
**Cabinet Member for Policing and Equalities
Council**

**7 October, 2024
15 October, 2024**

Name of Cabinet Member:

Cabinet Member for Policing and Equalities – Councillor AS Khan

Director approving submission of the report:

Director of Law and Governance

Ward(s) affected:

None

Title:

Proposed Amendments to the Constitution

Is this a key decision?

No

Executive summary:

The Constitutional Advisory Panel, at its meeting on 10 September, 2024, considered proposed amendments to the Constitution in relation to changes to the Contract Procedure Rules, Part 3G.

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 and Governance to make the necessary amendments to the Constitution once the Procurement Act 2023 is enacted.

- 2) Note the minor amendments and corrections that will be made under delegated authority by the Director of Law and Governance to the Scheme of Functions Delegated to Employees in Part 2M of the Constitution as detailed in Paragraph 3.1 to ensure that the Constitution is up to date.

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 and Governance to make the necessary amendments to the Constitution once the Procurement Act 2023 is enacted.
- 2) Note the minor changes and corrections that will be made under delegated authority by the Director of Law and Governance to the Scheme of Functions Delegated to Employees under Part 2M of the Constitution as detailed in Paragraph 3.1.

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)

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 – 10 September, 2024

Will this report go to Council?

Yes – 15 October, 2024

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 10 September, 2024 considered proposed changes to the Constitution. These were amendments to the Contracts Procedure Rules as set out in Part 3G of the Constitution. The Advisory Panel were also informed of minor changes and corrections that were required to be made to ensure that the Constitution is up to date.

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 forthcoming introduction of the Procurement Act 2023.
- 2.2 The Procurement Act 2023 is a new set of rules which govern the procurement of goods, services and/or works in the public sector. Announced as forthcoming legislation following the UKs exit from the European Union, the new act was laid before Parliament in May 2022 and obtained Royal Assent in October 2023. The new Act and supplementary Procurement Regulations 2024 come into force as of 24 February 2025 (originally 28 October 2024, but having recently been postponed).
- 2.3 The Procurement Act 2023 replaces the existing procurement rules (Public Contracts Regulations 2015, Concession Contracts Regulations 2016, Utilities Contracts Regulations 2016), though transitional arrangements confirm that any contracts entered in to, or tenders commenced prior to, the go live date of 24 February 2025 will be subject to the requirements of the current legislation until their expiry, meaning relevant authorities will be managing contracts under two sets of legislation for a number of years.
- 2.4 The Procurement Act 2023 amalgamates the different tender procedures, places focus on the priorities of the National Procurement Policy Statement and seeks to open up public procurement to new entrants and SMEs.
- 2.5 In addition, the Procurement Act 2023 seeks to provide greater transparency through the procurement and contract management lifecycle, greatly increasing the number of notices that relevant Authorities will need to publish through the procurement process and term of the contract.
- 2.6 To ensure compliance with the forthcoming Procurement Act 2023, the proposed changes to the Contract Procedure Rules can be summarised as follows:

- Updated terminology with respect to the legislation and notice portals
- Reference of the requirement to consider the priorities of the National Procurement Policy Statement (NPPS)
- Expansion on clause 15 in relation to Specifications to align to the requirements of the Procurement Act 2023.
- Reflection of the new procedure types under the Procurement Act 2023.
- Inclusion of notice publication requirements reflected throughout the document to ensure officers are aware of the requirements, as well as the inclusion of Appendix 4 providing information and exclusions with regards to the new notice regime.
- Expansion of the contract management provisions in relation to the requirements under the Procurement Act 2023.
- Updated job titles in relation to the Director for Finance and Resources reflected throughout the document.

2.7 Furthermore, the proposed changes to the Contract Procedure Rules include the requirement to publish all contracts in excess of £5,000 on the Contracts Register in accordance with the Local Government Transparency Code, expanding on the legislative requirement of £25,000.

2.8 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. **Scheme of Functions Delegated to Employees – Part 2M**

3.1 Part 2M of the Constitution sets out the Scheme of Functions Delegated to Employees. Following recent changes to the Senior Management Team, including changes to job titles and some of the responsibilities of Directors, the Constitution needs to be updated to reflect these changes. The Constitution provides authority for the Monitoring Officer to make minor changes and corrections to the Constitution and this work will be undertaken to ensure that the Constitution is up to date.

3.2 The Constitutional Advisory Panel noted that this work would be undertaken.

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 and Governance to make the amendments to the Contract Procedure Rules, Part 3G, once the Procurement Act 2023 is enacted.

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

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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