
Constitution changes to Part 8: Contract Rules and Part 13 Appendix D

Committee considering report:	Governance Committee
Date of Committee:	18 November 2025
Portfolio Member:	Councillor Jeff Brooks
Date Head of Service agreed report: (for Corporate Board)	1 October 2025
Date Portfolio Member agreed report:	14 October 2025
Report Author:	Nicola Thomas
Forward Plan Ref:	

1 Purpose of the Report

- 1.1 The purpose of this report is to update Governance Committee regarding the work undertaken by the Constitution Review Task Group (“CRTG”), and to propose the approval of the proposed Constitutional updates detailed in this report to go forward to Council for final approval and subsequent implementation.
- 1.2 The completion of the Constitution review is an important part of the overall good governance of the Council and has been highlighted as an area to complete in the Annual Governance Statement.

2 Recommendation(s)

- 2.1 It is proposed that the following amendments are considered and approved:
 - (a) Part 8 Contract Rules to take effect on 1 April 2026
 - (b) Part 13 Appendix D Protocol for use of ICT Equipment supplied to Members to take immediate effect

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are no direct financial implications from the proposed changes as Budget Holders are still accountable for good transparent decision making and to produce a balanced

Constitution changes to Part 8: Contract Rules and Part 13 Appendix D

	budget.			
Human Resource:	None			
Legal:	<p>The proposals increase the Threshold for full procurement exercises to be conducted by service areas in line with the Procurement Act 2023. Service Directors will need to ensure that appropriate market engagement is undertaken to mitigate any risks relating to obtaining best value for the Council. The service area will continue to ensure that sufficient budget is available for any contract that is entered into. The new Threshold will also represent the point at which the legal team will provide specific advice and/or drafting on legal terms and conditions. Standard terms and conditions and guidance for their use will be provided to service areas to reduce any risks associated with less involvement from the legal team.</p>			
Risk Management:	<p>There is a risk that any decision of Council could be challenged. Having clear rules governing the manner in which financial decisions will be conducted should reduce the risk of challenges being successful.</p> <p>The increase of the Threshold at which decisions are made presents a risk to ensure Budget Holders are trained and aware of their role and responsibility. It is proposed that the changes are not implemented until 1 April 2026 to enable training and updated internal guidance for Budget Holders to attend and refer.</p>			
Property:	None			
Policy:	Part 8 Constitutional Rules have been updated to reflect the changes implemented with the introduction of Procurement Act 2023			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				

Constitution changes to Part 8: Contract Rules and Part 13 Appendix D

A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?				
Environmental Impact:		x		
Health Impact:		x		
ICT Impact:		x		
Digital Services Impact:		x		
Council Strategy Priorities:		x		
Core Business:	x			It is considered that the recommendations in this report will support the effective administration of Council business and contribute to the good governance of the Council.
Data Impact:		x		

Consultation and Engagement:	Kate Pearson, Service Lead Procurement and Commissioning Dawn Bond, Legal Services Manager Shannon Coleman-Slaughter, Service Director (Finance, Property and Procurement) Section 151 officer Sarah Clarke, Executive Director (Resources) Constitutional Review Task Group
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4 Executive Summary

- 4.1 The CRTG was set up in July 2019 to review the entire Constitution to update it and ensure that it remained fit for purpose. Work has been undertaken since this date, with Council approving the last amendments on 29 April 2025 with changes to the Part 6.8 Planning Appendix and to Part 11 Scheme of Delegation.
- 4.2 This report outlines changes proposed to:
- (a) Part 8 – Contract Rules and
 - (b) Part 13 Codes and Protocols- Appendix D Protocol for use of ICT Equipment supplied to Members

5 Supporting Information

Introduction and background

- 5.1 This report is to update Governance Committee on the work undertaken by the CRTG in reviewing the Constitution and this report seeks approval to progress the proposals through the governance process for final adoption of the changes proposed to Part 8 – Contract Rules and Part 13 Codes and Protocols – Appendix D Protocol for use of ICT Equipment supplied to Members.
- 5.2 The CRTG is a working group consisting of the following Members: Councillors Jeff Brooks (Chairman), Martin Colston, Ross Mackinnon, David Marsh and Justin Pemberton.
- 5.3 Active work to review the Constitution has been ongoing in the past year as part of Phase 3. This has required CRTG to meet monthly. Details of the future work plan are appended to this report. The significant contribution of all Members of the CRTG in the formulation of these proposals, and the updating of the Constitution should therefore be noted.
- 5.4 This work has been supported by several officers across the organisation including Democratic Services, Legal, ICT and Procurement and Commissioning teams. Their invaluable contribution to this significant piece of work should also be recognised.

- 5.5 The need to undertake the updates and review of the Constitution is driven by the desire to ensure the document is updated to reflect updated law, more user friendly and accessible to all and to refine processes. If approved, the Constitution will be published with the updates on-line with full indexing with hyperlinks where appropriate.

Proposals

- 5.6 **Part 8 – Contract Rules** should be adopted as set out in Appendix A. These changes reflect updates to procedures, policies and the implementation of the Procurement Act 2003
- 5.7 It is proposed that the Threshold for decision making is defined in line with the procurement legislation. This is an increase from **£50,000 to the £179,904** (as at 2025) for contracts for goods and services. The Threshold is dictated by central government and is updated every two years and this will be published on the Commissioning and Procurement intranet page to save updates to the Constitution being required on this minor point.
- 5.8 The Threshold is increasing significantly, but Governance Committee should note that these amounts have not been amended in over 10 years. To balance the risk, Budget Holders will be required to complete updated training, so they are familiar with the new Threshold levels and understand their role and responsibilities. In addition, updated guidance will be added to the Commissioning and Procurement intranet and individual Officers are on hand to assist where needed.
- 5.9 **Part 13 Codes and Protocols- Appendix D Protocol for use of ICT Equipment supplied to Members** has been updated to reflect the present position and removal of individual officers names. These will be added to the Member's intranet page for ease of access and to ensure they remain relevant.
- 5.10 In line with previous agreed amendments, the updated sections shall have hyperlinks to the Glossary of Terms and when referenced, links to the relevant section of the Constitution for ease of use.

6 Other options considered

- 6.1 Not making any changes to the current Constitution. This option was rejected as the Council must keep the Constitution under review and it is suggested that changes will enable more agility in procurement exercises and thus support both effective use of resources while maintaining good governance. The procedures by which the Council is operating will be easier to understand, which will improve transparency and openness and remain in line with our Statutory Obligations.

The website presently publishes the Constitution in Parts with a separate search function. Not making any changes still enables access to the document but both Members and the public have reported difficulties in accessing and searching the document in its current format.

7 Conclusion

- 7.1 The continued dedication and valuable contribution of the CRTG and Officers to the review of the Constitution is noted. It is considered important that Governance Committee support the proposals detailed to ensure that the Constitution reflects the up to date statutory position, improves ease of understanding and use. This supports the Council's obligations concerning financial planning and transparency of decision making.
- 7.2 It is therefore recommended that Governance Committee support the proposals as detailed in paragraph 2 of this report with progression through the governance process for final approval by Council.

8 Appendices

- 8.1 Appendix A – Part 8 – Contract Rules
- 8.2 Appendix B – Part 13 Codes and Protocols- Appendix D Protocol for use of ICT Equipment supplied to Members
- 8.3 Appendix C – Constitution Review Task Group forward work plan

Corporate Board's recommendation

Background Papers:

*(add text)

Subject to Call-In:

Yes: ☐ No: ☒

The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by one of the Council's Scrutiny Committees or associated Task Groups within the preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Wards affected:

District wide

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Document Control

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Change History

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