

Report to Council

Subject: Update to the Contract and Procurement Rules

Date: 12th November 2025

Author: Assistant Director Governance and Democracy

Purpose

For Council to approve the updates to the Contract and Procurement Rules as contained at section 22 of the Gedling Borough Council Constitution.

Recommendation(s)

THAT:

- 1) Council approves the updates to the Contract and Procurement Rules contained within Appendix 1 for implementation into the Constitution.**

1 Background

- 1.1 The Procurement Act 2023 (the “Act”) received royal assent on 26th October 2023 and came into force on 24th February 2025. Council approved an amended version of the Contract and Procurement Rules on 22nd January 2025 to reflect those legislative changes. Since the introduction of the new Contract and Procurement Rules, the Council has delivered updated training to all officers so that the new rules are fully embedded within the organisation.
- 1.2 The Council has been working with the new Rules for several months and has identified some areas of the Rules which require refining to create smoother day to day operations of the procurement function. Those areas of refinement remain within the parameters of the Act

Some more flexibility has been drafted into the Rules by enabling the

- 1.3 Business and Technical Design Authority (BTDA) to review and have oversight of the means of Procurement of low-level ICT contracts which will enable better value for money in many cases and further enable the quicker purchasing of ICT products where a Framework is not used. The BTDA is part of the Council's governance structure and reviews all processes and procurements involving ICT or system change.
- 1.4 Clarification has been drafted into the Rules at section 35 which deals with exemptions to the Contract and Procurement Rules for over threshold contracts, an area where there was some ambiguity with the drafting of the Rules. It is now clear that where contracts exceed the statutory thresholds for procurement, (not the Council's agreed thresholds) then any exemption must be included within the Act and a decision to exercise that exemption must be made by the Executive.
- 1.5 The amended version of the Contract and Procurement Rules has been appended to this report as **Appendix 1**. Changes can be shown in tracked changes. There are some minor amendments also made to provide clarity about which rule applies where.

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 into the constitution forthwith.
- 2.2 Following on from approval, it is proposed that those minor updates to the Contract and Procurement Rules will be communicated to all staff to which it is to have an impact.

3 Alternative Options

- 3.1 Members could determine not to approve the amended Contract and Procurement Rules, however the proposed changes have been made following recommendations to internal processes and procedures for ease of day-to-day effective management of the Procurement service.
- 3.2 The Contract and Procurement Rules have been amended with consultation from the Monitoring Officer, the Deputy Monitoring Officer, the

Section 151 Officer and the Director of Transformation.

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 Council's 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 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 amended Contract and Procurement Rules.

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