and PA2023 threshold and closed exercise.	Yes	Minimum fifteen (15) working days between £100,000 and relevant PA2023 threshold. Where above the relevant threshold, as prescribed by the PA2023.	Standard or Bespoke Form of Contract, or framework order form. Where contracts are in the form of Deeds, they must be sealed by Legal Services. Contracts over £1,000,000 will need to be in the form of a Deed	Electronic tenders via the Council's e-tendering system	If within approved tolerance agreed at Column 2, e.g. <10% above estimated price, or report back to relevant body in Column 2 for approval	Monitoring Officer or authorised deputy
£100,000 up to £999,999	Procurement Panel					Standard or Bespoke Form of Contract, or framework order form. Contracts in the form of Deeds must be executed by Legal Services.			Director and/or Head of Service

Part 3G – Contract Procedure Rules

£10,000 to £99,999	Director approval or delegated authority to budget holder (Copies of Quotations MUST be forwarded to Legal and Procurement Services for order to be approved)	Minimum of five (5) written or oral quotations (see 3 below for thresholds). Where possible, a minimum of three (3) should be from local suppliers or social enterprises. Or appointment of a Local Authority Trading Company (LATC) in accordance with PA2023 where best value can be demonstrated.	Yes, where over £25k estimated contract value and 'open market'. No, where under £25k or closed exercise. (i)	Yes, where over £25k estimated contract value. Optional, where under £25k estimated contract value. (i)	Minimum five (5) working days between £10,000 - £24,999. Minimum ten (10) working days between £25,000 - £99,999.	Standard or Bespoke Form of Contract, or framework order form. Contracts in the form of Deeds must be executed by Legal Services.	Officers must use the electronic Quotations Pack via the Council's e-tendering system for contract values £25,000 - £99,999	Director or authorised deputy	Endorsed/ Signed by Director or authorised deputy
Below £10,000	Budget holder	Use of corporate contract or demonstrable value for money	(i) Not Required (ii) Not Required	(i) Not Required (ii) Not Required	Not Applicable	Purchase Order terms & conditions, framework order form or supplier official order form, or Council Procurement Card.	N/A	Authorised by Budget Holder	Authorised by Budget Holder
<p>Note 1 – Where PA2023 thresholds are not exceeded, a minimum of five (5) competitive tenders must be sought or the tender advertised on the Central Digital Platform</p> <p>Note 2 – Framework agreements need approval by the relevant Procurement Panel or Procurement Board only, based on the total estimated/potential expenditure. Cabinet Approval will also be required for each individual Contract placed against a framework agreement where the annual value is £1,000,000 or over.</p>									

Part 3G – Contract Procedure Rules

Governance process for Health Care Services under the Provider Selection Regime

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10
Financial Value (per Contract) for Governance	Approval to Procure	Minimum Process	Advertising opportunity on Find a Tender	Advertising award on Find a Tender	Minimum Tender/Quote Timescales	Contract Terms	Opening of tenders	Authority to Award Contract	Contract Signing
£1,000,000 and above	Procurement Board. In addition, unless acting within approved budgets, Cabinet where the Contract Value (not estimated framework value) is £1m and above per annum basis	The most appropriate provider selection process in accordance with the Health Care Services (Provider Selection Regime) Regulations 2023. The default position for new and re-procured services is that of the Competitive Process.	Direct Award A - No Direct Award B - No Direct Award C - Yes Most Suitable Provider - Yes Competitive Process - Yes	Direct Award A - Yes Direct Award B - Yes Direct Award C - Yes Most Suitable Provider - Yes Competitive Process - Yes	Where utilising the Competitive Process, a minimum of fifteen (15) working days.	Standard or Bespoke Form of Contract. Where contracts are in the form of Deeds, they must be sealed by Legal Services. Contracts over £1,000,000 will need to be in the form of a Deed	Electronic tenders via the Council's e-tendering system	If within approved tolerance agreed at Column 2, e.g., <10% above estimated price, or report back to the relevant body in Column 2 for approval	£1m and above - Monitoring Officer or authorised deputy £100,000 to £999,999 – Director and/or Head of Service £10,000 to £99,999 – Endorsed/signed by Director or authorised deputy Below £10,000 – authorised by Budget Holder
Up to £999,999	Procurement Panel					Standard or Bespoke Form of Contract. Contracts in the form of Deeds must be executed by Legal Services.			

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Note 2 – Framework agreements need approval by the relevant Procurement Panel or Procurement Board only, based on the total estimated/potential expenditure. Cabinet Approval will also be required for each individual Contract placed against a framework agreement where the annual value is £1,000,000 or over.

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3. Financial Thresholds for Procedure

Contract Procedure Rules (CPRs)	
Quick Reference Guide Table – Financial Thresholds	
Above PA-2023 thresholds (Note 2 below)	
£4,327,500+ (£5,193,000 including VAT)	Competitive tenders in compliance with the Procurement Act 2023 required for Works, and Concession contracts.
£552,950+ (£663,540 including VAT)	Competitive tenders in compliance with the Procurement Act 2023 required for Supplies and Services contracts that are deemed to be Light Touch contracts.
£173,100+ (£207,720 including VAT)	Competitive tenders in compliance with the Procurement Act 2023 required for Supplies and Services contracts.
<p>Form of Contract: Contracts for £999,999 or less in value can be signed for and on behalf of the Council under hand by Directors and Heads of Service.</p> <p>As a general rule, any works contract and high value contract with a value equal to or exceeding £1,000,000 which are to be expressed to be executed as deeds must either be:</p> <ul style="list-style-type: none"> • made under the Council's seal attested by the Monitoring Officer or authorised signatory; or • signed by at least two officers of Legal Services duly authorised by the Monitoring Officer 	
Below PCR-2015PA2023 thresholds	
£100,000 – up to PA2023 thresholds as listed above (relevant to spend type, e.g., Goods, Services, Works, Concessions)	<p>At minimum of five (5) potential suppliers, should be invited to tender. Where possible those invited to tender should include at least three (3) local suppliers i.e., office based within CV1-CV6 postcodes.</p> <p>Or MUST be advertised on the Central Digital Platform. Refer to Appendix 4 for legislative notice information.</p> <p>Or direct appointment of a Local Authority Trading Company (LATC) in accordance with PA2023 where best value can be demonstrated.</p>

Part 3G – Contract Procedure Rules

<p>£10,000 - £99,999</p>	<p>MUST use corporate contracts where one exists.</p> <p>Competitive quotations £10,000 and up to £24,999 - a minimum of five (5) verbal quotations (which must be confirmed by email) must be sought - quotation pack use is optional.</p> <p>£25,000 and up to £99,999 - a minimum of five (5) quotations MUST be requested in writing using quotation pack (via the Council's e-tendering system with option to publish on the Central Digital Platform. Where possible those invited to tender should include at least three (3) local suppliers i.e., office based within CV1-CV6 postcodes.</p> <p>Or direct appointment of a Local Authority Trading Company (LATC) in accordance with PA2023 where best value can be demonstrated.</p>
<p>Below £10,000</p>	<p>Must use corporate contracts where one exists or show value for money.</p> <p>All contracts valued at £5,000 or above must be included on the Contracts Register in accordance with the Local Government Transparency Code.</p>
<p>Health Care Services (Provider Selection Regime) Regulations (no threshold)</p>	<p>Must use corporate contracts where one exists. Must follow provider selection processes outlined in the Regulations. Must follow corporate guidance and governance process in accordance with these CPRs.</p>
<p>Note 3: PA2023 Thresholds</p>	<p>PA2023 Thresholds are revised every 2 years on 1st January. Figures quoted above for Works and Concessions (£4,327,500 plus VAT), Light Touch Regime Services (£552,950 plus VAT) and Supplies and Services (£173,100 plus VAT) are applicable from 1st January 2026 – 31st December 2027.</p>

- 3.1. The Director responsible for Legal and Procurement Services and the Director for Finance and Resources (if they are not the same officer) or their authorised deputy, subject to conditions, may authorise a contract as an exception to the CPRs if the works or goods/services are below PA2023 thresholds. An exception cannot be granted where a breach of any UK legislation would be incurred.

Part 3G – Contract Procedure Rules

4. Objectives

- 4.1. The CPRs exist to achieve the aims set out below and to assist and protect the interests of the Council and individual Officers.
- 4.2. It is important that they are viewed as **an aid to good management and not as a hindrance**. Followed properly, they provide protection for Officers against criticism and support good procurement practice.
- 4.3. Officers must be able to demonstrate that they followed procedure or had obtained the necessary authority for not doing so, in order to:-
- ensure value for money is obtained;
 - ensure probity in the award of Council contracts;
 - ensure fairness, equity, openness and transparency in the treatment of contractors/suppliers in particular SMEs;
 - ensure that procedures for placing contracts/orders comply with legislation;
 - ensure records are kept which demonstrate compliance with CPRs.

5. Scope of CPRs

- 5.1. All purchases and contracts made in the name of and binding the Council must comply with these CPRs, and also any contract that involves income to the Council. This includes contracts where the expenditure is grant aided by a third party. These rules also apply to a company which is owned or controlled by the Council or is funded by public money. Any arrangement where the Council pays or receives money or equivalent value, other than a contract to employ staff, must comply with these Rules. This includes contracts for:
- (a) buying and selling goods;
 - (b) any work being carried out;
 - (c) services (including financial and consultancy services);
 - (d) hire, rental or lease (of goods)
 - (e) concession agreements
- 5.2. To receive and deal with expressions of interest (through the Procurement Board or the Panels as appropriate) from relevant bodies in providing or assisting in providing a relevant service on

Part 3G – Contract Procedure Rules

behalf of the Council in accordance with Part 5, Chapter 2 of the Localism Act 2011 and to consult with the relevant Cabinet Member on each expression of interest that is received.

6. Compliance

- 6.1. Every contract entered into on behalf of the Council must comply with these CPRs and all relevant UK legislation.
- 6.2. The only areas excluded from these Rules are:
 - (a) Internally recharged services;
 - (b) Schemes where the Council has delegated a function to a third party to perform and where a contract makes separate provision for procurement rules
 - (c) Test purchasing in the course of an Officer's duty. (e.g. Trading Standards).
 - (d) Land transactions
 - (e) Property transactions
 - (f) Grants
- 6.3. All contracts must be in writing. Except in an emergency situation which has been approved by the Head of Legal and Procurement Services (or in their absence, the Deputy Head of Procurement), contracts under £100,000 in value must be made on an official Council Form of Agreement or standard form of contract, as appropriate, approved by a designated Authorising Officer, with the Council's standard terms of trading endorsed or referred to. For works contracts, one of the standard forms of contract, such as the NEC, JCT or ICE forms may be appropriate. The Legal and Procurement Services Team, in consultation with Legal Services, will advise on other suitable forms of contract.
- 6.4. Responsibility for compliance with CPRs remains at all times with Council officers. Directors and the Head of Legal and Procurement Services will be responsible for monitoring compliance against these rules, aided by internal or external audits or inspections which will be carried out as appropriate.
- 6.5. See Rule 8 regarding approvals required before a Relevant Procedure (as defined in Rule 8.1.1) may be commenced.

7. Justification of Need

- 7.1. Before any Relevant Procedure (as defined in Rule 8.1.1) is commenced consideration must be given to:
- (a) whether the expenditure is really necessary, and/or can demonstrate benefit to residents or the Council;
 - (b) whether a critical review has been carried out to identify if the requirement can be met from within existing resources or whether it is being funded through grants or other approved income sources;
 - (c) the revenue consequences of any capital investment;
 - (d) the national priorities contained within the National Procurement Policy Statement; and
 - (e) in any case, whether the necessary approvals in Rule 8 have been obtained.

8. Approvals Required before Certain Relevant Procedures are Commenced

- 8.1. Rule 8 applies to any Relevant Procedure:
- 8.1.1. Relevant Procedure: means any procedure conducted by or on behalf of the Council for the genuine purpose of the Council (alone or with others) entering into a contract for the purchase of goods, services and/or works, subject to the following:
- (a) This shall include (without limitation), the seeking of quotations, the conduct of any tender exercise via the Open or Competitive Flexible Procedure, including those as prescribed under the Provider Selection Regime, the conduct of any direct award or mini-competition exercise under a framework agreement, the making of a purchase under a dynamic market or off an approved list (or the like).
 - (b) This shall not include any genuine exercise to research market conditions (including without limitation, any soft market testing or benchmarking exercise) which is not in itself genuinely intended to directly result in the Council entering into a contract for the purchase of goods, services and/or works or concession arrangement.
- 8.1.2. This Rule 8 only applies to conduct involving Council members and

Part 3G – Contract Procedure Rules

its officers and does not apply as between the Council and the public at large. Accordingly (and without limiting the implications of this), non-compliance by the Council or by any of its members or officers with all or any part of this Rule 8 shall not in itself result in any of the following:

- (a) Any act by or on behalf of the Council resulting from that non-compliance being invalid for any reason (including without limitation, any assertion that the Council has acted beyond its powers).
- (b) Any member of the public (including any person to who takes part in a Relevant Procedure which is conducted in breach of this Rule 8) having any claim of any kind whatsoever against the Council, including any claim for compensation.

8.2. Requirements before a Relevant Procedure may be commenced:

8.2.1. All of the following, to the extent relevant, and without limiting other requirements elsewhere in the Council's Constitution but subject to the exceptions in Rule 8.5 must be completed before a Relevant Procedure may be commenced:

- (a) The expenditure must be within approved budget and policy framework which has been approved by Members.
- (b) The use of expenditure must have been approved by the Procurement Board (or on the Procurement Board's behalf by the Procurement Panel where relevant) in accordance with Rule 8.3.
- (c) Where the Relevant Procedure is a sensitive matter (see Rule 8.4), the Procurement Board shall consider and give its approval or delegate the approval to the Procurement Panel.

8.3. Delegation by the Procurement Board of the task of considering whether to approve a prospective Relevant Procedure for the purposes of Rule 8.2(b).

8.3.1. The Procurement Board may (but shall not be obliged to) delegate that task to Procurement Panel (or any other relevant subcommittees the Procurement Board has in place from time to time), **but only if both of the following conditions** apply to the prospective Relevant Procedure under consideration:

- (a) The reasonably estimated total value of the contract or contracts for goods, services and/or works expected to be entered by the Council at the conclusion of the Relevant Procedure (whether

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under a single contract, as aggregated under a framework agreement across its full term, across two (2) or more lots contained in the same Relevant Procedure, or as aggregated under a series of reasonably connected contracts) is **less than** £1,000,000 (one million pounds). Where there is reasonable doubt about whether the value is to exceed that figure, there shall be a presumption for the purposes of this Rule 8.3 (a) that it does exceed that figure; **and**

(b) The Relevant Procedure is **not** a sensitive matter (see Rule 8.4).

8.3.2. Any of the following may constitute a 'sensitive matter' for the purposes of this Rule 8 but the Procurement Board or Procurement Panel will make the decision.

(a) There is a significant risk (on a reasonable view) that the Relevant Procedure (and/or any purchase of goods, services and/or works resulting from it) will create serious adverse publicity for the Council.

(b) Under the proposed contract for the purchase of goods, services and/or works expected to result from the Relevant Procedure, the Council would be required to deal with a particular supplier or provider on an exclusive basis.

8.4. Exceptions to obtaining any of the approvals required in Rule 8: only with the written consent of the Director responsible for Legal and Procurement Services and the Director of Finance and Resources (if they are not the same person).

9. The Procurement Board and Procurement Panel

9.1. Composition of the Procurement Board:

(a) Appointment and removal of Procurement Board members: from time to time in accordance with its approved terms of reference and its members must include the Director for Finance and Resources, a minimum of two (2) Directors and the Head of Legal and Procurement Services.

(b) How the Procurement Board is to conduct itself: as determined by the Procurement Board's Terms of Reference, acting reasonably and in good faith, and in any case, lawfully.

(c) The Procurement Panel shall include Directors, Head of Function and other officers of the Council appointed or removed in accordance with its approved terms of reference.

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- 9.2. The Procurement Board shall have the following powers:
- (a) To determine whether to approve or refuse any proposed Relevant Procedures which it has not otherwise delegated according to Rule 8.3;
 - (b) To monitor compliance with contract rules and monitor spend and contracts; to achieve savings;
 - (c) The status of the Procurement Panel in place from time to time shall be as a sub-committee of the Procurement Board;
 - (d) To establish and dissolve the Procurement Panel or similar sub-committee;
 - (e) To establish the composition of members of the Procurement Panel or similar sub-committee, including appointment and removal of members, including any substitutes;
 - (f) The conduct of the proceedings of the Procurement Panel or similar sub-committee from time to time;
 - (g) Any act of the Procurement Panel or similar sub-committee (including any approval or refusal of a Relevant Procedure) shall be regarded as if it were the direct act of the Procurement Board itself;
 - (h) To deal with expressions of interest from a relevant body exercising the right to challenge for a relevant service under Part 5, Chapter 2 of the Localism Act 2011;
 - (i) To provide an annual report on the activities of the Procurement Board and Procurement Panel to Cabinet Member Portfolio Holder and to the Audit and Procurement Committee; and
 - (j) The Director of Finance and Resources has the power to vary the terms of reference of the Procurement Board and Procurement Panel.

9.3. The Procurement Panel shall have the following powers:

9.4. (a) (b) (e) (g) (h) and (i) detailed in Rule 9.2.

10. Exceptions to CPRs

10.1. An exception to the CPRs is a permission to let a contract without complying with one or more of the Rules. An exception to CPRs may be granted subject to conditions. An exception cannot be granted

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where a breach of any UK legislation would be incurred.

- 10.2. Any Director may grant an exception to these CPRs where the value is below £100,000, except for contracts captured by the Provider Selection Regime. Any exception to CPRs of £100,000 and above (and up to PA2023 thresholds) will need the approval of the Director responsible for Legal and Procurement Services or his/her authorised deputy who may grant an exception to these CPRs. Applications for exceptions must be made in writing to the appropriate Director and include the exception rule that is requested and the justification for the exception. All Directors granting an exception or exceptions will notify Legal and Procurement Services of all exceptions granted at a frequency to be determined by the Director responsible for Legal and Procurement Services.
- 10.3. The Director responsible for Legal and Procurement Services will keep a register of all exceptions to CPRs, which shall be available by appointment for inspection by members of the Council and the public. An annual report on exceptions granted in the previous financial year will be presented to the Procurement Board.
- 10.4. An application for an exception to CPRs to allow a contract to be let without genuine competition will not be granted without a cogent reason. A lack of time caused by inadequate forward planning is not a cogent reason and will not permit an exception to CPRs. If an application is granted, the Director responsible for the contract must demonstrate that the price obtained is not in excess of the market price and that the contract represents best value for money.
- 10.5. Where an exception has been granted in line with these rules, a further exception must be sought if the value of the original exception has been exceeded **or** the time period granted for the exception has elapsed.
- 10.6. An exception to the requirements to follow the tender or quotation procedure may be granted in the following circumstances:
 - (a) an unforeseeable emergency involving danger to life or health or serious damage to property, in which the work, goods or services are required more urgently than would be possible if the tender or quotation procedure were followed;
 - (b) for justifiable technical reasons, the works, goods or services can be obtained from only one supplier;
 - (c) acquiring goods or services from a different supplier would result in incompatibility with existing goods or service or disproportionate technical difficulties;

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- (d) the proposed contract is an extension to or variation of, the scope of an existing contract, if permitted by the public procurement legislation i.e. below the required threshold, unless the existing contract provides for an extension;
- (e) there is a need to develop and influence the market by extending the range and provision of services, provided the contract is for a fixed term of no more than three years;
- (f) it is necessary to enable the continuation of a new service, development of which was initially grant-aided, provided the contract is for a fixed term of no more than three years;
- (g) when a grant from a public body includes a recommendation as to the supplier or is time limited;
- (h) in furtherance of the Council's social enterprise policy, or other economic development aims, subject to the prevailing financial support limits for this type of activity and without breaching public procurement rules;
- (i) if there are exceptional circumstances in which it would not be in the Council's best interests to follow the tender or quotation procedure or another Contract Procedure Rule.

10.7. An exception to Contract Procedure Rules is granted and separate authorisation is not required in the following circumstances:

- (a) placing an order against a contract/framework agreement let by another Public Body where contracts have been let to allow collaboration, e.g., Eastern Shires Purchasing Organisation (ESPO), Central Buying Consortium (CBC, Buying Solutions, etc.), where the value is below £100,000. If £100,000 or above, approval should be sought via the Procurement Panel or Procurement Board;
- (b) as part of a partnering contract that contemplates a series of contracts with a single supplier;
- (c) legislation requires the Council to let a contract differently from these Contract Procedure Rules;
- (d) value for money can be achieved by the purchase of second hand/used vehicles, plant or materials
- (e) the purchase of works of art, museum artefacts, manuscripts, archive collection items or the services of artistic and cultural

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performers;

- (f) Residential Placements for an individual with a registered care provider of their choice under the Care Act 2014; and
- (g) -for decision making on utilities contracts. Due to the volatile nature of utilities markets and the need for expedient decision making, authority has been delegated through the approval of these Rules to the Director responsible for Legal and Procurement Services in consultation with the Director for Finance and Resources. If the Director for Finance and Resources is also the Director responsible for Legal and Procurement Services, then the decision will be made by the Director for Finance and Resources in consultation with the Chief Executive or his nominated representative. All utilities contracts will be let through Legal and Procurement Services and in line with the procedures dictated by the Head of Legal and Procurement Services.

11. Valuation of Contracts and Aggregation of Requirements

- 11.1. The Director responsible for each contract must record an estimated value for the contract before any offers are sought.
- 11.2. The total value of the contract is the total amount that the Council expects to pay for the contract includes the following:
 - (a) the value of any goods, services or works provided by the Council other than for payment
 - (b) amounts that would be payable if an option in the contract to supply additional goods, services or works were exercised
 - (c) amounts that would be payable if an option in the contract to extend or renew the term of the contract were exercised
 - (d) amounts representing premiums, fees, commissions or interest that could be payable under the contract
 - (e) Amounts representing prizes or payments that could be payable to participants in the procurement.
- 11.3. In estimating the value of a contract, the Council must take into account all of the facts which are material to the estimate and available to the Council at the time it makes the estimate.
- 11.4. In estimating the value of a framework, the Council must estimate the value as the sum of the estimated values of all the contracts that have

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or may be awarded in accordance with that framework.

- 11.5. In estimating the value of an open framework, the Council must estimate the value as the sum of all frameworks awarded, or to be awarded, under the Open framework.
- 11.6. In estimating the value of a Concession contract, the Council must estimate the value as the maximum amount the supplier could expect to receive under or in connection with the contract including, where applicable, amounts already received.
- 11.7. Where it is not possible to estimate the value of a contract in accordance with Schedule 3 of the Procurement Act 2023, the Council is to treat the contract as having been estimated to be of an amount of more than the threshold amount for the type of contract.
- 11.8. Contracts for the same works, goods or services must not be split into smaller, separate contracts to avoid compliance with these CPRs or the Procurement Act 2023.

12. Duties of Directors and the Head of Legal and Procurement Services

- 12.1. The Director is responsible for ensuring that all expenditure involving procurement activity complies with the CPRs and is responsible for ensuring that contracts within his/her division are managed and operated within the terms of the contracts themselves.
- 12.2. The Head of Legal and Procurement Services is responsible for maintaining a register of contracts and for providing an up-to-date copy of the register. Contracts in excess of £5,000 total contract value shall be added to the Contracts Register, which is to be published on the Council's website in accordance with the Local Government Transparency Code. Directors responsible for entering into contracts for £5,000 or more must notify the Director responsible for Legal and Procurement Services of contracts entered into at a frequency determined by the Director responsible for Legal and Procurement Services.
- 12.3. As soon as practicable after the Council's budget has been set and in any event before the end of March in each financial year, the Director must notify the Head of Legal and Procurement Services of all contracts (including their values) that his/her division plans to enter into during the following financial year.
- 12.4. The Director must use corporate contracts, where they are in place. To do otherwise would be unlikely to give value for money for the Council and may be in breach of the Procurement Act 2023.

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12.5. If there is an in-house service available that operates as a trading unit, the Director must consider, in accordance with Value for Money principles, whether that service should be used or whether a contract should be let to an external provider, although all resource implications (e.g. TUPE implications and/or redundancies for directly employed staff), must be considered as part of the best value assessment.

13. Selection of Procurement Route

13.1. When selecting the most appropriate procurement route to secure value for money, the Director, in consultation with the Head of Legal and Procurement Services, shall adhere to the following principles:

- (a) All practical options for contract packages and methods of procurement should be analysed and evaluated, with the object of selecting the option that most effectively ensures value for money is achieved. The preferred option must provide full, fair, transparent and open competition and be identified as the most advantageous bid.
- (b) The scope of contract packages should take into account cross-cutting themes and outcomes identified by strategic, policy and service reviews. Stakeholders within and outside the Council should be consulted about service standards and specifications and investigation of the market undertaken. Performance under any current contract should be appraised and prospective performance considered in the light of consultations and investigations.
- (c) The Council is not required to conduct preliminary market engagement. However, preliminary market engagement is beneficial to the Council and the market in preparing for the procurement and developing the requirement. Where preliminary market engagement is to be undertaken, the Head of Legal and Procurement Services shall ensure that the necessary Preliminary Market Engagement Notice is published in accordance with the Procurement Act 2023.
- (d) The contract package should seek to stimulate diversity and innovation, enhance choice for service users and attract new suppliers.
- (e) Partnerships between the public, private and voluntary sectors should be sought, which demonstrate a shared commitment to objectives that benefit users of the Council's services.

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- (f) Consideration of reducing and/or removing barriers to entry in the procurement process for SMEs, VCSEs and start-ups.

14. Authority to Enter into a Contract

- 14.1. Officers may only enter into a contract if authority is delegated to them or by specific decision of the Council, the Cabinet or Cabinet Member or Procurement Board or Procurement Panel.
- 14.2. Unless an officer has been given authority to enter into a contract, all contracts involving capital expenditure must be authorised by a specific decision of the Cabinet or a Cabinet member.
- 14.3. Unless an officer has been given authority to enter into a contract, all contracts involving revenue expenditure must be authorised by a specific item in the approved revenue budget for the relevant year. A specific item in the approved revenue budget is deemed to be an authority for the relevant Director to enter into a contract up to the value estimated.
- 14.4. All contracts will be let with the involvement of Legal and Procurement Services in consultation with service users and technical experts.

See Appendix 1 for Governance Flowchart

15. Specifications

- 15.1. The Director, in conjunction with the Head of Legal and Procurement Services, must ensure that an appropriate specification is prepared for every contract, which sets out clearly the Council's requirements with regard to the works, goods or services to be supplied.
- 15.2. The Director, in conjunction with the Head of Legal and Procurement Services shall ensure that specifications do not unnecessarily narrow the competitive pool of suppliers, and suppliers are treated equally.
- 15.3. Where applying standards applicable to the goods, services or works, the Director shall ensure that the specification is clear when referring to UK standards that if it is considered that equivalent standards from overseas have been satisfied, this will be treated as having satisfied the UK standard.
- 15.4. Specifications should incorporate measurable and, so far as is possible, objective quality and performance criteria (Key Performance Indicators or clearly defined milestones/deliverables) to enable the contract to be monitored and managed and should build in a capacity for flexibility and innovation, to secure sustained improvements and the ability to meet changing local and national

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circumstances.

- 15.5. Where appropriate, specifications should identify and allocate the risks inherent in the contract.
- 15.6. If a contract may involve the transfer of employees (from the Council to a contractor or from one contractor to another), the tender documents should, if the contractor has assured confidentiality of personal information, include all relevant information relating to those employees.
- 15.7. The Director must obtain all necessary professional and technical advice and assistance in preparing a specification, to ensure a comprehensive document that expresses the Council's requirements and protects its interests. Consultants or other third parties who assist in the preparation of a specification must not be invited to tender or quote for the contract.

16. Contract Procedures

- 16.1. If a corporate contract is in place for the supply of any works, goods or services, the Director must place orders under that contract. Legal and Procurement Services publishes data to enable Directors to order from corporate contracts.
- 16.2. The Director in conjunction with the Head of Legal and Procurement Services must establish whether the public procurement legislation or the Provider Selection Regime applies to a proposed contract. If in doubt, Legal Services will advise whether either legislation applies. When public procurement legislation does apply, the Director/ Head of Legal and Procurement Services must use the Open procedure or the Competitive Flexible procedure unless Legal & Procurement Services agree to the use of a Direct Award procedure. Where the Provider Selection Regime applies to a proposed contract, the Director/Head of Legal and Procurement Services must use one of the provider selection processes in accordance with the Provider Selection Regime guidance. In order to drive competitive procurement and value for money on all contracts, the default position of the Council is that a competitive procedure must be adopted.
- 16.3. The Head of Legal and Procurement Services will place all notices relating to contracts on the Central Digital Platform where applicable and will ensure compliance with all applicable laws and regulations relating to the Council's procurement activities.
- 16.4. The Director need not obtain competitive quotations for contracts of less than £10,000 in value but must demonstrate in any event that the Council is receiving value for money. All contracts entered in to

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at £5,000 or more must be added to the Contracts Register and published in accordance with the Local Government Transparency Code.

17. Invitation to Formal Tender

- 17.1. If the public procurement legislation applies to a contract, the selection of suppliers to be invited to tender for the contract must follow the requirements of that legislation.
- 17.2. Prior to the publication of the relevant Tender Notice or Transparency Notice, the Head of Legal Services shall ensure that the appropriate conflict assessment has been prepared and that it is maintained/revised accordingly until such time that the Council enters in to contract.
- 17.3. If the estimated total contract value for the procurement is between £100,000 and PA2023 thresholds, a minimum of five (5) potential suppliers must be invited to tender using the Council's e-tendering system. Where possible those invited to tender should include at least three (3) local suppliers. The number of suppliers invited to tender should ensure full competition is achieved.
- 17.4. Where the Authorising Officer does not believe it possible to invite five (5) suppliers to tender, the Invitation to Tender must be published to the open market.
- 17.5. Where the Health Care Services (Provider Selection Regime) Regulations apply, the selection of suppliers to be awarded or invited to tender for the contract must follow the requirements of that legislation. No financial thresholds apply to the Provider Selection Regime.
- 17.6. Companies expressing an interest in being invited to tender in response to an advertisement, must satisfy the Council as to their legal, financial and technical capacity (including but not limited to their Health & Safety and Equal Opportunities policies) to undertake the contract by satisfying the conditions of participation of the procurement procedure used, in a form approved by the Head of Legal and Procurement Services.
- 17.7. The Head of Legal and Procurement Services shall be responsible for ensuring that an "Invitation to Tender" procedure – that demonstrates public sector best practice – is available and adhered to, at all times, ensuring that the award criteria, weightings and assessment methodology is stipulated in the Invitation to Tender documentation and Tender Notice, and is sufficiently clear, measurable and relates to the subject matter of the contract.

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17.8. The Head of Legal and Procurement Services shall be responsible for ensuring that the appropriate Procurement Termination Notice is published on the Central Digital Platform in the event of an abandoned procedure unless exemptions apply.

18. Opening Formal Tenders

18.1. The information obtained at the opening of tenders is confidential to those involved in the opening process and those directly involved in evaluation of the tenders. Confidentiality must be maintained, and any breach reported to the Monitoring Officer.

18.2. The Council uses an *electronic tendering platform*. The tender opening process must be appropriate to the specific electronic software employed and its facilities for guaranteed receipt of tenders.

19. The Quotation Procedure

19.1. ~~19.1~~ Where the Health Care Services (Provider Selection Regime) Regulations apply, the selection of suppliers to be awarded or invited to tender for the contract must follow the requirements of that legislation. No financial thresholds apply to the Provider Selection Regime.

19.2. Except for services which are captured by the Provider Selection Regime, where the contract value is £10,000 and up to £24,999, a minimum of five (5) verbal quotations (which must be confirmed by email) shall be sought and the use of the quotation pack is optional. Where the contract value is £25,000 up to £99,999, a minimum of five (5) quotations MUST be requested via the Council's e-tendering system using the quotation pack. Where possible those invited to quote where the contract value is between £10,000 and £99,999 should include a minimum of three (3) local suppliers.

19.3. The Authorising Officer must satisfy themselves as to the legal, financial and technical capacity of suppliers invited to quote to undertake the contract for the Council, through seeking appropriate in-house professional advice, and that they will provide value for money.

19.4. Five (5) or more suppliers must be invited to quote to ensure genuine competition. Where the Authorising Officer does not believe it possible to invite five (5) suppliers to quote, the Request for Quotation must be published to the open market.

19.5. The Head of Legal and Procurement Services shall be responsible for all procedural aspects of seeking quotations, ensuring that probity and proper public accountability standards are in operation.

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Monitoring shall be carried out periodically by either the internal or external auditor.

20. Reserving Competitions for Below-Threshold Contracts

20.1. Directors may, in accordance with the Local Government (Exclusion of Non-commercial Considerations) (England) Order 2026, reserve competitions for below-threshold contracts (refer to Rule 3 Financial Thresholds for Procedure) relating to the supply of goods, services or works, frameworks and concession contracts.

20.2. Such reservations can be made for:

- (a) Businesses based within the local area or United Kingdom; and/or
- (b) Small and Medium-Sized Enterprises (SMEs) and/or Voluntary and Community Social Enterprises (VCSEs)

20.3. The 'local area' is defined as the City of Coventry or the City of Coventry together with any areas of the counties bordering the City of Coventry. Where a joint procurement exercise is being undertaken with two or more Authorities, the local area is defined as the areas of the Authorities or the areas of the Authorities together with any areas of the counties bordering the relevant Authorities.

20.4. 'Based within' is defined by the Order as being "where that contractor is based or has established substantive business operations, not taking account of the location of the corporate ownership or control of the contractor".

20.5. The option to reserve competitions for below-threshold contracts should be considered on a case-by-case basis and shall be made only where sufficient market intelligence exists in order to deliver value for money through a competitive procurement exercise, and not as a way to de facto directly award contracts.

20.6. In accordance with Rule 20.5, Directors - in conjunction with the Head of Legal and Procurement Services - shall ensure that a Preliminary Market Engagement Notice is published and market engagement held prior to the reservation of any below-threshold contracts in the subsequent Tender Notice.

20.7. Contracts that are subject to the Health Care Services (Provider Selection Regime) Regulations 2023 are not in scope of the Order.

20-21. Acceptance of Formal Tenders and Quotations

20-21.1. Where expenditure has been approved through the budget

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setting process, the Procurement Panel or Board has given approval to proceed and these CPRs have been followed, the Procurement Board or Procurement Panel shall receive notification of the contract award.

20.2-21.2. 20.2 Where the Health Care Services (Provider Selection Regime) Regulations apply, the appropriate provider selection process shall be followed. Where the Competitive Process is followed, contracts shall be awarded according to the basic selection criteria and key criteria of the Provider Selection Regime. The Procurement Panel/Board shall receive a written report of the contract award from the responsible officer seeking approval for such award where outside of the delegated authority granted at the approval to proceed stage. In extreme urgency the Head of Legal and Procurement Services may agree to a verbal report from the responsible officer with a written report being presented to Procurement Panel/Board within a calendar month. All papers/electronic files will be stored in line with the document retention policy.

20.3-21.3. When using the Provider Selection Regime, the criteria for evaluation must be set out in the invitation to tender or equivalent document depending on which procedure is used, in descending order of priority, with the weightings to be given to them. The criteria must also be set out in the required Tender Notice, Contract Award Notice and Contract Details Notice unless exemptions apply. Whole life and environmental costs may be included in criteria for evaluation.

20.4-21.4. Excluding services captured by the Provider Selection Regime, for contracts of £100,000 or more, contracts are to be awarded under the “most advantageous” criterion. The Procurement Panel/Board shall receive a written report of the contract award from the responsible officer seeking approval for such award where outside of the delegated authority granted at the approval to proceed stage. In extreme urgency the Head of Legal and Procurement Services may agree to a verbal report from the responsible officer with a written report being presented to Procurement Panel/Board within a calendar month. All papers/electronic files will be stored in line with the document retention policy.

20.5-21.5. Tenders or quotations must be evaluated on the basis of which is most advantageous to the Council. When using the PA2023, the criteria for evaluation must be set out in the associated tender or quotation documents, in descending order of priority, with the weightings to be given to them. The criteria must also be set out in the required Tender Notice, Contract Award Notice and Contract Details notices unless exemptions apply. Whole life and environmental costs may be included in criteria for evaluation.

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~~20.6-21.6.~~ The Head of Legal and Professional Services shall ensure that the appropriate assessment summaries are provided to tenderers, informing them of the contract award outcomes at the conclusion of the procurement exercise.

~~21.22.~~ Electronic Tendering and Quotations

~~21.4-22.1.~~ The Head of Legal and Procurement Services is responsible for the procedure for these processes.

- (a) tenders and quotations over £25,000 must be invited electronically through the Council's e-tendering system. Support must be found for suppliers that do not have access.
- (b) invitations to tender and quotes submissions over £25,000 must be submitted electronically through the Council's e-tendering system. Where electronic submissions have been approved by the relevant Procurement Officer to be made outside of the approved system (i.e., via email), submissions must be made before the official opening deadline.
- (c) the procedure will also include arrangements for e-auctions.

~~22.23.~~ Amendments and Alterations to Tenders and Quotations

~~22.4-23.1.~~ Amendments to invitation to tender or Request for Quotation (RFQ) documents, made after the invitations have been sent out, must be clearly headed "Tender Amendment" or "Quotation Amendment" as appropriate and sent to all suppliers who have been invited to tender or quote. If there is more than one amendment, they should be numbered consecutively. Amendments should be sent out in sufficient time to allow suppliers to adjust their tenders or quotations as appropriate.

~~22.2-23.2.~~ A supplier's tender or quotation is its offer to the Council, which the Council may accept as it stands. Once a tender or quotation has been submitted, alterations will only be accepted through formal clarifications under the competitive process undertaken.

~~22.3-23.3.~~ In all other situations, if a supplier attempts to alter their offer after the last date for receipt of tenders or quotations, they must be given the opportunity to stand by or withdraw their original offer. Correction of an obvious arithmetical error, which would reduce the price to be paid by the Council or increase the price to be paid to the Council, may be accepted.

~~22.4-23.4.~~ Where performance specifications are used, a tender or quotation that is expressed to be conditional upon the Council's

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acceptance of alterations to the specification or the terms and conditions of contract, may be treated as non-compliant and rejected. This does not prevent the Council inviting variant bids (that is an invitation to submit an alternative bid that could then be considered as being to the Council's benefit provided that the condition applying to the mandatory reference bid is followed). If variant bids are invited, suppliers must be required to submit a mandatory reference bid based on the specification and terms and conditions included in the invitation to tender or invitation to quote, so that all bids may be compared fairly.

~~22.5-23.5.~~ Where outcome-based specifications are used it will be for the bidder to decide the method of service delivery. Tenders or quotations will be evaluated fairly against published evaluation criteria.

~~22.6-23.6.~~ A properly approved and compliant competitive process involving dialogue or negotiation will normally result in one or more Best and Final Offers as a result of negotiation with selected bidders. No alteration to the Best and Final Offer, in terms of outcomes or contract price, is permitted without the specific approval of the Monitoring Officer.

~~23-24.~~ Contract extensions

~~23.1-24.1.~~ Where extensions to contracts have been included in the original advert, tender documentation and contract, subject to Procurement Panel/Board approval, the extensions may be agreed; where performance is satisfactory and the original contract terms are to continue (including price variations in line with the original contract) through the issuing of a contract change note or variation schedule. The contract change note / variation schedule must be kept with the original contract in line with the document retention policy and must be signed by the officer who signed the original contract, or in their absence for whatever reason, by another officer authorised to sign the original contract.

~~23.2-24.2.~~ For Contracts of £100,000 in value and over, or irrespective of value where captured by the Provider Selection Regime, these will be approved by Procurement Panel/Board as set out in Appendix 2.

~~24-25.~~ Contract Variations

~~24.1-25.1.~~ For contract variations, if a contract variation is proposed where the terms and conditions of the original contract will be changed, the Head of Legal and Procurement Services or relevant Panel/Board shall require a written report from the responsible officer requesting approval in line with Appendix 3 for acceptance, detailing the reasons

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for doing so, and clearly outlining the relevant legislative regime applicable and the satisfaction thereof. –This shall be recorded in writing.

~~24.2-25.2.~~ In relation to the procurement of goods, services and works, the Head of Legal and Procurement Services shall ensure that the Contract Change Notice is published prior to the variation being executed and becoming effective unless exemptions apply.

~~24.3-25.3.~~ A contract change note will be issued and kept with the original contract documentation. All written reports will be stored in line with the document retention policy. If a contract is executed as a deed, a short supplemental deed may be drafted, and this will be dealt with on request to Legal Services.

~~24.4-25.4.~~ Where a contract modification results in the revised total contract value exceeding £5m, the contract is known as a 'convertible contract' and is subject to the additional notice requirements found at [278.2](#) - [2728.4.](#)

~~25-26.~~ Form of Contract

~~25.1-26.1.~~ Legal Services will decide whether a contract is to be executed as a deed or under hand as a simple contract. As a general rule, any works contracts, and high value contracts equal to or exceeding £1,000,000 and which are expressed to be executed as deeds must either be:

~~25.1.1-26.1.1.~~ made under the Council's seal attested by the Monitoring Officer or authorised signatory; or

~~25.1.2-26.1.2.~~ signed by at least two officers of Legal Services duly authorised by the Monitoring Officer.

~~25.2-26.2.~~ All contracts created as deeds must be made in accordance with the provisions of Rule ~~265.1~~ above, witnessed in accordance with the relevant provision of the Scheme of Functions Delegated to Employees by an Officer authorised to do so.

~~25.3-26.3.~~ A contract executed as a deed is retained for twelve years to enable any action to be taken under it, if required

~~25.4-26.4.~~ Contracts of up to £999,999 in value can be signed under hand for and on behalf of the Council by Directors and Heads of Service, or an authorised signatory.

~~25.5-26.5.~~ Any contracts entered into on behalf of the Council which are being executed by electronic means (using an electronic execution

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software tool) shall be undertaken in accordance with the process set out in the Contract Execution Process.

26-27. Social Value

26-4-27.1. The Public Services (Social Value) Act 2012 and the National Procurement Policy Statement requires the Council to consider delivering Social Value through contracts. The Council encourages consideration of social value outcomes in all contracts, where it can be evidenced that it is relevant to the subject matter of the contract.

26-2-27.2. For those contracts that fall below the threshold, the approach should be to maximise outcomes where possible.

26-3-27.3. In order to ensure that the Council adheres to the Act and the National Procurement Policy Statement, the social value sought from a contract must be relevant and proportionate in respect of the proposed contract.

27-28. Contract Administration and Management

27-1-28.1. In relation to the procurement of goods, services and/or works and concession arrangements, the Head of Legal and Procurement Services shall arrange for publication of a Contract Details notice for contracts valued in excess of £25,000 no later than 30 days after contract award, if appropriate, and shall keep a register of the notified information, which shall be available for inspection by appointment by any Member of the Council, internal and external auditors and any member of the public.

27-2-28.2. In relation to the procurement of goods, services and works above £5m, the Head of Legal and Procurement Services shall ensure that the Contract Details Notice contains details of no less than three Key Performance Indicators in accordance with the PA2023 unless exemptions apply.

27-3-28.3. In relation to the procurement of goods, services and works above £5m, the Head of Legal and Procurement Services shall arrange for the publication of a redacted copy of the contract unless exemptions apply,

27-4-28.4. In relation to the procurement of goods, services and works above £5m, the Head of Legal and Procurement Services shall arrange for the publication of the Contract Performance Notice not less than once every twelve (12) months) unless exemptions apply.

27-5-28.5. In relation to the procurement of goods, services and works, the Head of Legal and Procurement Services shall arrange for the

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publication of the Contract Termination Notice (including through natural expiry) unless exemptions apply.

~~27.6-28.6.~~ In relation to the procurement of health care services captured by the Provider Selection Regime, the Head of Legal and Procurement Services shall arrange for publication of a contract award notice for all contracts irrespective of value no later than 30 days after contract award and shall keep a register of the notified information, which shall be available for inspection by appointment by any Member of the Council, internal and external auditors and any member of the public.

~~27.7-28.7.~~ The Head of Legal and Procurement Services shall be responsible for ensuring that a procedure on “Contract Administration and Management” is made available to all officers and partners managing contracts on the Council's behalf.

~~28-29.~~ Prevention of fraud and corruption

~~28.1-29.1.~~ All purchases, contracts and income covered by these rules must be let in line with the Council's Anti-fraud and Corruption Policy and Strategy and in line with the requirements of the PA2023 and Provider Selection Regime.

~~28.2-29.2.~~ If an officer of the Council has a pecuniary interest in a contract or proposed contract, he/she must in accordance with Section 117 of the Local Government Act 1972 register the interest with the Monitoring Officer and declare it at any meeting at which the officer is present and the contract is discussed and thereafter leave the room and take no further part in the discussion.

~~28.3-29.3.~~ If an officer of the Council has a personal or non-pecuniary interest in a contract or proposed contract, they must declare that interest to the Chief Executive or to their Director, as appropriate, as required by the Council's Code of Conduct for Employees and relevant employee policies.

~~28.4-29.4.~~ If a Member of the Council has a disclosable pecuniary interest or other relevant interest in a contract as defined in the Code of Conduct for Elected and Co-opted Members, the member must take such action as is required by that Code.

~~28.5-29.5.~~ A contract must be terminated immediately, and any losses to the Council arising from the termination recovered from the supplier, if the supplier, or anyone acting on their behalf:

- (a) offers or gives or agrees to give any member or officer of the Council any gift, benefit or consideration of any kind or value as

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an inducement or reward with regard to the contract; or

- (b) commits any offence under the Bribery Act 2010 or section 117 of the Local Government Act 1972.

NOTE: A declaration to this effect must be contained in all invitations to tender or quote.

~~28.6-29.6.~~ The attention of officers is drawn to the Council's Code of Conduct for Elected and Co-opted Members, Whistleblowing Policy, Disciplinary Policy and Procedures and the Code of Conduct for Employees and relevant employee policies. Non-compliance with these CPRs constitutes grounds for disciplinary action.

~~28.7-29.7.~~ All of the requirements in Rule ~~298.1~~ to ~~298.6~~ above will apply to any third party acting on the Council's behalf in a contractual situation e.g. consultants and community representatives on evaluation panels.

~~29.30.~~ Freedom of Information Act 2000

~~29.1-30.1.~~ When entering into contracts the Council will refuse to include contractual terms that purport to restrict the disclosure of information held by the Council and relating to the contract beyond the restrictions permitted by the Act. Unless an exemption provided for under the Act is applicable in relation to any particular information, the Council will be obliged to disclose that information in response to a request, regardless of the terms of any contract.

~~29.2-30.2.~~ When entering into contracts with non-public authority contractors, the Council may be under pressure to accept confidentiality clauses so that information relating to the terms of the contract, its value and performance will be exempt from disclosure. As recommended by the Information Commissioner, the Council will reject such clauses wherever possible. Where, exceptionally, it is necessary to include non-disclosure provisions in a contract, the Council will investigate the option of agreeing with the contractor a schedule of the contract that clearly identifies information which should not be disclosed. The Council will take care when drawing up any such schedule and be aware that any restrictions on disclosure provided for could potentially be overridden by obligations under the Act, as described in the paragraph above. Any acceptance of such confidentiality provisions must be for good reasons and capable of being justified to the Information Commissioner. When entering into the above contracts the Council will make it clear that these restrictions apply to sub-contractors also and that the Secretary of State has the powers to designate them as 'public bodies' for the purpose of making them comply with the Act.

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~~29.3~~30.3. The Council will not agree to hold information 'in confidence' which is not in fact confidential in nature. Advice from the Information Commissioner indicates that the exemption provided for in section 41 only applies if information has been obtained by a public authority from another person and the disclosure of the information to the public, otherwise than under the Act, would constitute a breach of confidence actionable by that, or any other person.

~~29.4~~30.4. It is for the Council to disclose information pursuant to the Act, and not the non-public authority contractor. The Council will take steps to protect from disclosure by the contractor information that the authority has provided to the contractor (which would clearly be exempt from disclosure under the Act) by appropriate contractual terms. In order to avoid unnecessary secrecy, any such constraints will be drawn as narrowly as possible and according to the individual circumstances of the case. Apart from such cases, the Council will not impose terms of secrecy on contractors.

~~29.5~~30.5. The Head of Legal and Procurement Services will be responsible for advising on the application of the Freedom of Information Act and contracts, in conjunction with the Council's Head of Information Governance, where circumstances arise that are not specifically covered by Council policy. He/she will also be responsible for updating procedure following any case law that materially amends or augments Council policy in this area.

~~30.31.~~ **Management of Risk in Contracts**

~~30.1~~31.1. For contracts of strategic importance, a risk register will be drawn up for the contract letting process. Once the contract is awarded, a risk register to cover the implementation and successful ongoing management of the contract will be drawn up by the Head of Service or authorised deputy. This risk register will be monitored in line with the corporate guidance on risk throughout the life of the contract.

~~31.32.~~ **Impact of Other Legislation**

~~31.1~~32.1. In addition to what has already been mentioned in these Rules, there is other legislation that may impact on the supplies, services and works required when following a contract tender or quotation procedure such as Health & Safety, Safeguarding, Modern Slavery, to name but a few. This legislation must be incorporated where relevant and appropriate. In particular, the Director must consider whether the contract needs to include, or be subject to, a Data Sharing Agreement where the nature of the contract services is such that personal data is likely to be shared.

32.33. Definitions

32.4.33.1. In these CPRs:

- Authorising Officer means: an officer authorised to approve the placement of orders or invoices for payment.
- Cabinet means: the Leader of the Council and the other members of the Council's Executive.
- Director for Finance and Resources means: the officer appointed under section 151 of the Local Government Act 1972.
- Contract means: the agreement between the Council and a contractor/supplier/provider for the supply of works, goods or services, or for any activity that generates income for the Council.
- Contractor means: a supplier or provider of works, goods or services to the Council.
- Contract change note means: the document that describes changes to the original contract which have been agreed by both parties.
- Contract package means: the scope for amalgamating like requirements/services currently operating at different parts of the organisation, to suit the supply market to achieve overall better value.
- Corporate contract means: a contract or framework agreement for the supply of works, goods or services to the Council e.g. for computer consumables, stationery, legal and financial services.
- Decision making body means: the body responsible for decisions in the described situation under the Council's Constitution.
- Director(s) means: a member(s) of the Leadership Team (OCLT) or Senior Leadership Team (SLT).
- Framework Agreement means: an agreement between the Council and a contractor for the provision of estimated quantities of goods or services. This becomes a contract when an order for a specific quantity is placed either after further competition or through the most competitive source identified in the original tender.

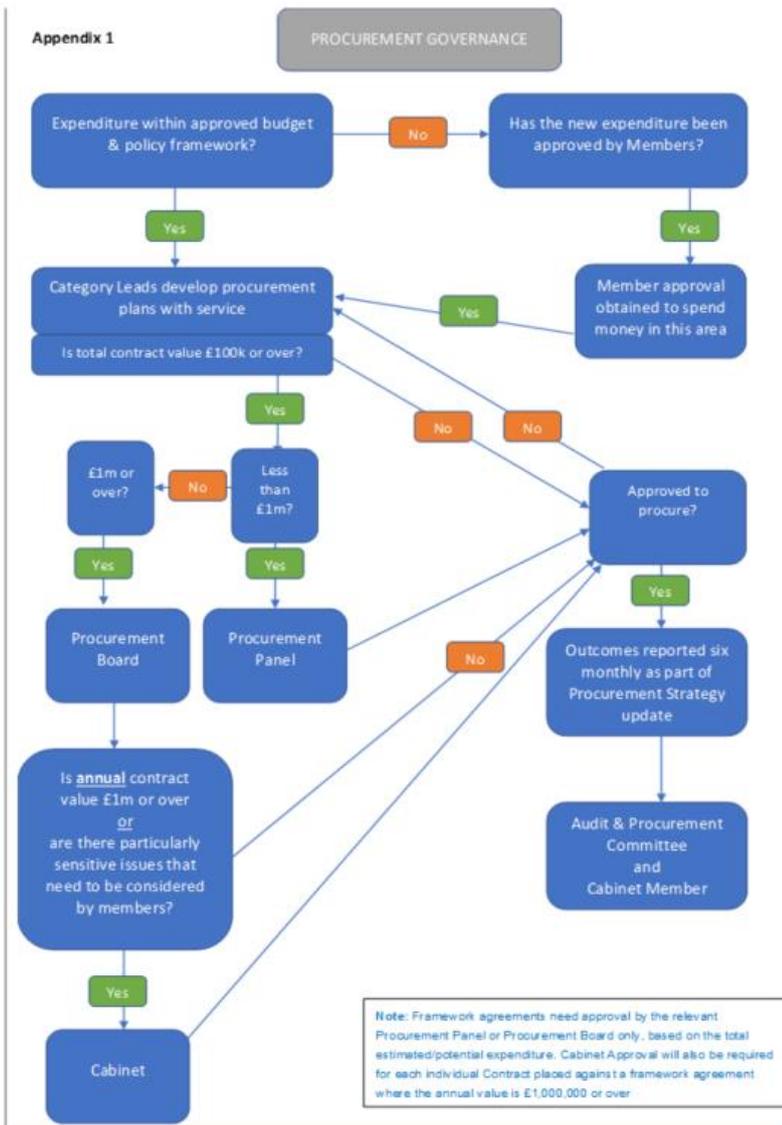
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- Head of Legal and Procurement Services means: the Head of Legal and Procurement Services or their authorised representative.
- Monitoring Officer means: the officer designated as such under Section 5 of the Local Government and Housing Act 1989 or their deputy.
- Outcome based specifications means: a specification that describes the required outcomes through service delivery and leaves the method of delivery to the third-party provider.
- Panels means: Procurement Panel.
- Performance Specifications means: a specification that provides details of the methods to be adopted when delivering the requirements.
- Procurement Board means: the officer board responsible for all procurement decisions.
- Legal and Procurement Services means: the centralised legal and procurement service for Coventry City Council.
- Provider Selection Regime means: the Health Care Services (Provider Selection Regime) Regulation 2023, the legislation which governs the arrangement of health care services in England, introduced under the Health Care Act 2022. The Provider Selection Regime only applies to those services for healthcare services and public health services (as defined in section 1(1) of the National Health Service Act 2006:) which are arranged by NHS bodies and local government, provided directly to individuals or patients and have a direct impact in the prevention, diagnosis, and treatment of physical and mental illness.
- Public procurement legislation means: The Procurement Act 2023, UK legislation affecting public sector contracts and any amendment, re-enactment or replacement of any of them.
- Quotation means: an offer to undertake a contract of £10,000 or more but less than £100,000 in value.
- Right to challenge means: the right to challenge for services under Part 5 of the Localism Act 2011.

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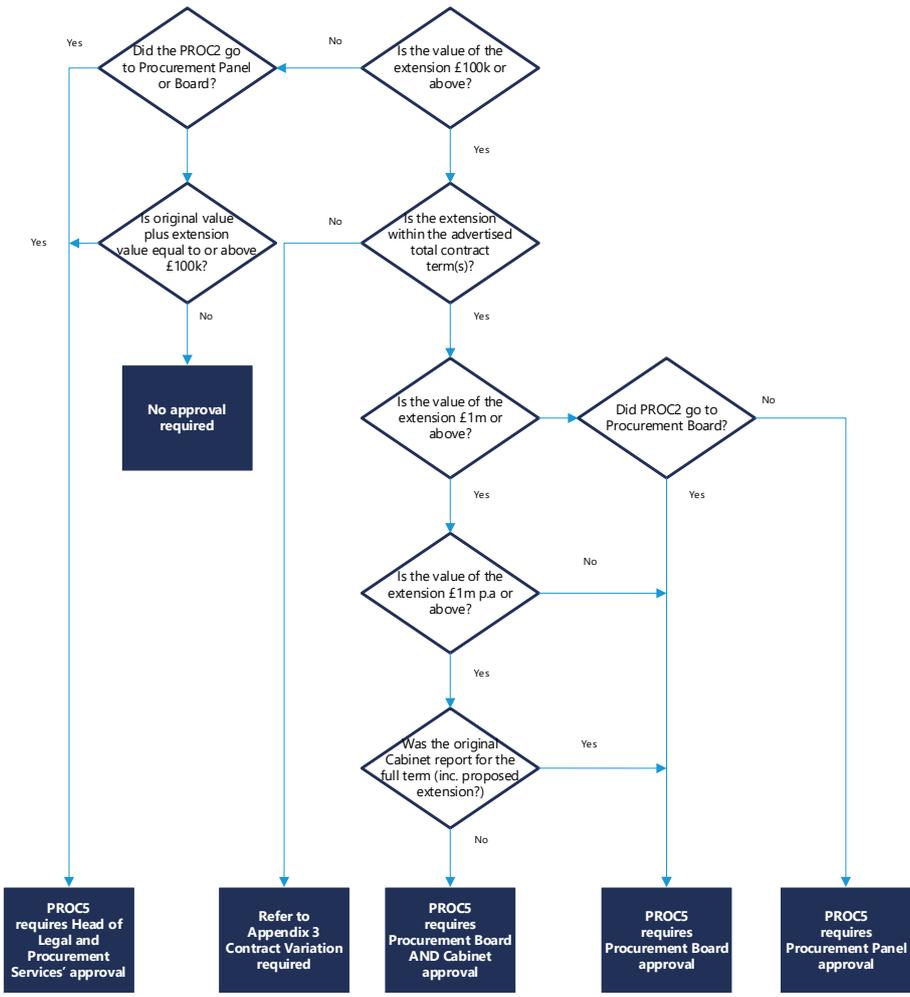
- Services contract means: a contract or framework agreement for the provision of services to the Council.
- Supplies contract means: a contract or framework agreement for the sale or hire of goods to the Council and includes, where appropriate, installation of goods.
- Tender means: an offer to undertake a contract of £100,000 or more in value.
- TUPE Regulations means: the Transfer of Undertakings (Protection of Employment) Regulations 2006 and any amendment, re-enactment or replacement of the same.
- Works contract means: a contract for the construction, repair or maintenance of a physical asset not defined as Services in the Procurement Act 2023.

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Appendix 2

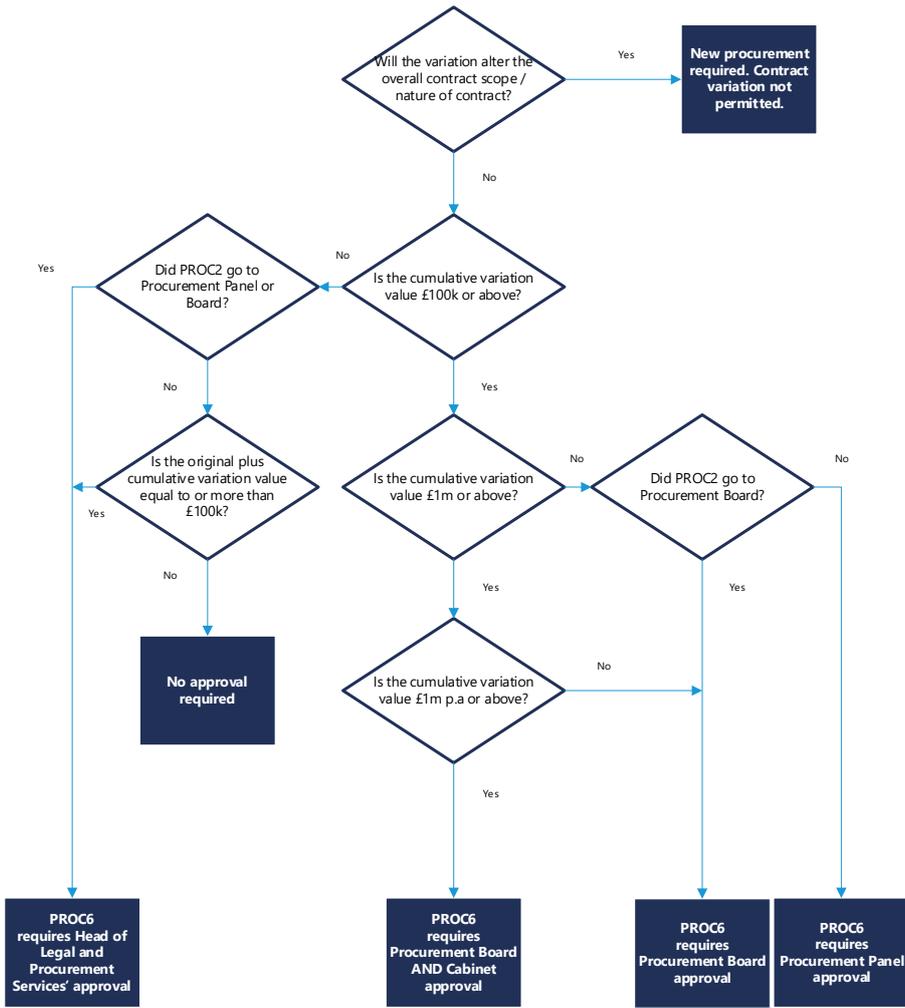
PROCS for extension to contract



Note:
 PROC2 – Request for Permission to Procure
 PROCS – Request for Permission to Extend a Contract

Appendix 3

PROC6 for variation to contract



Note:
 PROC2 – Request for Permission to Procure
 PROC6 – Request for Permission to Vary a Contract

Appendix B – Proposed amendments to Part 3F Financial Procedure Rules of the constitution

4. Grant Income

4.1. Approval prior to submitting a grant bid:

(a) Where the submission of the bid requires that it must be match funded ~ joint approval in writing by the relevant Director and the Director of Finance and Resources (Section 151 Officer) or Head of Finance (in the absence of the Director of Finance and Resources) and following consultation with the relevant Cabinet Member;

(b) Where there is no requirement of the submission of the bid to be match funded ~ approval by the relevant Director and relevant Finance Manager in writing or their respective nominees and following consultation with the relevant Cabinet Member.

4.2. ~~Approval prior to signature of grant agreement (total grant value):~~ Approval prior to entering into any agreement which requires signature (total grant value):

(a) Where a successful bid up to the value of £1,000,000 includes the requirement that it must be match funded by the Council, the approval of the relevant Cabinet Member to accept the grant must be obtained before signature;

(b) Up to £500,000 ~ approval in writing by relevant Director with notification to Director of Finance and Resources (Section 151 Officer) or nominees;

(c) Above £500,000 up to £1,000,000 ~ approval in writing by the Director of Finance and Resources (Section 151 Officer) or Head of Finance (in the absence of the Director of Finance and Resources);

(d) Over £1,000,000 and up to £2,500,000~ to Cabinet, if time permits; if no time to go to Cabinet, joint approval in writing by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) or nominee following consultation with the relevant Cabinet Member and relevant Scrutiny Chair (or in the absence of the relevant Scrutiny Chair to the Chair of Scrutiny Co-ordination Committee) to be reported to Cabinet retrospectively;

(e) Over £2,500,000 ~ to Council, if time permits; if no time to go to Council, joint approval in writing by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) following consultation with the relevant Cabinet Member and Leader to be reported to Council retrospectively, and each following consultation with legal and financial services.

4.3. The relevant Director will be responsible for ensuring that a copy of the completed grant agreement entered into with the Council is forwarded to Procurement Services at Procurement.Services@coventry.gov.uk in order for the details of the grant agreement to be updated on the register of grants.

4.4. Acceptance and expenditure of grant allocation(s) (where no agreement is required to be signed and irrespective of value) – approval in writing by the Director of Finance and Resources (Section 151 Officer) or Head of Finance (in the absence of the Director of Finance and Resources).

4.5. Grant Expenditure

4.5.1. Approval to award grants to an external body (total grant value per external body):

- (a) Up to £500,000~ approval in writing by relevant Director following consultation with the relevant Cabinet Member with notification to Director of Finance and Resources (Section 151 Officer) or nominees;*
- (b) Above £500,000 up to £1,000,000 ~ approval in writing by the Director of Finance and Resources (Section 151 Officer) or Head of Finance (in the absence of the Director of Finance and Resources) following consultation with the relevant Cabinet Member;*
- (c) Over £1,000,000 and up to £2,500,000 ~ to Cabinet, if time permits; if no time to go to Cabinet, joint approval in writing by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) or nominee following consultation with the relevant Cabinet Member and relevant Scrutiny Chair (or in the absence of the relevant Scrutiny Chair to the Chair of Scrutiny Co-ordination Committee to be reported to Cabinet retrospectively);*
- (d) Over £2,500,000 ~ to Council, if time permits; if no time to go to Council, joint approval in writing by the Chief Executive and the Director of Finance and Resources (Section 151 Officer) following consultation with the relevant Cabinet Member and Leader to be reported to Council retrospectively, and each following consultation with legal and financial services.*

4.5.2. The relevant Director will be responsible for ensuring that a copy of the completed grant agreement entered into with the Council is forwarded to Procurement services at Procurement.Services@coventry.gov.uk in order for the details of the grant agreement to be updated on the register of grants.

NOTE: Where Grant Income is being received and it is known that Grant Expenditure to third parties will result from the utilisation of such Grant Income, approval should be sought for both the acceptance of the Grant Income and delegated authority to facilitate the Grant Expenditure at the same time.