

Report to Council

Subject: Approval of the new Contract and Procurement Rules

Date: 22nd January 2025

Author: Assistant Director Governance and Democracy

Purpose

For Council to approve the newly re-written version of the Contract and Procurement Rules as contained at section 22 of the Gedling Borough Council Constitution.

Recommendation(s)

THAT:

- 1) **Council approves the new version of the Contract and Procurement Rules contained within Appendix 1 for implementation into the Constitution upon the date which the Procurement Act 2023 comes into force, the provision date being 24th February 2025.**

1 Background

- 1.1 The Procurement Act 2023 (the “Act”) received royal assent on 26th October 2023 and was due to come into force on 28th October 2024. The newly elected central government administration delayed the implementation of the Act. The Act is now due to come into force on 24th February 2025.
- 1.2 The Act introduces several changes to how public bodies are required to undertake procurement and provides a framework for compliant procurement of all goods, services and works by or on behalf of the Council. The implementation of the Act requires the Council to adopt the new way of undertaking procurement of goods and services. As such the Contract and Procurement Rules contained within the Constitution at

section 22 requires amendment.

- 1.3 A report with the newly drafted Contract and Procurement Rules (the “Rules”) was due to be presented to Council on 18th September 2024 but was subsequently withdrawn due to the delay in implementation of the Act. This report with appended newly drafted Contract and Procurement Rules has been appended to this report as **Appendix 1**.

2 Proposal

- 2.1 It is proposed that Council approves the updated Contract and Procurement Rules appended to the report at Appendix 1 for implementation on 24th February 2025 to bring the rules in alignment with the Procurement Act 2023.
- 2.2 Following on from approval, it is proposed that training in relation to the new Rules is provided to officers.

3 Alternative Options

- 3.1 Members could determine not to approve the amended Contract and Procurement Rules, however the changes have been made as a consequence of a change of legislation with the introduction of the Procurement Act 2023.
- 3.2 The Contract and Procurement Rules have been amended as part of a working group involving the Monitoring Officer, the Deputy Monitoring Officer and the Section 151 Officer. The Rules have been consulted on by Senior Leadership Team before they were finalised.

4 Financial Implications

- 4.1 There are no direct financial implications associated with this report. The new Rules set out compliant means of managing contracts that are likely to have a positive impact on the Councils finances.

5 Legal Implications

- 5.1 The Procurement Act 2023 makes changes to the way public bodies undertake procurement of goods, services and works. These changes to need to be reflected within Gedling Borough Council's arrangements for dealing with procurement. Section 135 of the Local Government Act 1972 requires the Council to have in place standing orders with respect to the making by them or on their behalf contracts for the supply of goods or materials or for the execution of works.
- 5.2 The Local Government Act 2000 requires a local authority to prepare and keep up to date its constitution. The changes to the Contract and Procurement Rules are primarily as a consequence of changes to the legalisation however, in other areas the changes have been made to streamline and allow more effective contract procurement and management.

6 Equalities Implications

- 6.1 The Contract and Procurement Rules form part of the constitution which is in a format compatible with the Web Content Accessibility Guidelines, an internationally recognised set of recommendations for improving web accessibility.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no direct implications as a result of this report. However, social value now forms part of the Contract and Procurement Rules as introduced by the Public Services (Social Value) Act 2012. Under these principles the environmental wellbeing of the area is a primary consideration and so will have indirect benefit in this area.

8 Appendices

- 8.1 Appendix 1: The report to Council of 18th September 2024 with new Contract and Procurement Rules append.

9 Background Papers

- 9.1 None identified.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer