

It was noted that the proposed amendments to the Contract Procedure Rules as set out in Appendix A were to align to the forthcoming introduction of the Procurement Act 2023.

The Procurement Act 2023 was 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 UK's 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).

The Procurement Act 2023:

- Replaced the existing procurement rules (Public Contracts Regulations 2015)
- Amalgamated 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.
- Sought to provide greater transparency through the procurement and contract management lifecycle, greatly increasing the number of notices that relevant Authorities would need to publish through the procurement process and term of the contract.

To ensure compliance, 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.

Furthermore, the proposed changes to the Contract Procedure Rules included 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.

Members present asked questions and sought assurances in relation to companies' competency frameworks and the process of opening up public procurement to new entrants and SMEs

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 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) Notes 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.**