

Coventry City Council
Minutes of the Meeting of Cabinet Member for Policing and Equalities held
at 9.00 am on Monday, 18 March 2024

Present:

Councillor AS Khan (Cabinet Member)
Councillor P Akhtar (Deputy Cabinet Member)
Councillor P Male (Shadow Cabinet Member)

Employees (by Service Area):

Finance: E Dewar

Law and Governance: J Newman (Director), S Bennett, J Redfern

Public Business

15. Declarations of Interest

There were no disclosable pecuniary interests.

16. Minutes

The Minutes of the meeting held on 18 January, 2024 were agreed and signed as a true record.

There were no matters arising.

17. Proposed Amendments to the Constitution

The Cabinet Member for Policing and Equalities considered a report of the Director of Law and Governance which indicated that 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.

The Constitutional Advisory Panel at its meeting on 26 February, 2024 considered proposed changes to the Constitution. These were:-

- a) Amendments to the Contract Procedure Rules as set out in Part 3G of the Constitution
- b) Amendments to the Financial Procedure Rules as set out in Part 3F of the Constitution

In relation to the Contract Procedure Rules, the report indicated that the Health Care Services (Provider Selection Regime) Regulations 2023 ("PSR") is a new set of rules which govern the arrangement of healthcare services in England, introduced by regulations made under the Health and Care Bill, and which came in

to force as of 01 January 2024. The PSR must be followed for all applicable procurement activity by Integrated Care Boards (ICBs), the NHS and Local Authorities. Relevant authorities must follow one of seven (7) processes when procuring health care services. In addition, there is no threshold to the PSR, meaning that all applicable activity, regardless of value, must follow the new Regulations.

The proposed amendments to the Contract Procedure Rules (“CPRs”) are the second of three changes being considered by Council following the inclusive procurement changes in December 2023 and anticipated changes with the introduction the new Procurement Act coming in summer 2024.

The proposed amendments reflect new governance arrangements specific to procurement activity captured by the PSR and can be summarised as follows:

- Reference to and background of the Provider Selection Regime (reflected in Section 1).
- Bespoke governance process for Health Care services (reflected in Section 2 and throughout relevant sections). Unlike the PCR2015 and other associated public procurement regulations, there are no thresholds associated with the Provider Selection Regime (PSR), meaning all contracts of all values are captured within the PSR. As such, in order to maintain oversight of decision-making processes to ensure compliance with the transparency requirements of the PSR, all procurement activity relating to healthcare services caught under the PSR are to be brought to Procurement Panel / Board.
- Removal of permitted exceptions to the Contract Procedure Rules for Health Care services. There are no thresholds relating to the Provider Selection Regime, and as such, all contracts entered in to relating to Health Care services are required to comply with the legislation.
- Establishing a default position of utilising the Competitive Process under the PSR to drive value for money. Utilisation of any of the other permitted procurement processes and deviation away from the default position will need to be justified through the appropriate governance documentation brought to Procurement Panel or Procurement Board.

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

In relation to the Financial Procedural Rules the report indicated that Legal Services, in consultation with the Council’s Financial Services, have conducted a review of the approval requirements for grant income and grant expenditure set out in the Constitution following feedback from its officers. The Council is regularly under extreme pressure to accept and administer grants in short timescales imposed by funding bodies. If such timescales are not complied with the Council may not be able to accept the grant.

It is considered that the current constitutional requirements affect the Council in efficiently accepting and administering grant in the necessary timescales. Currently the approval requirements for grant income and grant expenditure can at times lead to unnecessary complication and inefficient governance. It is

considered that the approval requirements for grant income and grant expenditure should be amended so that (where relevant) approval can be sought for both the acceptance of the Grant Income and delegated authority to facilitate the Grant Expenditure at the same time where possible and drive efficiency in the governance approval process. In addition, the current constitutional requirements have resulted at times in the exercise of the Chief Executive Emergency Powers where time does not permit the approval of Council. The proposed changes will help to reduce such instances.

The proposed changes to Part 3F Financial Procedure Rules can be summarised as follows and are recommended in furtherance to the Council's on-going commitment to effective governance arrangements:-

- Administrative changes (titles).
- Updated procedural requirements for filing of grants on the grant register.
- Updated financial thresholds.
- Updated officer and member approval requirements.

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.

RESOLVED that the Cabinet Member for Policing and Equalities recommends that Council:-

- 1) Approves the proposed amendments to the Contract Procedure Rules (Part 3G of the Constitution) as detailed in Appendix A to the report with immediate effect**
- 2) Approves the proposed amendments to the Financial Procedure Rules (Part 3F of the Constitution) as detailed in Appendix B to the report with immediate effect**
- 3) Authorises the Director of Law and Governance to make any necessary amendments to the Constitution.**

18. Outstanding Issues

There were no outstanding issues.

19. Any Other Items of Urgent Public Business

There were no other items of urgent public business.

(Meeting closed at 9.20am)