

REVISED AGENDA



MEETING VENUE:

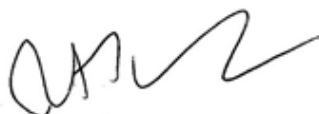
**Council Chamber Council Offices,
Priory Road, Spalding**

Contact: Democratic Services
Direct Dial: 07557 821124
e-mail: demservices@sholland.gov.uk
Date: 23 January 2026

Dear Councillor,

A meeting of the **DISTRICT COUNCIL** will be held in the **Council Chamber, Council Offices, Priory Road, Spalding** on **Wednesday, 28 January 2026**, commencing at **6.30 pm** at which your attendance is requested.

Yours faithfully,



Rob Barlow
Chief Executive

(Quorum:13)

AGENDA

1. Apologies for absence.
2. Minutes
To sign as a correct record the minutes of the meeting held on 26 November 2025 (copy enclosed). (Pages
5 - 18)
3. Declaration of Interests.
(Where a Councillor has a Disclosable Pecuniary Interest the Councillor must declare the interest to the meeting and leave the room without participating in any discussion or making a statement on the item, except where a Councillor is permitted to remain as a result of a grant of dispensation.)
4. Chairman's Announcements.

5. Portfolio Holder Updates (Pages 19 - 34)
To note Portfolio Holder Updates on work being undertaken within each of their Portfolios (report of the Leader enclosed).
6. Announcements by Leader and Members of the Cabinet.
7. Questions asked on notice under Standing Order 6
8. Questions asked without notice under Standing Order 7
9. Committee Minutes
To receive the minutes of the following Committees and Panels:-
- a) [Governance and Audit Committee – 13 November 2025](#)
 - b) [Policy Development Panel – 25 November 2025](#)
 - c) [Performance Monitoring Panel – 10 December 2025](#)
 - d) [Special Policy Development Panel – 17 December 2025](#)
10. Key Decision Plan (Pages 35 - 42)
To receive the current Key Decision Plan (copy enclosed).
11. Report from Cabinet Meeting on 16 December 2025 (Pages 43 - 122)
To consider recommendations of the Cabinet in respect of:
- Proposed Amendments/Updates to the Contract Procedure Rules
 - Local Council Tax Support Scheme 2026/27
- (report of the Cabinet enclosed)
12. Report from Cabinet Meeting on 20 January 2026 (To Follow)
To consider recommendations of the Cabinet in respect of:
- HRA Business Plan and Asset Management Strategy
- (report of the Cabinet enclosed)
13. Housing Rents 2026/27 (Pages 123 - 130)
To seek Council approval for the proposed applicable rent increase allowable under the Direction on the Rent Standard 2026 for Council tenants and other housing tenures (report of the Assistant Director – Housing enclosed).
14. Delegated Authority to appoint persons to Inquorate Parish Councils (Pages 131 - 136)
To seek delegated authority for the Chief Executive to make Orders under Section 91 of the Local Government Act 1972, appointing named

persons to be Parish Councillors on a temporary basis (report of the Assistant Director – Governance (Monitoring Officer) enclosed).

15. Nominations for Committees and other Seats and Proposed Changes to the Constitution.
To receive, from political groups, nominations for any changes to Committees and other seats and to consider any proposed changes to the Constitution.
16. Any other items which the Chairman decides are urgent

NOTE: No other business is permitted unless by reason of special circumstances, which shall be specified in the minutes, the Chairman is of the opinion that the items(s) should be considered as a matter of urgency.

17. To consider resolving that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A of the Act.
18. Service Reviews - Strategic Growth and Development, and Culture and Regeneration (Pages 137 - 198)
To consider and agree two proposed service reviews; one relating to the Strategic Growth and Development service and the other relating to the Culture and Regeneration service (report of the Director for Economic Development enclosed).
19. Restricted Minute (Pages 199 - 200)
To sign as a correct record the restricted minute of the 26 November 2025 Full Council meeting (copy enclosed).

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Minutes of a meeting of the **SOUTH HOLLAND DISTRICT COUNCIL** held in the Council Chamber, Council Offices, Priory Road, Spalding, on Wednesday, 26 November 2025 at 6.30 pm.

PRESENT

J Whitbourn (Chairman)

B Alcock	N Chapman	I Sheard
D Ashby	S Chauhan	S-A Slade
J R Astill	L J Eldridge	E J Sneath
J Avery	M Geaney	T Sneath
P Barnes	R A Gibson	G J Taylor
A C Beal	M Hasan	A C Tennant
H J W Bingham	J Le Sage	J Tyrrell
C J T H Brewis	P A Redgate	D J Wilkinson
T A Carter	J L Reynolds	A R Woolf
A Casson	G P Scalese	C N Worth

Apologies for absence were received from or on behalf of Councillors M D Booth, A Harrison and M Le Sage,

In Attendance: The Chief Executive, the Assistant Director – Governance (Monitoring Officer), the Assistant Director – Regulatory, the Head of Human Resources and Organisational Development (PSPS), the Senior Licensing Officer, the Democratic Services Manager and the Democratic Services Officer.

55. MINUTE SILENCE

Members observed a minute's silence in memory of Doug Best, who had served as a Councillor at South Holland for many years and had sadly passed away at the end of September 2025. Councillor Alcock paid tribute to Mr Best who he had served with for many years at the Council.

56. MINUTES

Consideration was given to the minutes of the meeting of Full Council held on 1 October 2025.

DECISION:

That the minutes of the meeting of Full Council held on 1 October 2025 be signed as a correct record.

57. DECLARATION OF INTERESTS.

There were none.

Action By

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58. CHAIRMAN'S ANNOUNCEMENTS.

The Chairlady reported that since the previous meeting, she had attended the following events across South Holland:

- A bingo night and a Slimming World presentation;
- The unveiling of the Grade I Lutyens War Memorial at Ayscoughfee Gardens;
- Participation in several community lunches, including a project at St Thomas' Church; thanks were extended to Councillor Tracy Carter for her work;
- An art exhibition at the Sessions House;
- Remembrance services;
- Awards presentation at the Welland Yacht Club alongside Councillor James Le Sage;
- A celebration with the local tennis group following the securing of winter premises; and
- Local democracy event with pupils from Holbeach Primary School;

In addition, thanks were extended to Councillor Tyrrell for fundraising at the recent bingo night.

The Chairlady advised of the following forthcoming events:

- The Spalding Christmas Lights Switch-On on Friday 28 November 2025; and
- A performance by Wygate Academy Choir at Ayscoughfee Hall on 1 December 2025.

The Chairlady concluded by expressing thanks to all who had supported recent events.

59. PORTFOLIO HOLDER UPDATES

The Chairlady invited members to note the written Portfolio Holder updates, which had been circulated with the agenda which provided a summary of work undertaken by each Portfolio Holder within their respective areas of responsibility.

Members were reminded that the report was for noting only and that any questions arising from its contents should be raised under Agenda item 8 – Questions Asked Without Notice.

DECISION:

That the Portfolio Holder updates be noted.

60. ANNOUNCEMENTS BY LEADER AND MEMBERS OF THE CABINET.

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The Leader made the following announcement:

An induction session for the Student Council had recently taken place, with a good turnout of students. The session had been interactive, and three students had remained to observe the Cabinet meeting which followed. The first official meeting of the Student Council, including the election of a Chairman and Vice-Chairman, was expected to take place towards the end of January 2026, subject to agreement with schools on a suitable date. The Chairman or Vice-Chairman would be invited to attend Cabinet meetings and to be represented on the Town Board. It was noted that students had already contributed to the 'Vision for Spalding' and progress on the initiative was welcomed.

There were no further announcements.

61. QUESTIONS ASKED ON NOTICE UNDER STANDING ORDER 6

There were none.

62. QUESTIONS ASKED WITHOUT NOTICE UNDER STANDING ORDER 7

Question to: Councillor Astill

Question from: Councillor Barnes

Subject: Garden Waste Scheme

Councillor Barnes expressed disappointment at the lack of progress on the garden waste scheme, as referenced in the Portfolio Holder update. He questioned the routing system and queried why a more adaptable approach, similar to that used by the Post Office, had not been adopted. He highlighted that a period of six months had been spent developing an internal system now deemed unworkable, with a further four months required for improvements. Councillor Barnes queried why additional residents could not be accommodated on existing routes given confirmed bin availability and capacity and stressed that delays had resulted in wasted expenditure and lost revenue. He requested details of the total cost to date, the number of brown bins at the depot, the number of residents on the waiting list, and how many were on current routes. Councillor Astill advised that approximately 200 bins were held at the depot, some new and some used. There was no capacity on existing rounds, which had led to the creation of a waiting list that was closed in February or March 2025 due to uncertainty over expansion, although some residents had since joined the scheme. He confirmed that the Council's internal team, at no additional cost,

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had been working on new rounds, with some rework required following testing, and that software changes for uploading routes were being implemented. Councillor Astill acknowledged delays but emphasised the need to get the system right, confirming that the work would be completed by the end of Quarter 1 and that a factual briefing note would be provided.

In response, Councillor Barnes challenged the assertion of zero cost, noting officer time as an expense, and reiterated concerns about wasted resources and the need for urgency. He recommended that normal waste collections were not altered and highlighted that residents had been waiting for bins for 18 months. Councillor Astill responded that the work completed so far had not been wasted and confirmed the scheme's popularity, evidenced by a waiting list of 700–800 residents. He concluded that the work would be completed and a summary provided.

Question to: Councillor Astill
Question from: Councillor Eldridge
Subject: Waste Rounds

Councillor Eldridge queried whether the work on the waste rounds would be completed by March 2026. Councillor Astill confirmed that he was confident that the target date would be met.

Question to: Councillor Worth
Question from: Councillor Gibson
Subject: Spalding Remembrance Parade Road Closures

Councillor Gibson asked whether the Council had been charged by Lincolnshire County Council for road closures during the Spalding Remembrance Parade, noting that criticism had been directed at the County Council in this regard. Councillor Worth confirmed that Lincolnshire County Council did not charge for road closures. South Holland District Council was required to appoint a traffic management company, and this year an alternative provider was used, which incurred a cost. He explained that the parade route had been shortened to minimise town centre closures while maintaining a safe route for veterans. Councillor Worth also highlighted that the Safety Advisory Group was required to consider terrorism risks for all events as part of its risk assessment and clarified that councillor ward budgets could not be used to fund road closures.

Question to: Councillor Worth
Question from: Councillor Sheard

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Subject: Spalding Remembrance Parade Format

Councillor Sheard raised concerns regarding the format of the recent Spalding Remembrance Parade, noting that many residents and service personnel had expressed disappointment and felt the event had not been delivered correctly. She sought reassurance that next year's parade would follow the correct format and involve ex-Service personnel in its planning. Concerns were also highlighted about the choice of song at the end of the service, which some felt was inappropriate. Councillor Worth responded that the Council was responsible only for road closures, while the organisation of the parade itself was managed by the Royal British Legion, Spalding Branch. He confirmed that the wreath-laying had followed the appropriate protocol. Councillor Worth acknowledged the feedback regarding the song which would be taken into consideration for next year.

Question to: Councillor Casson

Question from: Councillor Reynolds

Subject: Fixed Penalty Notice Fee Increases

Councillor Reynolds queried the increase in fees for fixed penalty notices for littering, fly-tipping and graffiti. Councillor Casson confirmed that the proposed increases were as follows:

- Fly-tipping: from £400 to £1,000
- Littering: from £150 to £300
- Graffiti: from £150 to £500

Question to: Councillor Redgate

Question from: Councillor Wilkinson

Subject: Youth Shed

Councillor Wilkinson raised concerns about the closure of the Youth Shed in Long Sutton in March 2025, which had left over 100 children without access to the facility. He noted reports on social media suggesting the centre might reopen with support from South Holland District Council and asked whether the facility, which had previously received over £90,000 in UKSPF funding, would receive further funding and reopen. Councillor Redgate advised that UKSPF funding was largely concluded, with approximately 99% already allocated, unless further funds were distributed by the Mayoral Authority in the following year. He confirmed that any future funding would be considered on its merits however could not confirm whether additional funding would be provided. Councillor Wilkinson asked if the Council was continuing to support the facility. Councillor Redgate clarified that this was outside his remit and that he was not aware of any funding currently being provided by the Council. The Leader undertook to clarify the appropriate Portfolio Holder and provide

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an update after the meeting.

Question to: Councillor Worth

Question from: Councillor Geaney

Subject: Spalding Town Forum, the Town Board and Spalding Business Improvement District (BID)

Councillor Geaney requested clarification of the Spalding Town Forum, Town Board and Spalding Business Improvement District (BID) and queried the associated impacts upon the Council/local tax payers for activities such as a recent installation project. Councillor Worth responded that Spalding Town Forum was a debating group with no decision-making powers, representing the town and its residents. The Town Board was responsible for managing the £20 million government grant, which did not come from local taxpayers. The Council paid a levy into the BID which was drawn from Council resources. Councillor Worth confirmed that local taxpayers had not funded the sheep installation, which was financed by the Civic Society through external funding.

Question to: Councillor Astill

Question from: Councillor Beal

Subject: Extended Producer Responsibility (EPR) Funding

Councillor Beal requested an update on government Extended Producer Responsibility (EPR) funding. Councillor Astill advised that some funding was known, but the position on food waste funding remained outstanding. He noted that further information might be included in the forthcoming budget and confirmed that members would be informed as soon as funding was confirmed.

Question to: Councillor Taylor

Question from: Councillor Alcock

Subject: Planters in Spalding Hall Place and Red Lion Street

Councillor Alcock queried whether the planters in Hall Place and Red Lion Street were the responsibility of the Council and, if so, whether there were plans to replace plants and trees that had not survived, and measures to prevent this recurring. Councillor Taylor responded that a grant had been obtained by the Council to install and maintain the planters, although this was not within his Portfolio. Councillor Astill undertook to seek clarification on replanting plans and added that a new Group Manager for Street Scene was now in post and was preparing a schedule for members detailing maintenance activities such as cutting, trimming and pruning.

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Question to: Councillor Bingham
Question from: Councillor Woolf
Subject: Pantomime sales

Councillor Woolf asked for an update on ticket sales for the forthcoming pantomime at the South Holland Centre, noting its commercial importance and popularity. Councillor Bingham reported that overall ticket sales at the South Holland Centre were up by approximately 13,000 compared to previous years. The pantomime had already sold around 9,500 tickets, with several performances close to selling out. He credited the success to the efforts of the South Holland Centre team, performers and the production company.

Question to: Councillor Astill
Question from: Councillor Tyrrell
Subject: Bulky Waste Collection of Settees

Councillor Tyrrell raised concerns about delays in the collection of settees, noting that residents had been waiting for over a month. Councillor Astill confirmed that settees were still collected as part of the bulky waste service but explained that recent legislative changes required specific recycling processes. He undertook to seek clarification from the service and provide an update.

Question to: Councillor Astill
Question from: Councillor J Le Sage
Subject: Rubbish Collection at Capella Close and The Terrace

Councillor J Le Sage thanked Councillor Astill for previously meeting with residents regarding rubbish collection issues and asked for an update. Councillor Astill advised that he was still awaiting a response from officers, having requested a review of the situation. He confirmed that the decision was operational and, while he would continue to press for a resolution, reinstatement of collections could not be guaranteed. Councillor Le Sage expressed frustration at the lack of progress and emphasised the impact on residents and the need for stronger action.

Question to: Councillor Astill
Question from: Councillor Tennant
Subject: Christmas Tree Waste Collection

Councillor Tennant raised concerns about reports on social media that residents with brown bins could not leave whole Christmas trees for collection and were required to chop them up to fit inside the bin. He questioned the reasoning behind this change and noted that January was not a peak month for general gardening waste. He highlighted criticism on social media and suggested the decision be reconsidered,

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particularly for outlying areas of the district where access to recycling centres was difficult. Councillor Astill acknowledged the concerns and confirmed he was unaware of the issue. He undertook to seek clarification from the team.

Question to: Councillor Worth

Question from: Councillor Brewis

Subject: Fast Food Packaging Deposit Charge Campaign

Councillor Brewis referred to a discussion at an earlier meeting regarding the possibility of the Partnership initiating a national campaign to introduce a deposit charge on fast-food packaging. The intention was that customers would either return the packaging or, if discarded, others could collect it and redeem the deposit, similar to historic bottle return schemes. Councillor Brewis noted significant public interest in the idea which would help to address littering issues and asked if this would be taken forward. Councillor Worth understood that national legislation was already in place to encourage producers, particularly supermarkets, to reduce waste and recycle within their own facilities. He undertook to discuss the matter further with the relevant team and Portfolio Holder, acknowledging the merits of the suggestion, however additional action would not be necessary if covered by national legislation.

Question to: Councillor Taylor

Question from: Councillor Sheard

Subject: Spalding Indoor Bowls Club

Councillor Sheard requested reassurance be provided to members of Spalding Indoor Bowls Club, formerly based at the Castle Sports Complex and temporarily relocated to Long Sutton, following rumours that they might not be able to return once renovation works were complete. Councillor Taylor confirmed that there was no truth to the rumour and reiterated that the plan remained for the bowlers to return to the Castle Sports Complex in Spalding upon completion of the works, anticipated in early 2027. He expressed disappointment that such speculation had arisen and advised that any further concerns should be raised with him or the project team, who could provide written reassurance if necessary.

63. COMMITTEE MINUTES

The minutes of the following Committees and Panels were noted:

- Planning Committee – 10 September 2025
- Governance and Audit Committee – 11 September 2025

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- Policy Development Panel – 23 September 2025
- Planning Committee – 8 October 2025
- Performance Monitoring Panel – 15 October 2025
- Special Joint Performance Monitoring Panel and Policy Development Panel – 21 October 2025

64. KEY DECISION PLAN

Consideration was given to the Key Decision Plan.

DECISION:

That the Key Decision Plan be noted.

65. 2025/26 MID TERM TREASURY REPORT

Consideration was given to the report of the Director of Finance (Section 151 Officer) which provided members with an update on Treasury Management performance and activity to ensure best practice was maintained.

The Portfolio Holder for Finance introduced the report and advised that the Council was required to review Treasury Management activities and provide an update on Prudential and Treasury indicators for the year. The report, at Appendix 1, had previously been considered by the Governance and Audit Committee on 13 November 2025, in addition to quarterly updates throughout the financial year. The following main points were highlighted:

- The latest revised budget for capital expenditure was £35 million, with actual expenditure at the end of September recorded at £6.7 million;
- The Council's underlying need to borrow for capital expenditure as at 30 September 2025 had increased to £84.5 million. Investments totalled £43 million, and external borrowing remained at £67.5 million. In addition, the Council had issued loans of £6.5 million to Welland Homes;
- The bank base rate started the year at 4.5% and had reduced to 4% by the end of September 2025. The overall rate of return on investments during the first half of the financial year was 4.67%;
- The Council had budgeted to borrow £10 million from the Public Works Loan Board for HRA capital expenditure, however, following the receipt of £15 million in grant payments during the first half of the year, this borrowing was not expected to be required in the current financial year;

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- At Quarter 2, borrowing costs less investment income totalled £231,000 compared to the original budget of £661,000, representing a favourable variance of £430,000; and
- The forecast outcome for the year was predicted to be £440,000 against a budget of £1.493 million, representing a favourable variance of just over £1 million.

Members considered the report and made the following comments:

- Members expressed appreciation for the clarity and detail of the Treasury reports and thanked officers for their work.
- A member asked whether councils affected by a former Government decision to place significant debt on council tenants had sought to have this reversed by the current Government.
 - The Portfolio Holder for Finance acknowledged this remained a legacy issue for the authority, and while the Council had taken on the debt, it continued to maintain a substantial and high-quality housing stock. A potential impact on this matter resulting from Local Government Reorganisation was noted as an area for future monitoring.

DECISION:

That the contents of the report at Appendix 1 be received.

66. LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

Consideration was given to the report of the Assistant Director – Regulatory to adopt the proposed Statement of Licensing Policy.

The Portfolio Holder for Public Protection introduced the report, and the following main points were highlighted:

- The Statement of Licensing Policy set out the approach the Licensing Authority would apply to promote the licensing objectives when carrying out its functions under the Licensing Act 2003;
- The authority was required to review, adopt and publish a Statement of Licensing Policy every five years, with the current review due by the end of January 2026;
- The Committee of the Licensing Authority had considered a draft revised policy on 22 May 2025 and agreed that consultation should be undertaken. Public consultation took place between 2 June 2025 and 27 July 2025, and

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responses were reviewed by the Committee on 9 September 2025, with amendments made where appropriate;

- The Policy Development Panel had recommended that 75% of windows facing retail areas remained free from signage, decoration or obstruction; and
- The final draft policy, attached at Appendix 2, was now being presented to Council for adoption and publication. Failure to adopt and publish the policy by the statutory deadline would leave the authority open to challenge against licensing decisions.

Members considered the report and made the following comment:

- The Chairman of the Policy Development Panel thanked the Portfolio Holder for Public Protection and the Committee of the Licensing Authority for their consideration and inclusion of the recommendation from the Policy Development Panel, as noted above.

DECISION:

That the Statement of Licensing Policy be adopted and published by the statutory deadline.

67. PENSION & PENSION DISCRETIONS POLICY

Consideration was given to the report of the Assistant Director – Corporate which sought Council’s approval for the revised HR policy (Pensions and Pensions Discretions Policy)

The Portfolio Holder – Corporate and Environmental Services introduced the report and the following main points were highlighted:

- The policy was a statutory requirement under the Local Government Pension Scheme (LGPS) regulation and set out how the Council would apply certain discretionary powers relating to pensions;
- The policy had been developed by PSPS and had been considered by the Readers’ Panel, including officers and trade union representatives, as well as by the Policy Development Panel; and
- Approval of the policy would strengthen consistency across the partnership, safeguard compliance, and provide a fair and transparent approach to pension-related decisions.

Members queried the meaning of ‘mandatory’ within the ‘discretionary’ policy. The Head of HR and Organisational

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Development explained that certain matters were classed as mandatory discretions under the LGPS framework and must be included in the Council's policy.

DECISION:

That the HR policy (Pensions and Pensions Discretions Policy) be approved.

68. COMMUNITY GOVERNANCE REVIEW FOR THE UNPARISHED AREA OF SPALDING

Consideration was given to the report of the Assistant Director – Governance (Monitoring Officer) which sought Council approval to commence a Community Governance review for the unparished area of Spalding.

The Leader introduced the report and stated that:

- The matter had been under discussion for a considerable period and that the likelihood of Local Government Reorganisation (LGR) had prompted the issue to be brought before full Council to ensure that Spalding retained a local voice to address issues that might otherwise be remote from a unitary council;
- The report set out the detail and process of the proposed Community Governance Review (CGR). It was clarified that there was no difference in powers between a parish council and a town council; the distinction lay solely in the name;
- The process would be lengthy and did not guarantee the establishment of a town council, as this was dependent upon two stages of consultation. The final decision would rest with full Council;
- In respect of recommendation 2, consultation had taken place with Group Leaders to ensure appropriate representation on the Working Group, which would comprise the following Councillors:
 - Councillor J Le Sage,
 - Councillor M Le Sage,
 - Councillor D Ashby,
 - Councillor G Taylor,
 - Councillor J Whitbourn,
 - Councillor M Hassan and
 - Councillor I Sheard.

Councillor Barnes queried whether it would be advisable to appoint at least one member who was an existing parish councillor to the Working Group. In response, the Leader stated

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that the intention had been to ensure representation from all Spalding wards, which had been considered a key priority.

DECISION:

That Council:

- 1) Approved the terms of reference for a Community Governance Review and the publication of Stage 1 consultation;
- 2) Appointed seven members (as named above) to a CGR Working Group to consider consultation responses and present draft proposals and final recommendations to full Council; and
- 3) Delegated authority to the Chief Executive to undertake the CGR, including making and publishing any necessary modifications to the Terms of Reference.

69. OVERVIEW AND SCRUTINY ANNUAL REPORT 2024/25

Consideration was given to the report of the Assistant Director – Governance (Monitoring Officer) which asked the Council to receive the Overview and Scrutiny Annual Report 2024/25.

The Chairmen of both overview and scrutiny committees addressed the meeting with the following comments:

- Councillor Alcock, the Chairman of the Performance Monitoring Panel, acknowledged the support provided by officers and members, which was essential to the work of the committees and expressed his appreciation for the assistance of his Vice-Chairman, Councillor Booth.
- Councillor Woolf, the Chairman of the Policy Development Panel, extended his thanks to Councillor Eldridge as Vice-Chairman and to the panel members. He highlighted that the work undertaken by the panel had real impact, as exemplified at agenda item 12.

DECISION:

That the Overview and Scrutiny Annual Report 2024/2025 be received.

70. HEALTH SCRUTINY FOR LINCOLNSHIRE REPORT

Consideration was given to the report of Councillor G Scalese which provided South Holland District Council with an update following the latest meeting of the Health Scrutiny for Lincolnshire Committee.

DECISION:

That the report be noted.

71. NOMINATIONS FOR COMMITTEES AND OTHER SEATS AND PROPOSED CHANGES TO THE CONSTITUTION.

There were none.

72. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There are none.

73. EXCLUSION OF PUBLIC

Members resolved that, under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A of the Act.

74. PARTNERSHIP CLIMATE CHANGE AND ENVIRONMENT TEAM - ESTABLISHMENT ADJUSTMENT

Consideration was given to the report of the Assistant Director – Regulatory which sought member approval to make permanent the existing temporary s113 agreements within the Partnership Climate Change and Environment Team.

DECISION

That the recommendations detailed within the exempt report be approved.

(The meeting ended at 7.48 pm)

(End of minutes)



Report To: South Holland District Council

Date: 28 January 2026

Subject: Portfolio Holder Updates

Purpose: To note Portfolio Holder updates on work being undertaken within each of their Portfolios

Key Decision: No

Portfolio Holder: All Portfolio Holders

Report Of: Councillor Nick Worth - Leader

Report Author: Rhonda Booth, Democratic Services Manager

Ward(s) Affected: All Wards

Exempt Report: No

Summary

This report provides a summary of the work undertaken by each Portfolio Holder within their individual Portfolios.

The report is for noting only and will appear as an item at each ordinary Council meeting going forward.

Recommendations

That the report be noted.

Reasons for Recommendations

To inform and keep all Councillors up to date with work undertaken in each Portfolio area.

Other Options Considered

Not to provide a report – not considered

1. Portfolio Holder updates

Update from the Leader – Councillor Nick Worth

Local Government re-organisation

Our proposal was submitted at the end of November to the Secretary Of State, but if anything, the workload has increased since the beginning of January. Over the last few weeks, we have spoken to numerous statutory consultees including the Police, LALC, Association of Colleges, University of Lincoln, Lincolnshire MP's making them aware of all the bids and getting further helpful feedback from them as we progress to the formal consultation that is due to start early February. Greater Lincolnshire are preparing a joint website hosted by West Lindsey District Council in readiness for the formal consultation where everyone will be able to see all the proposals on one site. We have also had a useful discussion with MHCLG. The Government is sticking to the timelines as set out in the attachment.

Council officers from all 10 Councils are now working together and preparing for the Structural Change Order that will come in September for which we will have 14 days to put it into place. This will see 10 different work streams from Finance and HR to Data, Assets, Audit and Legal, so a huge amount of work between now and the end of July.

This will also see the establishment of Joint Committees to prepare for implementation and which shall comprise Members from the existing authorities which will make up the new authority. These joint committees will be superseded by the new Shadow Authority, due to be elected in May 2027.

Market Update

Q3 performance for South Holland District Council markets:

- Pitch Occupancy: Recorded as 55% occupancy across the council, which is exactly the same with Quarter 3 of 2024.
- Social Media Reach: Our markets Facebook page achieved 468,000 views during Quarter 3, representing a 4% increase compared to the previous Q3.
- Video Engagement: Recently, we've focused on creating short videos to attract a younger and more diverse audience. This strategy has delivered excellent results, with an 819% increase in videos viewed for more than 3 seconds.
- New market banners are now situated around the Towns.
- For Q4, we're looking at paid Facebook adverts for a wider reach and to recruit new traders.
- The Markets Team are currently in the testing stage of an updated booking and payment system which we aim to implement at SHDC for approx. May 2026.

Democratic and Electoral Services Update

Democratic Services

Student Council Update

The first meeting of the South Holland Student Council took place on 21 January 2026. The session included an introductory communications presentation, alongside updates from officers on events and community engagement. Students formally elected their Chairman and Vice-Chairman, establishing leadership for the year ahead. The Student Council members would begin shaping their work programme, identifying key topics and issues they wish to explore and progress during the coming months. The meeting marked a strong and enthusiastic start to the Student Council and demonstrated a clear commitment from young people to engage with local democracy and community matters.

Postal Vote Re-application Process

The postal vote re-application process is coming to an end, and any elector who has not submitted a new application will have their existing postal vote cancelled on 31st January. Cancellation letters will be issued by post during the first week of February and will include an application form and a pre-paid envelope for anyone wishing to re-apply for their postal vote.

Spalding Community Governance Review

The first meeting of the working group appointed at November's Full Council meeting will take place on Tuesday 20th January and will be looking at the way forward with the first stage of consultation.

Update from the Deputy Leader and Portfolio Holder for Finance – Councillor Paul Redgate

Provisional Finance Settlement and budget

- The Provisional Finance settlement for 2026/27 was released on the 17th December along with provisional allocations for 2027/28 and 2028/29.
- The settlement reflects outcomes from the Fair Funding Review 2.0 along with significant changes to Business Rate calculations and distributions, and changes to specific grant allocations.
- The result is that SHDC's funding level is kept 'cash flat' and that is after assumed Council Tax has been taken into account so in reality is a funding cut.
- Budget proposals will come forward through the next committee cycle for consideration and approval.

IDB Levy funding

- The LGA Special Interest Group on IDB levies now has 41 Councils. The Partnership leads the Group.
- £5m has been identified again by Government in respect of IDB support to those Councils most impacted for 26/27. The certainty of this support longer term remains unclear. £5m remains insufficient and we are continuing discussions with Government about increasing this sum to better meet the £12m pressure that has arisen since 2022/23.
- We expect IDB levies to increase again this year due to electricity costs primarily.

Update from the Portfolio Holder for Corporate and Environmental Services – Councillor Jim Astill

Corporate

HR/Organisational Development.

Terms and Conditions Review:

At February's Council meeting a report will be brought forward for a further programme of work to align terms and conditions across the Partnership. This will be phase 3 of the projects for the Partnership and is likely to include Overtime, Car Loans, Notice periods, Redundancy, Pay Protection and Annual Leave.

To date we have aligned 11 terms and conditions, including long service, career breaks, subscriptions and professional fees, sick pay, pay date, paternity leave, compassionate leave, fertility treatment leave, and emergency dependants leave.

In recent months, a significant number of service reviews have been implemented which means we have around 200 shared staff, so aligning terms and conditions, where appropriate, continues to be important to our Partnership.

Staff Development:

Summary of development programmes available to staff:

- Early Careers Programme: For under-25s; 5 sessions over 18 months aligned to organisation values; 14 enrolled; rolling intake. Launched in November.
- Future Leaders Programme: Two-year programme; includes workshops and mentoring, and option to complete an ILM in second year. 52 participants taken part since 2021, 54% of whom are now in management roles (figure is 71% for all cohorts since 2019); currently live for applications to next intake who will be inducted March 2026.
- First Line Manager Development: Toolkit for managers in development and considering training need for soft skills.
- IMPACT Programme: For team leaders/service managers; pilot cohort complete and considering next steps.

Summary of work experience:

- 607 hours delivered in 2025/26 (373 hours of traditional experience across SELCP, 195 at SHDC alone, but wider total includes other school engagement like assemblies and workshops).
- SHDC highest demand; popular areas: Legal, Housing, Planning.
- T-Level placements ongoing; process improvements planned and considering what our offer is to different groups (i.e., graduates).

Summary of apprenticeships:

- 33 apprentices: 9 entry-level, 24 higher-level to upskill existing officers.

- Higher apprentices include Level 3 Team Leader, or Level 7 qualifications (e.g., Chartered Town Planner, Environmental Health Practitioner).

Environmental Services

Waste Transformation:

The total waste collected (split green and black) for December 2025 compared to December 2024

- Total collected during December 2024 = 2,150 tonnes.
- Total collected during December 2025 = 2,408 tonnes
- This was an additional 258 tonnes which equates to the service requiring to make provision for an additional 24 vehicle loads/rounds.

The total waste collected (green/black) for the two full weeks of January 2026 compared to January 2025.

- Total collected during the first two weeks of January 2025 = 1,237 tonnes.
- Total collected during the first two weeks of January 2026 = 1,307 tonnes.
- This was an additional 70 tonnes, which equates to the service requiring to make provision for an additional 7 vehicle loaders/rounds

Work continues to plan waste transformation activities for South Holland.

Draft waste policies have had a first pass through PDP (in December) and will be going for a second pass (in February). Provided these are signed off by the panel they will be at Cabinet for approval (also in February).

We are looking to schedule an all-member briefing at the end of March/beginning of April.

Update from the Portfolio Holder for Assets and Strategic Planning – Councillor Henry Bingham

Assets Projects Update

- Ayscoughfee - Lutyens Memorial – total restoration completed in November & is fully open. The Presentation on how it was done is continuing to run in Priory Road. This will be transferred over to Ayscoughfee in the coming weeks to continue for public information.
- Over £1.1 million pounds of redundant parcels of land across South Holland area are under offer. More to be released as SHDC realise potential of small pockets of land for infill projects.
- Vine Street Car park - resurfacing is complete and disabled spaces to be relined shortly.

South Holland Centre

- Foyer remodelling / painting continues - finishing this week.
- Extensive LED lights replacement finishes this week with daylight LED in all ground floor areas and changeable colours in foyer and corridor for visual impact. New large commercial fridge and freezer to expand offer are now in place and new carpets to ground floor areas.

- Clock tower cleaning and extensive work to block pigeon access to start shortly.

Herring Lane

- Clearance of land and weed retention is down with aggregate being added over the next couple of months work on going to look at community use.

Cultural Venues Update

South Holland Centre

- December was once again a busy period for the Centre with the team welcoming over 12,000 people through the doors to see the annual pantomime which this year was Rapunzel. Next year the pantomime will be Peter Pan and tickets have already started to sell.
- January sees the centre closing for a refurbishment of the foyer area and refreshing of other public areas.

Ayscoughfee Hall Museum & Gardens

- This is a quiet time of year for the museum as it closes over the festive period, however we hosted a few children's activities on the weekends before closing which boosted visitor figures to 397 over the two weeks the museum was open in December.
- The Gardens remain open every day except Christmas day and are well used by walkers and tennis players, with many commenting how neat and tidy the gardens are.
- At the beginning of January, the team carried out a thorough tidy up and clear out of the museum ahead of reopening to the public on 14th January.

Planning and Infrastructure

- Planning reform continues at a national level with a recently published new NPPF and the finalising of the Planning and Infrastructure Act. As 2026 progresses there will be changes that the team will work through and brief members upon.
- Performance – Oct-Dec: Major applications 100% determined in time / Minors: 98.5% determined in time.

NSIPS - there are 6 Nationally Strategic Infrastructure Projects that South Holland are either the Host Authority for or one of the Host Authority's along with the other Partnership Councils. These projects are:

- Grimsby to Walpole - Post Statutory Consultation and Targeted Consultation stage leading to the preparation of the Development Consent Order and Environmental Statement.
- Eastern Green Link 3 & 4 - Post Statutory Consultation and Targeted Consultation stage leading to the preparation of the Development Consent Order and Environmental Statement.
- Outer Dowsing Offshore Wind – Decision stage until February 2026.
- Ossian Transmission infrastructure – Non-Statutory Consultation follow up and next Consultation expected is Statutory Consultation Q4 2026.

- Meridian Solar Farm – Post Statutory Consultation and Targeted Consultation stage leading to the preparation of the Development Consent Order and Environmental Statement.
- Weston Marsh to East Leicestershire - Environmental Impact Assessment Scoping Stage complete and the next Consultation is the Statutory Consultation expected Q3/Q4 2026.

Update from the Portfolio Holder for Strategic and Operational Housing – Councillor Tracey Carter

Full Council Update – Housing Services

Since the last Council meeting, the following developments have occurred across Housing Landlord Service (HRA):

- Commenced a programme of Tenancy audits implementing a structured programme of property inspections to proactively identify tenancy issues and unmet support needs.
- Established a Tenancy Management Clinic with performance being reviewed by patch to ensure consistency in tenancy and arrears management across the district.
- Continued to progress Regulatory Improvement Plan and meet monthly with Regulator of Social Housing.
- Updated the Constitution to reflect the Tenant Influence Panel.
- Continued to survey homes with 90.05% of surveys now completed.
- Commenced annual surveys as part of the Tenant Satisfaction Measures.
- Delivered training to tenants joining the Aids and Adaptations Appeal Panel.
- Built an MTFs for the HRA based on 85% of stock condition data aged less than 18 months old, building the most accurate investment programme to date.
- Continued to hold a variety of tenant engagement events including an update to the Tenant Forum on the regulatory judgement and learnings, policy reviews on complaint handling and damp and mould policy, and a “Meet the Housing Managers” event. Over 200 tenants have taken part in activities during the last quarter.
- Delivered an annual report to all tenants summarising progress over the past year, including regulatory inspection and service improvements.
- Launched our Housing Repairs Transformation Project.
- Finalised HRA Business Plan and Asset Management Strategy, for consideration by Council on 28 January 2026.

Looking ahead, the Service is currently working on the following:

- Introduction of flexible appointment options, a new appointment prioritisation framework and further mechanisms for gathering tenant feedback as part of the Repairs Transformation Project.
- Recruitment to a Tenant Influence Panel – establishing a mechanism for tenants to influence and scrutinise the performance of the Service.
- Implementing a Contractor code of conduct (written with tenants)
- Drafting a ASB and Hate Crime policy.
- Delivering the Regulator’s Competence and Conduct Standard including a revised Code of Conduct for HRA staff

Accommodation Team:

The team are working in partnership with the Councils Disabled Facilities service to adapt four bungalows for use by disabled persons as temporary homelessness accommodation. This will help further reduce the use of B&Bs as well as provide a much better standard of accommodation.

The current Temporary Homelessness Accommodation is also receiving a refresh to ensure it continues to provide suitable short-term support to those in need. The ability to undertake this refresh has been achieved by reducing the use of expensive nightly paid accommodation and ensuring that support and decision making is undertaken in a timely manner.

From 1st April 2026, those placed in the temporary accommodation will pay a rent top-up. A positive step in ensuring those placed gain the ability to manage their finances independently and have the skills available to move-on to a more permanent housing option. This will also increase income for the local authority to help reduce the expenditure pressure faced with regards to temporary accommodation.

SHDC are currently in the process of acquiring two properties that will be used to provide temporary accommodation for individuals or families in need. This initiative is being supported through Round 3 of the Local Authority Housing Fund (LAHF), a government funding programme designed to help councils expand their housing options and respond to local housing pressures.

These properties will play a vital role in offering safe, short-term housing solutions while longer-term arrangements are being secured — reflecting our commitment to compassionate, responsive support for those facing housing challenges.

Our new Housing Access and Partnerships team, who are focused on building relationships with housing providers recently progressed conversations with a supported housing provider who is now offering accommodation in South Holland area. With a shortage of supported housing in South Holland, this is welcome news to ensure those in need have additional options and receive the support they need to ensure they do not continue repeat homelessness.

The team has also progressed positive conversations with private landlords, enhancing the council's public reputation and opening opportunities for better access to the private housing sector for those we assist.

Homelessness and Rough Sleeping

The Government's new strategy "A National Plan to End Homelessness" was launched during December which includes some key national targets:

- Build 1.5 million homes during this Parliament.
- Increase the proportion of people supported to stay in their own home or helped to find alternative accommodation when they approach their local council.
- Eliminate the use of Bed & Breakfast accommodation for families, except for very short-term emergencies.

- Halve the number of people experiencing long-term rough sleeping.

There are many other requirements including a shift from crisis response to early prevention, a requirement for collaboration across public services and the publishing of action plans.

Housing Standards Policies

At the time of writing this update, three Housing Standards policies are to be presented to Cabinet on 20th January for adoption. The three policies cover Empty Homes, Houses in Multiple Occupation (HMO) Licensing and Enforcement. These comprehensive policies will enable our Housing Standards Officers to apply their work confidently and robustly and ensure the Council is ready for any changes that need to be applied as part of the Renters rights Act which comes into force this year. The policies will ensure a that a consistent approach is being delivered across the South and East Lincolnshire Councils Partnership for statutory functions, whilst allowing each of the individual Councils the flexibility to deliver on their own ambitions, such as the empty homes agenda.

Update from the Portfolio Holder for Public Protection – Councillor Anthony Casson

Community Safety – Temporary Changes – Lincolnshire Police

Lincolnshire Police have notified the Council of temporary changes to ensure their resources focus on the most critical areas of public safety. Because of a shortage of officers, about 50 will move from specialist teams including Neighbourhoods to frontline roles like Response, CID, and supporting vulnerable people. The changes will be in place for approximately six months and reviewed thereafter, with the aim of prioritising harm reduction and safeguarding communities during this period. Recruitment for additional officers to join the Force is ongoing. Any impact on our communities will be monitored and escalated through the appropriate Community Safety Partnership. Should Members have any concerns, please contact Jon Challen- Group Manager- Safer Communities. (Jonathan.Challen@e-lindsey.gov.uk)

Licensing

Licensing won an appeal that took place in the Magistrates Court at the end of November. The Council was defending the decision made by the Panel of the Committee of the Licensing Authority in June. A store called Deli Mini Market, 12A Sheep Market, Spalding had applied for a variation to their licence which the police objected to. This went to a hearing in which the Panel declined the application due to concerns about the crime and disorder licensing objective being upheld. Magistrates supported the decision of the Council and awarded £3,000 in costs.

Enviro-Crime

The Enviro-Crime team have launched a comms campaign across the Partnership in January and February focussing on fly-tipping. Recognising many people start the new year with excess waste following Christmas and have a “clear out” for the year

ahead, the campaign reminds the public of their duty of care to use legal waste disposal routes.

Graffiti In Spalding

Over a period of months during 2025 Spalding town centre became the target for graffiti, with local intelligence suggesting that it was one individual responsible. A joint campaign between South Holland District Council's Safer Communities Team and Lincolnshire Police was carried out through late Autumn / early Winter 2025. Whilst the perpetrator has not yet been caught, there have been no reported incidents of graffiti since the start of December 2025.

Update from the Portfolio Holder for Health and Wellbeing, Conservation and Heritage – Councillor Elizabeth Sneath

Household Support Fund

The final round of our Household Support Fund 'crisis support scheme' is now open for applications. The scheme supports vulnerable, low-income households with the cost of essentials. This year's Household Support Fund has already supported over 1200 households with vouchers for food, utilities and clothing and provided grants to 30 charities and community support groups in our District to enable direct, preventative support for residents in need.

[Lincolnshire Community Foundation](#) are administering the local crisis support scheme on behalf of South Holland District Council; priority will be given to households in the greatest need of support through change of circumstance or financial hardship.

Details on the local scheme, support and eligibility is available at:

www.sholland.gov.uk/householdsupportfund

Age Friendly South Holland

In 2024, SHDC joined the [UK network of Age Friendly Communities](#). Following the expansion of our Healthy Communities Team we are now in the next phase of our Age Friendly journey.

South Holland has rural, ageing demographic and with this comes challenges and opportunities. Currently a quarter of our residents are aged over 65 years with projections for this to continue increasing above the national average. Local data has been collated by the Centre of Ageing Better and members can find further detail at:

<https://lginform.local.gov.uk/reports/view/lga-research/centre-for-ageing-better-understanding-ageing-in-your-area>

Understanding data and planning for local ageing populations is part of the World Health Organisation's Age-friendly Communities framework. The team are collating the local evidence base to better understand the needs of local older people and the local issues impacting them. Over the last 6 months we have undertaken a range number of surveys, focus groups and walking audits, supported by our sheltered accommodation team.

Members are invited to get involved in Age Friendly South Holland and help enable people to age well and live a good later life. Please contact healthycommunities@e-lindsey.gov.uk

Digital Inclusion

In partnership with local charity Lincs Digital, we have delivered 12 successful community-based digital drop-in sessions across the District, supporting 150 individuals with essential digital skills and online services. These sessions continue to provide a safe, friendly and inclusive environment to help build confidence and independence in using technology.

Digital Inclusion Case Study - Spalding

Linda attended a drop-in at Church in Spalding seeking help with her device after her emails stopped working. She suspected her husband, who has early-onset dementia, might have accidentally changed something. Lincs Digital examined the device and quickly identified the issue. They reconnected her email on both her phone and tablet, reset her password to something unique for better security and suggested adding a new PIN and enabling face recognition to protect her banking app. Both devices were synced and now functioning correctly.

Lincs Digital also checked Linda was receiving support for her husband and explained that she could contact them anytime for further help. They also discussed online safety and scams to boost her confidence. Linda was given a card with direct phone number and an up-to-date Scam Awareness Pack.

Quote from Linda: "I can't thank you enough. I was so worried about losing access to my emails and my banking app. Now everything works perfectly, and I feel much safer knowing my devices are secure. It's such a relief."

Digital Inclusion Case Study - Crowland

Jane attended the session at Crowland Surgery after being asked by the practice to learn how to use the new Accurx app for prescriptions and support requests.

Previously, had only ordered prescriptions by phone as she cares for another family member and was unsure how to use apps.

Lincs Digital demonstrated the app on their training tablet, showing how easy it is to order prescriptions online and send requests for help. Jane was pleasantly surprised that it was simpler than expected. Although she mainly uses her device for basic tasks like reading BBC News, she is familiar with typing and navigating screens. With Jane's agreement, the app was downloaded onto her device. The surgery ensured all permissions were set so she could access the system fully. Jane practiced submitting a request and Lincs Digital created a simple written step-by-step guide for her to follow at home. Jane plans to practice and return to the next session to learn how to order prescriptions online confidently.

Quote from Jane: "I thought it would be really complicated, but it's not as bad as I expected. Having the steps written down makes me feel I can do this. I will come back next month and learn more".

For details about upcoming digital inclusion sessions in South Holland, please visit: <https://www.sholland.gov.uk/DigitalInclusion>

Safeguarding

South & East Lincolnshire Councils Safeguarding Policy: The Joint Safeguarding Policy will be presented to Cabinet on 17 February 2026. The policy will be updated on an ongoing basis to take account of any legislative developments, as well as changes to our internal processes; however, a full review will be undertaken every 4 years with any proposed revisions presented to Cabinet for approval, ensuring strategic oversight is maintained. Once approved, a copy of the policy will be shared with all members and a programme of training will be offered (including face to face sessions).

Ayscoughfee Hall Museum

Ayscoughfee Hall welcomed 397 visitors during its two-week opening in December. The Hall remained closed for an additional week in January to allow for a comprehensive assessment of collections, ensuring displays are optimised for the months ahead. Preparations are also underway for the Light Night event, scheduled for 20th & 21st March 2026.

Update from the Portfolio Holder for Community Development – Councillor Gary Taylor

Events

Christmas Light Switch On 28th November

The Christmas light switch on, took place on Friday 28th November 4pm – 8pm. The event featured festive food and drink, market stalls, entertainment on stage and the all-important light switch on at 7.30pm. Attractions in Sheep Market were sponsored by the BID. The event was well attended with over 4000 visitors across the evening.

Christmas Makers Market 13th December

The Christmas Makers Market featured a full programme of entertainment and festive activities, supported by the Communities and Events Team, with additional sponsorship provided by the Business Improvement District. The market attracted strong footfall, showcased a variety of local makers and traders, and contributed to creating a vibrant, welcoming atmosphere in the town centre during the Christmas period.

Ayscoughfee Nutcracker Trail

This Nutcracker Trail took residence at Ayscoughfee Hall this year to encourage young visitors and their families to explore the hall and gardens. The collaboration of Ayscoughfee and the Communities and Events team enabled there to be a launch event with facepainting and balloon modelling and prizes for all those taking part in the trail over the festive period.

Upcoming events for 2026

Ayscoughfee Gardens will be the backdrop to 2 stunning evening events this March. With collaboration from Ayscoughfee Hall Museum and Gardens, Communities and Events and Storytellers. More details will be released early in the new year.

Spring Into Spalding is scheduled to return in March, bringing a refreshed programme of activities and celebrations to support increased footfall and community engagement in the town centre.

The team will be announcing further events for the calendar year over the coming weeks.

Communities

Community Christmas Project

Christmas wreaths were delivered to Sheltered Housing Community settings, helping to bring festive cheer to residents across the district. The council provided materials for the wreaths, which were then created by individuals at North Sea Camp as part of a meaningful community initiative.

South and East Lincolnshire Crowd Funding

The funding window for the Autumn round is now open – a total of 18 projects have now been funded across the Partnership, totalling £189,600 with a total crowd contribution of £94,615. A further 5 projects crowdfunding, 2 of which are in the South Holland District.

Community Lottery

Community Lottery scheme continues to raise funds for good causes, with a total of £98,504 having been raised. Weekly ticket sales are up and 23 groups within South Holland have now joined the scheme.

Leisure Services update

Build progress on the Health & Wellbeing Hub development remains on track. Groundworks for the new extension and pool tanks are continuing, in readiness for steel frame erection from late January. Internal demolitions within the existing sports centre are also underway. In December, the Council received notification that it had been successful in its bid to the Football Foundation for a grant towards the development of the 3G pitch, in line with the agreed financing strategy. A Section73 variation to planning was approved in early January, meaning that the project delivery can continue in accordance with the budget agreed at Council in July. Overall, progress is very positive.

The temporary gym facility is fully operational and performing strongly in terms of sales surpassing its current targets, and in Quarter 3 the Castle Pool and Red Lion Quarter temporary gym facilities remain in the top 3 for sales performance within Parkwood Leisure as a company. The temporary arrangements in place continue to be challenging for the operator, due to reduced capacity, but the classes that can be delivered remain well attended and following a period of cold weather that impacted user numbers, swimming lesson memberships are also growing.

Following a competitive tender process that concluded in on the 30th of December, South & East Lincolnshire Councils Partnership has now announced the award of joint leisure contracts to Parkwood Leisure, covering the operation of their facilities in Boston, East Lindsey and South Holland.

Acronyms

None

Appendices

Appendix A LGR Timeline

Background Papers

None

Chronological History of this Report

A report on this item has not been previously considered by a Council body.

Report Approval

Report author:

Rhonda Booth, Democratic Services Manager
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Signed off by:

John Medler, Assistant Director - Governance (Monitoring
Officer)

John.Medler@e-lindsey.gov.uk

Approved for publication:

Councillor Nick Worth, Leader

Local Government Reorganisation (LGR) Timelines

2026												2027												2028					
Q1 Jan-Mar			Q2 Apr-Jun			Q3 Jul-Sep			Q4 Oct - Dec			Q1 Jan-Mar			Q2 Apr-Jun			Q3 Jul-Sep			Q4 Oct - Dec			Q1 Jan-Mar			Q2 Apr-Jun		
J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J

◆ Early Feb
Statutory Consultation
7 wks Feb-Mar

◆ Late July (tbc)
Government Decision

◆ Autumn
Structural Changes Order (SCO)
Joint Committee(s) / Implementation
Executive established
SCO Legislation passed by Dec (tbc)

◆ 6 May
Shadow / Transitional Elections



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KEY DECISION PLAN

Issued – 8 January 2026

Representations in respect of all the matters shown should be sent in writing, at least one week before the date or period the decision is likely to be made, to:

Democratic Services, Council Offices, Priory Road, Spalding, Lincolnshire, PE11 2XE

Telephone: 01775 764451 Email: demservices@sholland.gov.uk

The Key Decision Plan shows all Key decisions that the Council is likely to make over the next **twelve months**

The Key Decision Plan is updated on a rolling basis and shows the decisions that will be considered and the date when the decision is expected to be made. In accordance with the Council's Constitution the DECISIONS detailed within this document, unless otherwise stated, come into force and may then be implemented on the expiry of a 5 working day call-in period from the date of publication of any decision.

Key decisions are: "A decision which, in relation to an executive function, has a significant effect on communities in two or more Wards of the Council and / or is likely to result in the Authority incurring expenditure, generating income or making savings in any single financial year above the threshold of £75,000 in respect of revenue expenditure and £180,000 in respect of capital expenditure."

PORTFOLIO HOLDER / SUBJECT	PURPOSE OF DECISION	CONSULTEES AND METHOD OF CONSULTATION	SUPPORTING DOCUMENTS	LIKELY DATE OF DECISION AND WHO WILL MAKE DECISION	OFFICER CONTACT INFORMATION
<p><u>Portfolio Holder for Strategic and Operational Housing (Councillor Tracey Carter)</u></p> <p>HRA business plan and asset management strategy</p>	<p>To adopt a business plan and asset management strategy and build the finances into the budget</p>	<p>members and tenants, informally and then formally</p> <p>members and tenants, informally and then formally commencing November</p>	<p>Report and any relevant appendices</p>	<p>South Holland District Council 28 Jan 2026</p>	<p>Vikki Cherry, Assistant Director - Housing vcherry@sholland.gov.uk</p>
<p><u>Portfolio Holder for Strategic and Operational Housing (Councillor Tracey Carter)</u></p> <p>Contract for HRA Energy Efficiency Improvements</p>	<p>To award a contract for retrofit works including Air Source Heat Pumps, solar panels, loft insulation and ventilation for installation in the council's housing stock.</p>	<p>.</p> <p>.</p>	<p>Report and any relevant appendices</p>	<p>Assistant Director - Housing</p> <p>Before 31 January 2026</p>	<p>Vikki Cherry, Assistant Director - Housing vcherry@sholland.gov.uk</p>

PORTFOLIO HOLDER / SUBJECT	PURPOSE OF DECISION	CONSULTEES AND METHOD OF CONSULTATION	SUPPORTING DOCUMENTS	LIKELY DATE OF DECISION AND WHO WILL MAKE DECISION	OFFICER CONTACT INFORMATION
<p><u>Portfolio Holder for Corporate and Environmental Services (Councillor Jim Astill)</u></p> <p>Waste Policies</p>	<p>To review existing and introduce new waste policies to enable implementation of the new household waste collection model.</p>		<p>Report and any relevant appendices</p>	<p>Cabinet 17 Feb 2026</p>	<p>Matt Fisher, Head of Environmental Services matt.fisher@sholland.gov.uk</p>
<p><u>Leader (Councillor Charles Nicholas Worth)</u></p> <p>Destination Lincolnshire Local Visitor Economy Partnership Destination Management Plan and SELCP Destination Management Plan</p>	<p>Destination Lincolnshire are the defined Local Visitor Economy Partnership (LVEP) for the Lincolnshire and Rutland areas. As part of this they have created a Plan to 2033 to promote and co-ordinate the Visitor Economy. This Plan will cover and impact the South Holland District Council area. In addition, a Destination Management Plan has been produced for the Partnership area. These two documents together form a suite to support the visitor economy in the Partnership area from the local to the sub-regional. It is therefore proposed that the LVEP Destination Management Plan should be acknowledged and agreed by the Council and the SELCP Destination Management Plan agreed by the Council.</p>		<p>Report and any relevant appendices</p>	<p>Cabinet 17 Feb 2026</p>	<p>Pranali Parikh, Director of Economic Development pranali.parikh@boston.gov.uk</p>

PORTFOLIO HOLDER / SUBJECT	PURPOSE OF DECISION	CONSULTEES AND METHOD OF CONSULTATION	SUPPORTING DOCUMENTS	LIKELY DATE OF DECISION AND WHO WILL MAKE DECISION	OFFICER CONTACT INFORMATION
<p><u>Portfolio Holder for Health & Wellbeing, Conservation & Heritage (Councillor Elizabeth Jane Sneath)</u></p> <p>SELCP Safeguarding Policy</p>	<p>To agree a joint SELCP Safeguarding Policy in order to standardise the Partnership's approach to Safeguarding children and adults in the work we do.</p>		<p>Report and any relevant appendices</p>	<p>Cabinet 17 Feb 2026</p>	<p>David Postle, Wellbeing Service Manager & Deputy Strategic Safeguarding Lead David.Postle@e-lindsey.gov.uk</p>

PORTFOLIO HOLDER / SUBJECT	PURPOSE OF DECISION	CONSULTEES AND METHOD OF CONSULTATION	SUPPORTING DOCUMENTS	LIKELY DATE OF DECISION AND WHO WILL MAKE DECISION	OFFICER CONTACT INFORMATION
<p>Approval of the award and spend of funding from the UK Shared Prosperity Fund and Rural England Prosperity Fund 25/26</p>	<p>Decision to allocate grant funding from the UK Shared Prosperity Fund and the Rural Prosperity Fund for South Holland District, in line with the Programme's three core themes highlighted in the Prospectus (Communities and Place, Supporting Local Businesses, People and Skills). This item could cover multiple Key Decisions in relation to the above, for the period until the end date of the entire programme (end of March 2026)</p>	<p>Panel of relevant Officers in Economic Development, Portfolio Holder and where appropriate, Leader of the Council</p>	<p>Report and any relevant appendices</p>	<p>Portfolio Holder for Finance Before 31 Mar 2026</p>	<p>Saul Farrell, Senior Programme Manager - Local Growth and Grant Funding Saul.Farrell@sholland.gov.uk</p>

PORTFOLIO HOLDER / SUBJECT	PURPOSE OF DECISION	CONSULTEES AND METHOD OF CONSULTATION	SUPPORTING DOCUMENTS	LIKELY DATE OF DECISION AND WHO WILL MAKE DECISION	OFFICER CONTACT INFORMATION
<p>Portfolio Holder for Assets & Strategic Planning (Councillor Henry J W Bingham), Portfolio Holder for Health & Wellbeing, Conservation & Heritage (Councillor Elizabeth Jane Sneath)</p> <p>Spalding Conservation Area Appraisal, Spalding Heritage Strategy, Holbeach Conservation Area Appraisal, SELCP Design Guide.</p>	<p>To consider the documents prior to public consultation .</p>		<p>Report and any relevant appendices</p>	<p>Cabinet 28 Apr 2026</p>	<p>Emilie Wales, Heritage Manager Emilie.Wales@e-lindsey.gov.uk</p>

***Cabinet Membership**

Councillor C N Worth (Leader)
Councillor P Redgate (Deputy Leader)
Councillor J Astill (Portfolio Holder)
Councillor H Bingham (Portfolio Holder)
Councillor T Carter (Portfolio Holder)
Councillor A Casson (Portfolio Holder)
Councillor E Sneath (Portfolio Holder)
Councillor G J Taylor (Portfolio Holder)

If you have any comments or queries regarding any of the entries in the Key Decision Plan please contact:

Democratic Services, Council Offices, Priory Road, Spalding, Lincolnshire, PE11 2XE
Telephone: 01775 764451 Email: demservices@sholland.gov.uk

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Report To: South Holland District Council

Date: Wednesday, 28 January 2026

Subject: Report from Cabinet Meeting on 16 December 2025

Purpose: To consider recommendations of the Cabinet in respect of:

- Proposed Amendments/Updates to the Contract Procedure Rules
- Local Council Tax Support Scheme 2026/27

Key Decision: N

Portfolio Holder: Councillor Paul Redgate, Portfolio Holder for Finance

Report Of: Russell Stone, Director of Finance (S151)

Report Author: Forrest White, Democratic Services Officer

Ward(s) Affected: All Wards

Exempt Report: N

Summary

This report provides Members of the Council with details on issues considered by the Cabinet at its meeting on 16 December 2025, which require decisions by Full Council. Relevant extracts from the Cabinet minute are detailed at Section 2 below, and the relevant Cabinet report and appendices are attached as appendices to this report.

Recommendations

Proposed Amendments/Updates to the Contract Procedure Rules:

1. That Council approves the revised Contract Procedure Rules at Appendix 2.

Local Council Tax Support Scheme 2026/27:

2. That Council approves continuation of the current Council Tax support scheme, updated in line with DWP's annual update of allowances and premiums for 2026/27.

Reasons for Recommendations

The reasons for recommendation are detailed within the individual reports attached and are summarise in the relevant Cabinet minute below.

Other Options Considered

Other options considered are detailed within the individual report attached and are summarised in the relevant Cabinet minute below.

1. Background

- 1.1 Article 4 of the Council's Constitution provides that only the full Council may exercise the functions of approving, adopting or amending the policy framework and budget, adopting or changing the Constitution. Staffing matters are also a Council function. The Cabinet however has responsibility for advising the Council on such matters. At its meeting on 16 December 2025, the Cabinet made recommendations to Council in respect of the above item which may affect budget and policy framework, constitution or compromise staffing issues.
- 1.2 The remainder of this report details the recommendations of the Cabinet which must be read in conjunction with the individual report to Cabinet, a copy of which is attached as appendices.

2. Proposed Amendments/Updated to the Contract Procedure Rules

The Leader introduced the proposed amendments to the Contract Procedure Rules (CPRs), which were brought forward for approval, including the delegation to officers as highlighted in Appendix 2.

Members had previously reviewed the revised set of CPRs, and any comments were considered prior to the final version being circulated to all Council for full approval.

By way of background, the Leader advised that the purpose of these amendments was twofold. Firstly, public procurement legislation had changed following the implementation of the Procurement Act 2023, which had been in place since February 2025. Whilst the current CPRs were compliant with this legislation, the proposed amendments included additions and revisions to further align the CPRs with the Procurement Act 2023.

Secondly, the CPRs had last been updated three years ago, and therefore were due for review. Appendix 3 highlighted the key changes.

The Leader noted that significant work had been undertaken to review and update the rules, and expressed appreciation to officers for their diligence in managing the extensive changes required. The amendments included provisions relating to

frameworks and dynamic markets, in line with the Procurement Act 2023, to ensure officers complied with the new legislation.

In relation to thresholds, the Leader noted that the main change was the increase from the current range of £40,000–£85,000 to £50,000–£100,000. He added that importantly, the requirement for at least five written quotations was proposed to be amended, as sourcing five quotations could be challenging in certain industries. Feedback from suppliers indicated that the current requirement could discourage participation, as they perceived a low chance of success.

The Leader advised that further additions were made regarding contract management and monitoring, ensuring that operational contract managers regularly reviewed contract performance and met with suppliers as required under the terms of the contract. He also confirmed that a named contract manager would be recorded on the contracts register.

Concern was expressed regarding the inclusion of VAT in the figures presented, noting that this was not standard practice and could lead to inaccuracies if VAT rates changed in the future. The Member queried why VAT needed to be included and suggested that it should be removed.

Officers explained that the inclusion of VAT was a statutory requirement under the relevant legislation. They confirmed that thresholds would continue to be calculated exclusive of VAT, as outlined in the accompanying table, but acknowledged that minor adjustments might be necessary to ensure consistency throughout the document.

The Member highlighted that some figures within the text appeared to be exclusive of VAT, while others were inclusive, which caused confusion.

Officers advised that Section 1.5 of the Contract Procedure Rules explained that all figures were inclusive of VAT, except for the table at 13.3.

Members stated that they were extremely satisfied with the work undertaken by the Procurement Team, particularly in relation to improved contract management. They noted that the team had delivered strong outcomes for the Council and expressed full support for the proposed increase in procurement thresholds, citing the challenges of obtaining multiple quotes for specialist areas.

Another Member emphasised the importance of providing opportunities for local businesses to participate in procurement processes, noting that this had been a longstanding priority.

Further comments highlighted the need for declarations of interest to cover all parties involved, including councillors, officers, and the Procurement Team.

Members acknowledged the difficulties in securing quotes for specialist works within tight deadlines, particularly when external funding imposed strict spending requirements.

Overall, Members agreed that the report was positive and commended the Procurement Team for managing significant pressures effectively.

DECISION:

1. That Cabinet recommends the draft revised Contract Procedure Rules at Appendix 1a to this report to be approved at Council.
2. That Cabinet approves the delegations to Officers that sets out the authorisation for decision making in relation to Contract Procedure Rules at Appendix 2 to this report. This approval will be subject to a Council decision to amend the Contract Procedure Rules.

(Other Options Considered)

- *To do nothing – which would result in the retention of the existing Contract Procedure Rules. This would not be deemed best practice as the Contract Procedure Rules have not been reviewed or updated for 3 years.*

Reasons for Decisions:

- *To ensure that the Council has robust, up-to-date Contract Procedure Rules that provide clarity to officers, members, and potential suppliers.*
- *To ensure a clear and consistent approach in the award of contracts and safeguard the public's trust and confidence and promote public accountability and procurement practice.*
- *To help avoid governance failures in the Council's procurement activity.)*

3. Local Council Tax Support Scheme 2026/27

The Leader introduced the report and advised that by way of background, the Council must review its scheme for working age claimants each year and consult with major precepting authorities and interested parties.

The scheme for pensioners is set by the Government and cannot be changed by the Council.

The Leader advised that after consideration earlier in the year to the current economic challenges and the impact that a reduction in the scheme would have on working age claimant households, Cabinet decided to consult on continuation of the current working age Council Tax Support scheme, providing a maximum level of support of 85% for households with children, and 75% for all other households.

The Leader advised that the consultation ran between 23 September to 8 November 2025 and of the 29 responses received 61% agreed that the council should retain the current level of support. He noted that whilst 29% did not agree, views were divided: some favoured maintaining or increasing support, while others saw the system as unfair or too generous.

The full consultation report was provided at Appendix 1 to the report.

It was noted that the response rate of 29 was disappointing given the size of the district. Members felt that consideration should be given to how future surveys could encourage greater participation and engagement. It was acknowledged that this had always been a challenging area in which to secure responses. The subject matter was not widely understood by the public, which may have contributed to the low

engagement. Members agreed that it was the role of councillors to ensure that information was presented as clearly as possible. Despite efforts to promote the survey through various channels, engagement remained difficult.

Members concluded that, while further work could be explored, the outcome was reflective of the challenges inherent in this area.

DECISION:

1. That Cabinet recommends that Full Council approve continuation of the current Council Tax Support scheme, uprated in line with DWP's annual update of allowances and premiums, for 2026/27.
2. That Cabinet delegates approval for developing the 2026/27 scheme rules in accordance with recommendation 1 above to the Director of Finance and Section 151 Officer, in consultation with the Portfolio Holder for Finance as appropriate, including prescribed, administrative and minor changes.

(Other Options Considered)

- *Options were considered previously by Cabinet, leading to consultation on a continuation scheme*

Reasons for Decision:

- *Full Council must make any revision to its scheme, or any replacement, and agree its final scheme no later than 11th March 2026 in respect of the 2026/27 financial year.*
- *The recommendation has regard to the earlier deliberations of the Cabinet, and the outcome of the consultation process for a continuation scheme.*
- *Uprating in line with Department for Work and Pensions (DWP) will ensure the scheme continues to support the most vulnerable and low-income households by using nationally recognised rates of DWP income).*

Appendices

Appendices are listed below and attached to the back of the report:

Appendix 1	Proposed Amendments/Updates to the Contract Procedure Rules (covering report)
Appendix 2	Cabinet Agenda Item 11 - Proposed Amendments/Updates to the Contract Procedure Rules (Appendix 1a)
Appendix 3	Cabinet Agenda Item 11 - Proposed Amendments/Updates to the Contract Procedure Rules (Appendix 1b)
Appendix 4	Cabinet Agenda Item 11 - Proposed Amendments/Updates to the Contract Procedure Rules (Appendix 2)
Appendix 5	Cabinet Agenda Item 11 - Proposed Amendments/Updates to the Contract Procedure Rules (Appendix 3)
Appendix 6	Cabinet Agenda Item 10 – Local Council Tax Support Scheme 2026/27 (covering report)
Appendix 7	Cabinet Agenda Item 10 – Local Council Tax Support Scheme 2026/27 (Appendix 1)

Background Papers

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

Chronological History of this Report

Name of Body

Cabinet

Date

16 December 2025

Report Approval

Report author:

Forrest White, Democratic Services Officer
FWhite@sholland.gov.uk

Signed off by:

The individual report has previously been signed off by the relevant Director and Portfolio Holder

Approved for publication:

As above



Report To:	Council
Date:	28 th January 2026
Subject:	Proposed Amendments to the Council's Contract Procedure Rules
Purpose:	To introduce a new updated version of the Contract Procedure Rules
Key Decision:	N/A
Portfolio Holder:	Councillor Paul Redgate – Portfolio Holder for Finance
Report Of:	John Medler – Assistant Director for Governance and Monitoring Officer
Report Author:	Martin Gibbs – Head of Procurement & Contracts
Ward(s) Affected:	ALL
Exempt Report:	NO

Summary

The purpose of this report is to present to Council a revised draft set of Contract Procedure Rules for adoption.

The Audit & Governance Committee considered the proposed amendments to the Contract Procedure Rules at its meeting on the 17th November 2025.

Cabinet approved the Delegation to Officers at **Appendix 2**, subject to the Contract Procedure Rules being approved at Council at its meeting on 28 January 2026. Cabinet also recommended the draft revised Contract Procedure Rules at **Appendix 1a** to be approved at Council.

Recommendations

That the Council:

1. Agrees to adopt the revised Contract Procedure Rules at **Appendix 1a** to this report.

Reasons for Recommendations

- To ensure that the Council has robust, up-to-date Contract Procedure Rules that provide clarity to officers, members, and potential suppliers.
- To ensure a clear and consistent approach in the award of contracts and safeguard the public's trust and confidence and promote public accountability and procurement practice.
- To help avoid governance failures in the Council's procurement activity.

Other Options Considered

To do nothing – which would result in the retention of the existing Contract Procedure Rules. This would not be deemed best practice as the Contract Procedure Rules have not been reviewed or updated for 3 years.

1. Report

- 1.1 In accordance with Section 135 of the Local Government Act 1972 every Local Authority must adopt standing orders with respect to the making by them or on behalf of contracts for the supply of goods or materials or for the execution of works.
- 1.2 The basic principles in relation to public procurement require all procurement procedures must:
 - 1.2.1 Ensure all stages of the procurement process are open and clearly documented, allowing stakeholders to understand how decisions are made.
 - 1.2.2 Ensure fairness and equal treatment in allocating public contracts.
 - 1.2.3 Be consistent with the highest standards of integrity.
 - 1.2.4 Achieve best value for public money spent.
 - 1.2.5 Comply with all legal requirements
 - 1.2.6 Support the Council's corporate and departmental aims and aligns with the Council's corporate Procurement Strategy and other relevant policies.
- 1.3 The draft Contract Procedure Rules at **Appendix 1a (Clean Version) and 1b (Tracked Changes)** to this report seek to ensure, as a minimum, the Council meets these basic principles.
- 1.4 The Council's current Contract Procedure Rules were approved by Council in January 2023. Public procurement legislation has changed since then (with the implementation of the Procurement Act 2023 in February 2025).
- 1.5 The intention is to seek adoption of the amended CPR (shown at **Appendix 1a**) and the Delegations to Officers (shown at **Appendix 2**) across the three Councils that make up the South & East Lincolnshire Councils Partnership (SELCP) to ensure continued alignment of the Contract Procedure Rules, as they currently are. The adoption of the proposed Rules ensure the Council has Rules that reflect the current public procurement legislation. The CPRs also set out clarity of the appropriate

authority aligned to the value of the contract, and these are reflected in the Delegated Decisions (shown at **Appendix 2**).

- 1.6 Following recent Audit & Governance committee meetings across the SELCP, there have been minor amendments made to Appendix 1a. The first of these being at Section 1.5 where the wording has been revised to clarify that there is a section within the Contract Procedure Rules that refers to exclusive of VAT figures. The second change is at Section 1.6 which now confirms that breaches must be reported promptly.
- 1.7 The only amendment to **Appendix 2** is aligning values with the proposed CPR thresholds.
- 1.8 The key changes being proposed are explained fully at **Appendix 3** of this report.

Implications

South and East Lincolnshire Councils Partnership

The revised rules provide an opportunity to continue to work more collaboratively across the SELCP through the proposed continued alignment of the Rules.

Corporate Priorities

The Contract Procedure Rules are essential components of the Council's governance framework which underpins delivery of its corporate strategy priorities.

Staffing

None

Workforce Capacity Implications

None

Constitutional and Legal Implications

By virtue of Section 135 of the Local Government Act 1972 every Local Authority must adopt standing orders with respect to the making by them, or on their behalf, of contracts for the supply of goods or materials or for the execution of works.

It is imperative that the CPRs are kept under review and reflect current legal requirements.

Data Protection

None

Financial

The financial implications and specifically the procurement thresholds are referenced throughout the draft Contract Procedure Rules, and the Delegations to Officers.

Risk Management

By reviewing the CPRs and updating them to reflect current best practice, the Council can seek to mitigate against the risk of acting unlawfully in respect of its procurement activity.

Stakeholder / Consultation / Timescales

The SELCP Senior Leadership Team have been consulted and approved the proposed CPRs to go through the governance process for review / approval.

The Portfolio Holder for Finance has been consulted regarding the proposed amendments.

The Governance & Audit Committee reviewed proposed amendments to the Contract Procedure Rules at its meeting on the 17th November 2025.

The Cabinet reviewed and recommended the proposed CPR change to Council for adoption.

Reputation

Improper procurement activity can have a direct impact on the reputation of the Council, officers, and Members. It is important therefore, that the Council adopts up to date, robust CPRs, to mitigate against this potential for adverse reputational impact.

Contracts

None

Crime and Disorder

None

Equality and Diversity / Human Rights / Safeguarding

None

Health and Wellbeing

None

Climate Change and Environment Impact Assessment

Not undertaken

Acronyms

CPR – Contract Procedure Rules

SELCP – South & East Lincolnshire Councils Partnership

Appendices

Appendices are listed below and attached to the back of the report:

Appendix 1a	Proposed Contract Procedure Rules – Clean Version
Appendix 1b	Proposed Contract Procedure Rules – Tracked Changes
Appendix 2	Revised Delegations to Officers
Appendix 3	Key Changes document

Background Papers

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

Chronological History of this Report

Name of Body	Date
Governance & Audit Council	13 th November 2025
	11 th December 2025

Report Approval

Report author:	Martin Gibbs, Head of Procurement & Contracts – martin.gibbs@pspsl.co.uk
Signed off by:	John Medler – Assistant Director – Governance & Monitoring Officer – john.medler@e-lindsey.gov.uk
Approved for publication:	Councillor Paul Redgate – Portfolio Holder for Finance – paul.redgate@sholland.gov.uk

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CONTRACT PROCEDURE RULES

1. INTRODUCTION

- 1.1 These Contract Procedure Rules set out the rules that apply to all Officers, Members and agents acting on behalf of the Council, involved in procurement and contract management. The rules must be read in conjunction with relevant laws, regulations and policies/procedures including the Councils' Financial Procedure Rules.
- 1.2 These Contract Procedure Rules form part of the Council's Constitution
- 1.3 These Rules seek to protect the Council's reputation by minimising the risk of allegations of unfair process, dishonesty, and failure to meet legal obligations. If in doubt and/or if advice on these Rules / associated legislative requirements (such as the Procurement Act 2023) is required, please contact the Procurement & Contracts service.
- 1.4 Should a conflict be found between these Rules and the law, the order of precedence shall be the law and then these Rules.
- 1.5 All values referred to in these Rules are inclusive of VAT, excluding the table at 13.3 where it explicitly notes the exclusive of VAT figures too.
- 1.6 In the case of a breach to these Contract Procedure Rules, the Responsible Officer must inform the Head of Procurement & Contracts as soon as they are aware of the breach, detailing the nature of the breach and any management action taken to address the issues arising from the breach. The Procurement & Contracts service will maintain a record of all such breaches which will be reported to the Senior Leadership Team periodically.

2. BASIC PRINCIPLES

- 2.1 All procurement procedures must
 - 2.1.1 deliver value for money by awarding contracts that have the most advantageous contribution to delivering the Council's objectives,
 - 2.1.2 maximise public benefit
 - 2.1.3 be consistent with the highest standards of integrity,
 - 2.1.4 operate in a transparent manner,
 - 2.1.5 ensure fairness in allocating public contracts including managing conflicts of interest,
 - 2.1.6 comply with all legal requirements including but not limited to the Procurement Act 2023 and the Procurement Regulations 2024.*,
 - 2.1.7 support all relevant Council priorities and policies, including the Medium-Term Financial Plan.

**Where a procurement / contract was started under the Public Contract Regulations 2015, that procurement or contract continues to be governed by those Regulations until the contract expiry date.*

NB: These Rules shall be applied to the contracting activities of any partnership for which the Council is the accountable body unless the Council expressly agrees otherwise (*see the Delegations to Officers for details of Officers who may action this rule*).

- 2.2 Procurements must also have regard to the National Procurement Policy Statement which sets out the national priorities for procurement.

3. RELEVANT CONTRACTS

- 3.1 All Relevant Contracts must comply with these Contract Procedure Rules. A Relevant Contract is any arrangement made by, or on behalf of, the Council for the carrying out of works, supplies, goods, materials, or services.
- 3.2 Relevant Contracts do not include:
- 3.2.1 contracts of employment which make an individual a direct employee of the authority,
 - 3.2.2 agreements regarding the acquisition, disposal, or transfer of land (to which the Financial Procedure Rules apply),
 - 3.2.3 the payment of grants to third parties
 - 3.2.4 The lending or borrowing of money by the Council.
 - 3.2.5 Contracts between Local Authorities as defined by Schedule 2, Paragraph 2 of the Procurement Act 2023
 - 3.2.6 Contracts between Local Authorities as defined by Clause 1 of the Local Authorities (Goods and Services) Act 1970.
 - 3.2.7 Section 75 NHS Act 2006 arrangements (although details must be recorded on the Council's Contract Register).

Please note, the Council cannot simply choose to treat a project as a Grant in order to avoid complying with these Contract Procedure Rules. Grants will have different conditions with regards to procurement.

Generally, procurement is required when the Council is acquiring goods, services, or works to meet its own needs, and it retains control over the specification and delivery of those services. A grant is awarded to support an activity that aligns with the Council's objectives but is initiated and delivered by the recipient, who retains a degree of autonomy over the process.

Where there is any clarity required, please contact the Procurement & Contracts service.

4. OFFICER RESPONSIBILITIES

4.1 Responsible Officers

4.1.1 Officers will:

- (a) comply with these Contract Procedure Rules (CPRs),
- (b) comply with the Council's Constitution,
- (c) have the appropriate authorisation to procure, complying with the Delegations to Officers;
- (d) declare both, prior to the commencement of the procurement process and throughout the procurement process / contract, any personal interest / conflict of interest they may have in that process;
- (e) ensure all tenders/quotations are kept confidential;
- (f) ensure a written contract is issued and signed by both parties, or a purchase order is issued before the supply of goods, services or carrying out of works begin;

- (g) where appropriate ensure that the contracts for which they are responsible are effectively managed (ensuring a named Contract Manager is allocated to the relevant contract) and monitored ensuring the contract delivers as intended.
- (h) ensure a review of each contract is carried out at an appropriate stage;
- (i) comply with all legal requirements; and
- (j) ensure contracts with a value over £6,000 are recorded on the Contracts Register as held and maintained by the Procurement and Contracts Service;

Officers must ensure that any agents, consultants, and contractual partners acting on their behalf also comply.

4.1.2 Officers must:

- (a) keep any necessary records (such as a record of decisions made or minutes from any meetings) required by these Contract Procedure Rules,
- (b) take all necessary procurement, legal, financial, and professional advice, taking into account the requirements of these Contract Procedure Rules,
- (c) prior to letting a contract on behalf of the Council, check whether:
 - (i) the Contracts Register lists an appropriate contract in place for the Council, or:
 - (ii) an appropriate national, regional, or other collaborative contract is already in place.

Where the Council already has an appropriate contract in place, then this must be used unless it can be established that the contract does not fully meet the Council's specific requirements in this particular case, and this is agreed following consultation with the Procurement & Contracts Service.

Where an appropriate national, regional, or collaborative contract is available, consideration should be given to using this, provided the contract offers value for money.

- (d) ensure that when any employee, either of the Council or of a service provider, may be affected by any transfer arrangement, then any Transfer of Undertaking (Protection of Employment) issues are considered and legal and HR advice from within the Council is obtained prior to proceeding with the procurement exercise.

4.1.3 Failure to comply with any of the provisions of these Contract Procedure Rules, the Council's Constitution or any legal requirements may be brought to the attention of the Monitoring Officer, Head of Internal Audit, or other relevant Officers as appropriate. Depending on the nature of the non-compliance this may result in disciplinary action being taken.

4.1.4 A contract may be let through any framework agreement to which the Council has access. Where the contract to be let is subject to the Procurement Act 2023, or any other relevant UK Legislation, use of such framework agreement shall be subject to compliance with those regulations (*see the Delegations to Officers for details of Officers who may action this rule*).

4.2 Chief Officer/Deputy Chief Officers

4.2.1 Chief Officer/Deputy Chief Officers will:

- (a) ensure their Service complies fully and are familiar with the requirements of these Contract Procedure Rules.
- (b) ensure compliance with English Law and UK legislation and Council policy.
- (c) ensure value for money and optimise risk allocation in all procurement matters.
- (d) ensure compliance with any guidelines issued in respect of these Contract Procedure Rules.
- (e) take immediate action in the event of a breach of the Contract Procedure Rules or any Code of Practice within their directorate or service area.
- (f) ensure that all existing and new contracts anticipated during the forthcoming financial year are clearly itemised in the Budget supporting documentation.
- (g) ensure original contract documents with a total value over £6,000 are forwarded to the Procurement and Contracts Service for safekeeping.
- (h) ensure effective contract management, contract reviews and monitoring during the lifetime of all contracts in their areas.
- (i) seek and act upon advice from the Procurement and Contracts Service where necessary to ensure compliance with these responsibilities.

5. CONFLICTS OF INTEREST

- 5.1 Officers must take all reasonable steps to identify and keep under review any conflicts of interest or potential conflicts of interest. This obligation starts when the need for the procurement is first identified and continues until the termination of the contract.
- 5.2 Officers must take all reasonable steps to ensure that a conflict of interest does not put a supplier at an unfair advantage or disadvantage. If the Officer deems that that advantage or disadvantage cannot be avoided, they must contact the Procurement & Contracts service before progressing further with the procurement.
- 5.3 Where the procurement is valued over the Procurement Act 2023 thresholds a conflicts assessment must be prepared by the Officer in conjunction with the Procurement & Contracts service. The Procurement & Contracts service have a template document for Officers to complete, which includes the provision for details of all conflicts or potential conflicts of interest and any mitigating steps that the Council has taken or will take.
- 5.4 This conflicts assessment must be kept under review and revised as necessary during the procurement and contract term.
- 5.5 Any Officer or Member who fails to declare a conflict of interest may be subject to disciplinary proceedings and risks being prosecuted under the Bribery Act 2010.

6. PRE-MARKET ENGAGEMENT

- 6.1 When Officers are undertaking pre-market engagement, they must ensure it is utilised for the following purposes:
 - 6.1.1 Developing the Council's requirements and approach to the procurement.
 - 6.1.2 Designing a procurement procedure, conditions of participation or award criteria.
 - 6.1.3 Preparing the tender notice and associated tender documents, including the proposed terms and conditions.
 - 6.1.4 Understanding market conditions and identifying potential suppliers.

- 6.1.5 Understanding the resourcing limitations and capacity requirements of suppliers in relation to the procurement process and anticipated timetable.
- 6.2 Suppliers must not be put at an unfair advantage, or disadvantage, when undertaking pre-market engagement. If an Officer deems that a supplier has been put at an unfair advantage, or disadvantage, they must contact the Procurement & Contracts service before progressing further with the procurement.
- 6.3 When engaging with potential suppliers, the Council may use any advice in the planning and conduct of the procurement procedure, provided that it does not have the effect of distorting competition and does not result in a violation of the principles of non-discrimination and transparency.
- 6.4 The Council shall take appropriate measures to ensure that competition is not distorted by the participation of a candidate or tenderer who has provided any advice by ensuring all other candidates and tenderers are provided with all of the information the advising candidate or tenderer has received or given and that all candidates or tenderers are given sufficient time to respond to the tender or quote.
- 6.5 When undertaking any pre-market engagement activities above £60,000, the Officer responsible must seek advice from the Procurement & Contracts Service.

7. EXEMPTIONS

- 7.1 Except where the Procurement Act 2023 thresholds are exceeded, the Cabinet/Executive has the power to waive any requirements within these Contract Procedure Rules for specific projects. An exemption under this Rule 7 allows a contract to be placed by direct negotiation with one or more suppliers rather than in accordance with Rule 13.
- 7.2 These Contract Procedure Rules may be exempted where the circumstances meet any of the following criteria within 7.3. An exemption form must be completed and sent to the Head of Procurement & Contracts in the first instance to allow comments which will assist with the approval or rejection of the exemption.
- 7.3 The Head of Procurement & Contracts will then pass this through to the Section 151 Officer, the Chief Executive, the Portfolio Holder for the relevant area, and the Portfolio Holder for Finance for approval / sign-off. This process must be followed in advance of the award of contract, and in compliance with the criteria set out in the Delegations to Officers. Please see the circumstances for an exemption below:
 - 7.3.1 for works, supplies, or services which are either patented or of such special character that it is not possible to obtain competitive prices.
 - 7.3.2 for supplies purchased or sold in a public market or auction.
 - 7.3.3 with an organisation already engaged by the Council for a similar and related procurement and where there is significant benefit to extending the contract to cover this additional requirement that does not breach legal requirements such as the Procurement Act 2023.
 - 7.3.4 involving such urgency that it is not possible to comply with the Contract Procedure Rules and there is a significant risk to the council of not acting with urgency.
 - 7.3.5 for the purchase of a work of art or museum specimen, or to meet the specific requirements of an arts or cultural event which cannot be procured competitively due to the nature of the requirement.

- 7.3.6 in relation to time-limited grant funding from an external body, where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this.
- 7.3.7 where relevant legislation not otherwise referred to in these Contract Procedure Rules prevents the usual procurement process from being followed.
- 7.3.8 goods, works or services contracts may be awarded directly to a legal person where that legal person meets the criteria as set out in Schedule 2, Paragraph 2 of the Procurement Act 2023. (formerly known as "Teckal" companies);
- 7.3.9 where building development opportunities are available to the Council, and have been proven to be financially viable, and the value is under the Procurement Act 2023 Thresholds for Works (as per Appendix 2 – Procurement Act 2023 Thresholds).
- 7.3.10 where an existing contract is being re-procured and there are delays to that procurement process which means that the new contract cannot start at the expiry of the existing contract (this exemption cannot be for longer than 6-months and cannot make the contract a “convertible contract” under the Procurement Act 2023 by exceeding the applicable threshold).

7.4 Every exemption must be recorded on the Council’s Procurement Exemption Form at Appendix 1 to these Contract Procedure Rules and the form will be recorded on a master register to be maintained by the Procurement & Contracts Service.

7.5 Where an exemption is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to Council services, the Chief Officer/Deputy Chief Officer may approve the exemption but must prepare a report for the next meeting of the Cabinet/Executive to support the action taken.

7.6 The Procurement & Contracts service must monitor the use of all exemptions.

8. RECORDS

8.1 The Procurement Act 2023 requires contracting authorities to maintain the following comprehensive records of procurement activities:

- 8.1.1 sufficient documentation to justify decisions at all stages of the procurement process
- 8.1.2 contract details including value
- 8.1.3 selection decision
- 8.1.4 justification for use of the selected procedure
- 8.1.5 names of bidding organisations, both successful and unsuccessful
- 8.1.6 reasons for selection
- 8.1.7 reasons for abandoning a procedure

8.1A Most contracts and extensions to contracts will be awarded by Officers making a decision under delegated authority (see Delegations to Officers). All such Officer decisions must be published unless the decision is administrative, minor, or not closely connected to the discharge of an executive function. Some decisions will be subject to Call-in. Where Call-in applies, the winning contractor must be advised that the award of contract is subject to Call-in and will not be confirmed until the Call-in period has expired.

8.2 For contracts up to £60,000 the following records must be kept:

- 8.2.1 invitations to quote (where applicable)
- 8.2.2 all tenders/quotes returned;

- 8.2.3 notification to the successful, and unsuccessful (where applicable) bidders of the outcome of the quotation exercise
 - 8.2.4 the contract;
 - 8.2.5 a written record of:
 - (a) any exemptions and reasons for it; and
 - (b) the reasons if the lowest price is not accepted
- 8.3 For contracts where the total value is greater than £60,000.00 but less than £120,000.00 for works, supplies of goods materials or services, the Procurement and Contracts Service must be made aware of any procurement requirements at the earliest opportunity to assist with this process. Where formal advertising via a Request for Quotation is recommended by these rules, the Council's e-Tendering portal should be used. The following records must be kept:
- 8.3.1 invitations to quote/tender;
 - 8.3.2 all communication with suppliers;
 - 8.3.3 all tenders/quotes returned;
 - 8.3.4 a completed evaluation sheet with scores and comments justifying the score awarded, where a formal process is used;
 - 8.3.5 a decision log, including details of why a bidder has been selected, where an informal process is used;
 - 8.3.6 assessment summaries / feedback to the unsuccessful bidders;
 - 8.3.7 all communications with the successful contractor;
 - 8.3.8 the contract;
 - 8.3.9 a written record of:
 - (a) any exemptions and reasons for it; and
 - (b) the reasons if the lowest price is not accepted
 - 8.3.10 written records of communications with the successful contractor.
- 8.4 Where the total value exceeds £120,000.00 for works, supplies of goods, materials or services, the Officer must record the same details as in Rule 8.3 above and any further records as advised by the Procurement & Contracts Service.
- 8.5 Written records required by this Rule 8 must be kept for six years (twelve years if the contract is under seal) after the final settlement of the contract. All documents which relate to unsuccessful candidates (tender responses, feedback letters etc.) must be kept for 12 months from award of contract provided there is no dispute about the award or where there is a dispute, once the dispute is resolved, 12 months from resolution of the dispute.
- 8.6 Prospective candidates must be notified simultaneously in writing and as soon as possible of any contracting decision. If a candidate requests in writing the reasons for a contracting decision, the officer must give the reasons in writing within 15 days of the request.
- 8.7 The Freedom of Information Act 2000 gives a general right of public access to all types of 'recorded' information held by public authorities, sets out exemptions from that general right, and places a number of obligations on public authorities with regard to the disclosures of information. The Council will, as a general rule, allow public access to recorded information where possible and the contractor shall agree to the Council making any disclosures in accordance with the Act.

9. RISK MANAGEMENT / ASSESSMENT

- 9.1 Officers must create a robust risk assessment as part of the procurement planning process for all contracts valued over £120,000 in conjunction with the Procurement & Contracts service.
- 9.2 The risk assessment must be reviewed and updated regularly during the procurement process and throughout the contract term.
- 9.3 Where key risks are identified at the pre-procurement stage which may lead to a future contract modification, these risks must be stated clearly in the tender notice and in relevant procurement documents.

10. ADVERTISING

The Contracts and Procurement Service will ensure that the minimum advertising requirements in the Procurement Act 2023 and as outlined in Rule 8 are met.

11. FRAMEWORKS

- 11.1 Framework has the same meaning as in the Procurement Act 2023. “..a contract between a Contracting Authority and one or more supplier(s) that provides for the future award of contracts by the authority to the supplier(s).”
- 11.2 Contracts based on Frameworks may be awarded in one of two ways, as follows:
 - 11.2.1 Where the terms of the agreement are sufficiently precise to cover the particular call-off, by applying the terms laid down in the Framework Agreement without re-opening competition (Direct Award), or
 - 11.2.2 Where the terms laid down in the Framework Agreement are not precise or complete enough for the particular call-off, by holding a further competition in accordance with the following procedure (Further Competition):
 - (a) Inviting the organisations within the Framework that are capable of executing the subject of the contract, to submit bids, with an appropriate time limit for responses, considering factors such as the complexity of the subject of the contract,
 - (b) Awarding each contract to the bidding organisation who has submitted the most advantageous tender on the basis of the relevant Award Criteria set out in the Framework.
- 11.3 The term of a Framework must not exceed four years when utilising a Closed Framework, or eight years when utilising an Open Framework, as defined in the Procurement Act 2023.
- 11.4 A contract of any value can be procured through a framework. If the proposed contract value is over £60,000, the Procurement & Contracts service must be consulted before the procurement is started.
- 11.5 A framework is considered a compliant procurement route when:
 - 11.5.1 It has been entered into by the Council in compliance with these Rules, or
 - 11.5.2 Another contracting authority, purchasing consortium or central government organisation has tendered the framework in compliance with the relevant

procurement legislation and the Council is named as a potential user of the arrangement (e.g., ESPO / CCS).

- 11.5.3 When using a framework as per 11.5.2, officers must ensure that all of the necessary documentation is completed. Officers must consult with the Procurement & Contracts service before entering into a call-off contract as per 11.5.2.
- 11.6 Officers must carry out due diligence checks at contract award to evidence fulfilment of any conditions of participation and that there are no grounds for exclusion.
- 11.7 Approval to procure and award must be in compliance with the Delegations to Officers.
- 11.8 Most contracts will then be awarded by Officers making a decision under delegated authority. All such Officer decisions must be published unless the decision is administrative, minor, or not closely connected to the discharge of an executive function. Some decisions will be subject to Call-in. Where Call-in applies the winning contractor must be advised that the award of contract will not be confirmed until the Call-in period has expired.

12. DYNAMIC MARKETS

- 12.1 A dynamic market as defined in the Procurement Act 2023 is an open list of qualified suppliers eligible to participate in future procurements (via Further Competition only). Suppliers can join the dynamic market at any time if they meet the specified conditions, enabling the ability to streamline a procurement process by allowing continuous admission of suppliers.
- 12.2 Officers must ensure that there is no existing Council contract, framework or Dynamic Market available before undertaking an alternative procurement.
- 12.3 Only procurements valued over the relevant UK Procurement threshold may be procured via a Dynamic Market.
- 12.4 A dynamic market is considered a compliant procurement route when:
 - 12.4.1 It has been entered into by the Council in compliance with these Rules, or
 - 12.4.2 Another contracting authority, purchasing consortium or central government has tendered the framework in compliance with the relevant procurement legislation and the Council is named as a potential user of the arrangement (e.g., ESPO / CCS).
- 12.5 Officers must seek advice and support from the Procurement & Contracts service whenever they wish to establish or use a Dynamic Market.

13. PROCUREMENT THRESHOLDS

- 13.1 Officers must establish the total value of the procurement including whole life costs, incorporating any potential extension periods which may be awarded. Where the

Procurement Act 2023 rules apply, Officers must also ascertain the value of a contract in accordance with those rules.

13.2 Contracts must not be artificially under / over-estimated or divided into two or more separate contracts where the effect is to avoid the application of the thresholds below.

13.3 Where the estimated total value is within the values in the table below, the corresponding tendering procedure must be followed. (see the Delegations to Officers for details of Officers who may actions this rule).

Procurement Values (exclusive of VAT)	Procurement Values (inclusive of VAT)	Tendering Procedure
£0 to £6,250	£0 to £7,500	One written quote - this should be a local provider wherever possible. A purchase order must be raised.
£6,250.01 - £12,500	£7,500.01 - £15,000	Two written quotes – one should be a local provider wherever possible. A purchase order must be raised.
£12,500.01 - £50,000	£15,000.01 - £60,000	At least three written quotes shall be sought. Local providers must be given an opportunity to provide a quote, wherever possible. A purchase order must be raised
£50,000 - £100,000	£60,000.01 - £120,000	At least three written quotations shall be sought. A Request for Quotation via the e-Tendering Portal is recommended. The Procurement & Contracts service must be involved. Where a formal Request for Quotation process is not utilised, the Procurement & Contracts service must agree the alternative process (e.g., retrieving quotations from suppliers via email etc.). Local providers must be given an opportunity to provide a quote, wherever possible. A purchase order must be raised.
£100,000.01 up to Procurement Act 2023 thresholds	£120,000.01 up to Procurement Act 2023 thresholds	Open tender via the E-Tendering Portal & a below-threshold notice published on Find a Tender. Social value must be considered as part of the specification / award criteria. A purchase order must be raised
Above Procurement Act 2023 thresholds	Above Procurement Act 2023 thresholds	UK Public Procurement Procedure – via E-Tendering Portal & Find a Tender notice. Social value must be considered as part of the specification / award criteria. A purchase order must be raised

* As per Appendix 2 – Above Procurement Act 2023 thresholds*

13.4 Written quotations must include the following information as a minimum:

13.4.1 Details of the goods, services or works to be supplied;

13.4.2 Where and when the delivery is to take place (where applicable);

13.4.3 The total value of the contract; and

13.4.4 The terms and conditions to apply including the price and payment terms

- 13.5 Officers must provide contractual details to the Procurement & Contracts service for contracts over £6,000 so that the contract can be added to the Council's Contracts Register.
- 13.6 Officers must provide contractual details to the Procurement & Contracts service for contracts £30,000 & above where the Procurement & Contracts service have not been involved in the procurement. This must be provided for within 30 days of contract award to allow a Contract Details Notice to be published.
- 13.7 Officers must contact the Procurement & Contracts service for any procurement requirements £60,000.01 & above. For spend of £60,000 and below, Officers can procure without the need to involve the Procurement & Contracts service, following the procurement thresholds above. Where there are any queries, the Procurement & Contracts service should be contacted to avoid non-compliance.
- 13.8 Where the Procurement Act 2023 thresholds apply, Officers must consult the Procurement & Contracts service to determine the procedure for conducting the procurement exercise.
- 13.9 Where it can be determined that there are insufficient suitably qualified candidates to meet the threshold requirements as per the table above, all suitably qualified candidates must be invited. (see the Delegations to Officers for details of Officers who may action this rule.)
- 13.10 Where services are currently purchased internally, i.e., from within the Council, for internal provision, the requirement to obtain other quotations or tenders does not apply. However, the purchaser may choose to seek alternative quotations/tenders for the purpose of market testing.

14. **EVALUATING TENDERS** (see the *Delegations to Officers for details of Officers who may action this rule*):

- 14.1 In any procurement exercise the successful bid should be the one which:
- 14.1.1 Offers the most advantageous proposal based on the award criteria.
- 14.1.2 Such criteria may include:
- (a) Quality including technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental, and innovative characteristics and trading and its conditions;
 - (b) After-sales service and technical assistance, delivery conditions such as delivery date, delivery process and delivery period or period of completion.
 - (c) Price / Commercial approach
 - (d) Social Value / sustainability commitments

- 14.2 Evaluation must be conducted in accordance with the published criteria. Evaluators must undertake evaluations individually initially followed by moderation to reach an agreed tender score.
- 14.3 All criteria must relate to the subject matter of the contract, must be objectively quantifiable and non-discriminatory.
- 14.4 The procurement documentation must clearly explain the basis of the decision to bidding organisations, making clear how the evaluation criteria specified in the process will be applied, the overall weightings to be attached to each of the high-level criteria, whether the high-level criteria are divided into any sub-criteria and the weightings attached to each of those sub-criteria.
- 15. INVITATION TO TENDER / REQUEST FOR QUOTATION** *(see the Delegations to Officers for details of Officers who may action this rule)*
- 15.1 Invitations to Tender/Requests for Quotation must be issued in accordance with the requirements of these Contract Procedure Rules.
- 15.2 All Invitations to Tender shall include the following:
- 15.2.1 A specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers, together with the terms and conditions of contract that will apply.
 - 15.2.2 A requirement for candidates to declare that the tender content, price or any other figure or particulars concerning the tender submitted by the candidate has not been disclosed by the candidate to any other party (except where such disclosure is made in confidence for a necessary purpose).
 - 15.2.3 A requirement for candidates to complete fully and sign all tender documents including a form of tender and certificates relating to canvassing and non-collusion.
 - 15.2.4 Notification that tenders are submitted to the Council on the basis that they are compiled at the candidate's expense.
 - 15.2.5 A description of the award procedure and, unless defined in a prior advertisement, a definition of the award criteria in objective terms and the percentage weighting of each criterion in the evaluation.
 - 15.2.6 The method by which arithmetical errors discovered in the submitted tenders are to be dealt with. In particular, whether the overall price prevails over the rates in the tender or vice versa.
- 15.3 The Invitation to Tender or Requests for Quotation must state that the Council is not bound to accept any tender or quotation.
- 15.4 All candidates invited to tender, or quote must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis. Where a candidate asks a clarification question regarding the tender or quote, the question and the answer will be provided to all candidates.
- 15.5 Tenders received after the tender deadline date and time or tenders which are not submitted in accordance with these Rules and any criteria set out in the procurement documentation will be disqualified unless otherwise agreed by the Monitoring Officer
- 15.6 If there is an obvious ambiguity or error in the tender and that ambiguity or error appears to have a simple explanation, bidders may be invited to correct their tender response.

Advice must be sought from the Procurement & Contracts service before further action is taken.

- 15.7 Under the Procurement Act 2023, the Council is required to request an explanation of the price or costs proposed in a tender where that price or those costs appear to be **abnormally low** in relation to the requirement. If the bidder is unable to demonstrate that the price offered is not abnormally low, its tender may be disregarded. Advice must be sought from the Procurement & Contracts service during this process.

16. **SHORTLISTING**

Any shortlisting (i.e., supplier selection or conditions of participation) must have regard to the financial standing, legal capacity, and the technical ability of the candidates to deliver the required goods, services or works.

17. **SUBMISSION, RECEIPT AND OPENING OF TENDERS / QUOTATIONS** (*see the Delegations to Officers for details of Officers who may action this rule*):

17.1 **Tenders**

- 17.1.1 Bidding organisations must be given an adequate period in which to prepare and submit a proper quotation or tender, consistent with the complexity of the contract requirements.
- 17.1.2 When advertising a tender for a procurement above the Procurement Act 2023 thresholds, the tenders must be advertised for the minimum number of days as specified in the Procurement Act 2023 legislation.
- 17.1.3 Tender Contents:
Each tender must contain, where relevant:
- (a) An undertaking signed by the tenderer that to the best of their knowledge and belief they have complied with all the relevant provisions of the Health and Safety at Work Act 1974 and regulations made under it or where they have not complied, an explanation of the remedial action they have taken to ensure compliance;
 - (b) A statement that the tenderer will comply with all current relevant British Standard Specification or Code of Practice or equivalent international standards offering guarantees of safety, reliability, and fitness for purpose;
 - (c) A statement by the tenderer that they will not try to obtain or receive by whatever means any information which gives or is intended to give the tenderer or another party any unfair advantage over any other tenderer (including the Council's own workforce) in relation to the tendering for and award of any contract;
 - (d) A statement that the Council shall not be liable for expenses incurred in the preparation of tenders; nor shall the Council be bound to accept the lowest or any tenders submitted; and shall have reserved to them the right to invite fresh tenders should they consider that course desirable.

17.2 **Electronic Arrangements**

- 17.2.1 Tenders, Request for Quotations, Framework Further Competition bids and Conditions of Participation stages will be received electronically and will be opened by the Procurement & Contracts service on the e-Tendering portal. The system will not allow any quotations to be opened until the allocated return date / time has passed.

17.3 Hard Copy Arrangements

- 17.3.1 In the limited circumstances where a Quotation, Further Competition bid or Tender cannot be received electronically, the Procurement and Contracts Service will consult with the Monitoring Officer to agree a suitable way to receive the Quotation, Further Competition bid or Tender.

18. CLARIFICATION PROCEDURES AND POST TENDER NEGOTIATIONS

- 18.1 Seeking clarification of a tender received whether in writing or by way of a meeting is permitted. However, any such clarification must not involve changes to the basic features of the bidding organisation's submission and all tenderers must be treated equally (*see the Delegations to Officers for details of Officers who may action this rule*).
- 18.2 Post tender negotiation means negotiations with any tenderer after submission of a tender and before the award of the contract with a view to obtaining an adjustment in price, delivery, or content. *Where the value of the Tender is above the threshold in the Procurement Act 2023 advice must be sought from the Procurement & Contracts Service. Where post tender negotiation results in a fundamental change to the specification (or contract terms) the contract must not be awarded but re-tendered (see the Delegations to Officers for details of Officers who may action this rule).*
- 18.3 If post tender negotiations are necessary after a single stage tender or at the final stage of a multiple-stage tender, then such negotiations shall only be undertaken with the tenderer who has previously been identified as submitting the best tender. Tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the tender documents. Officers appointed by the Chief Officer/Deputy Chief Officer to carry out post tender negotiations should ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.
- 18.4 Post tender negotiation must only be conducted in accordance with guidance given by the Monitoring Officer and the Procurement & Contracts Service.
- 18.5 The Monitoring Officer and the Procurement & Contracts Service must be consulted and agree:
- 18.5.1 Wherever it is proposed to enter into post tender negotiation;
 - 18.5.2 About whether negotiation is with all tenderers;
 - 18.5.3 To either accept or reject late submissions before opening any of the responses. Late submissions must only be accepted in exceptional circumstances.
- 18.6 Negotiations must be conducted by a team of at least two officers, one of whom must be from a section independent to those leading negotiations (*see the Delegations to Officers for details of Officers who may action this rule*).

19. AWARD OF CONTRACT, AND DEBRIEFING OF ORGANISATIONS

- 19.1 **Award of Contract and Contract Extensions** (*see the Delegations to Officers for details of Officers who may action this rule*):
- 19.1.1 The Council is required to notify successful and unsuccessful bidders of the outcome of a procurement process, in writing, in as timely a fashion as possible.

- 19.1.2 Where a contract was advertised with an extension option and that extension option forms part of the contract, the decision to extend the contract may be made after ensuring that taking up the extension option delivers value for money.
- 19.1.3 Decisions on award of contract and contract extensions must be made in accordance with the Delegations to Officers.
- 19.1.4 For the avoidance of doubt, extensions are not permitted where they are not provided for in the original contract.

19.2 Assessment Summaries

- 19.2.1 Assessment Summaries (detailed feedback) will be sent by the Procurement & Contracts Service, in line with the relevant Officer's evaluation comments.

20. CONTRACT DOCUMENTS

20.1 Format of Contract Documents

- 20.1.1 Every Relevant Contract/must be in writing and must state clearly:
 - (a) what is to be supplied (description and quality)
 - (b) payment provisions (amount and timing and seeking electronic invoices)
 - (c) when the Council will have the right to terminate the contract
 - (d) that the contract is subject to the law as to prevention of corruptionThe Council's standard terms and conditions must be used where possible.
- 20.1.2 In addition, every Relevant Contract for purchases over £30,000.00 for works, supplies of goods, materials or services must also as a minimum state clearly:
 - (a) that the contractor may not assign or sub-contract without prior written consent
 - (b) any insurance and liability requirements
 - (c) health and safety requirements
 - (d) ombudsman requirements
 - (e) data protection requirements if relevant
 - (f) that charter standards are to be met if relevant
 - (g) requirements under all applicable Equality legislation
 - (h) a right of access to relevant documentation and records of the contractor for monitoring and audit purposes, including obligations under the FOI Act 2000 and 2015 Transparency Code
 - (i) requirements under the Counter-Terrorism and Security Act 2015 and Prevent Strategy where applicable
 - (j) obligations under the Public Interest Disclosure Act 1998 including employee whistleblowing.
 - (k) Statement requirements under the Modern Slavery Act 2015.
- 20.1.3 All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the Monitoring Officer. An award letter is insufficient.
- 20.1.4 All contracts must include the following paragraph:

'The Contractor recognises that the Council is under a duty to act in a manner which is compatible with the Convention rights as defined by Section 1(1) of the Human Rights Act 1998 ('Convention Rights'). This duty includes a positive obligation on the Council to ensure that contractors providing services on the Council's behalf act in a way which is compatible

with the Convention Rights. The Contractor therefore agrees to provide the Services and comply with its other obligations under this contract in a manner which is compatible with the Convention Rights.'

20.1.5 The Officer responsible for securing the signature of the contractor must ensure that the person signing for the contracting party has authority to bind it.

20.2 Contract Signature (see the Delegations to Officers for details of Officers who may action this rule):

20.2.1 A contract entered into by or on behalf of the Council must:

- (a) Where the contract is in the form of a deed (see below), be made under the Council's seal and attested as required by the Constitution, or;
- (b) Where the contract is in signed under hand, it must:
 - (i) be signed by at least two officers of the Council authorised as required by the Constitution (see Delegations to Officers), or;

20.2.2 A contract must be in the form of a deed (see below) and sealed where;

- (a) The Council wishes to enforce the contract for more than six years after it ends;
or
- (b) The price paid or received under the contract is a nominal price and does not reflect the value of the goods or services; or
- (c) Where there is any doubt about the authority of the person signing for the contracting party.

A contract in the form of a deed must state in the signature pages that the Contractor and the Council are executing the contract as a deed. Where an Officer is unsure whether a Contract should be signed under hand, or sealed, they must contact the Procurement & Contracts service to seek advice.

20.3 Legal Services Review of Tenders and Contracts

20.3.1 To ensure the integrity of the procurement process:

- (a) All proposed Invitations to Tender, where they are not in compliance with the Council's harmonised contract documentation or standard terms and conditions issued by a relevant professional body, will be reviewed by the Procurement and Contracts service.

Where the Procurement and Contracts service are unable to advise, it will be escalated to the Deputy Chief Officer with the recommendation that external legal advice is sought.

21. LIQUIDATED DAMAGES, SERVICE CREDITS, BONDS AND PARENT COMPANY GUARANTEES

21.1 Where a bond or guarantee is required to ensure satisfactory contract performance and/or to protect the Council, the requirement must be notified to bidders in the procurement documentation and must be in place no later than four (4) weeks after contract signature.

21.2 Every formal written contract which exceeds £120,000.00 in value and is for the execution of works shall provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed.

- 21.3 Every formal written contract that includes Key Performance Indicators / Service Level Agreements shall consider reasonable service credits to include within the contract where performance / service standards are not being met.
- 21.4 The Officer must consult the Deputy Chief Officer when a tenderer is a subsidiary of a parent company and the Officer does not think that a parent company guarantee is necessary, and:
- 21.4.1 The total value exceeds £120,000.00
 - 21.4.2 Award is based on evaluation of the parent company, or
 - 21.4.3 There is some concern about the stability of the supplier.
- 21.5 The officer must consult the Deputy Chief Officer about whether a bond is needed:
- 21.5.1 Where the total value exceeds £120,000.00.
 - 21.5.2 Where it is proposed to make stage payments or other payments in advance of receiving the whole of the subject matter of the contract, or
 - 21.5.3 There is some concern about the stability of the supplier.

22. PREVENTION OF CORRUPTION

- 22.1 Rules and regulations pertaining to the prevention of corruption are outlined in the Council's Financial Procedure Rules and must be adhered to.
- 22.2 The following clauses must be put in every written Council contract:
- 'The Council may terminate this contract and recover all its loss if the Contractor, its employees, or anyone acting on the Contractor's behalf do any of the following things:
- 22.2.1 Offer, give, or agree to give anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done); or
 - 22.2.2 Commit an offence under the Bribery Act 2010 or Section 117(2) of the 1972 Act; or
 - 22.2.3 Commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors, or employees.

Any clause limiting the Contractor's liability shall not apply to this cause.'

- 22.3 Any suspected irregularity shall be referred to the the Monitoring Officer where necessary. Any examination of contractors' or tenderers' books and records as a result of any such suspected irregularity shall be conducted by the Head of Procurement & Contracts. If, in the investigation of any irregularity, the Monitoring Officer considers that disciplinary procedures may need to be invoked, the appropriate Chief Officer/Deputy Chief Officer shall also be notified.

23. DECLARATION OF INTERESTS

Rules and regulations pertaining to the Declaration of Interests are outlined in the Code of Conduct for Employees within the Constitution and must be adhered to.

24. CONTRACT MANAGEMENT / MONITORING

- 24.1 All contracts must have an appointed Contract Manager for the entirety of the contract. The responsible Deputy Chief Officer must ensure a Contract Manager is designated prior to award.
- 24.2 The Contract Manager must monitor the overall performance of the contract in line with the specification, agreed service levels and contract terms.
- 24.3 The Contract Manager must ensure that they undertake contract management meetings with the supplier in line with the agreed timescales as per the contract.
- 24.4 The Officer named in the Contract Register will act as the Contract Manager and will be responsible for ensuring the obligations of these Rules. The Procurement & Contracts service are available to be contacted for any contract management support.

25. CONTRACT MODIFICATIONS

- 25.1 Before modifying a contract, the Procurement & Contracts service must be consulted to ensure the correct modification / variation process is being undertaken.
- 25.2 If the contract is valued above the Procurement Act 2023 threshold, advice from the Procurement & Contracts service must be sought before a modification is made to understand whether the modification is substantial or not, and whether a Contract Change Notice must be published, as per the Procurement Act 2023.
- 25.3 A substantial modification is one which would:
 - 25.3.1 Increase or decrease the term of the contract by more than 10% of the maximum term provided for, or
 - 25.3.2 Materially change the scope of the contracts, or
 - 25.3.3 Materially change the economic value of the contract in favour of the supplier.
- 25.4 A Contract Change Notice would not be required where:
 - 25.4.1 The modification increases or decreases the estimated value of the contract in the case of goods/services by less than 10% or in the case of works by less than 15%, or
 - 25.4.2 The modification increases or decreases the term of the contract by less than 10%.

26. POST CONTRACT MONITORING AND EVALUATION

- 26.1 During the life of the contract the Contract Manager must monitor in respect of:
 - 26.1.1 performance
 - 26.1.2 compliance with specification and contract
 - 26.1.3 cost
 - 26.1.4 any Best Value requirements
 - 26.1.5 user satisfaction and risk management
 - 26.1.6 social value or any other contractual obligations to deliver additional value arising from the contract

- 26.2 Where the total value of the contract exceeds £5,000,000, the Contract Manager must assess performance at least once every 12 months. A Contract Performance Notice must be published – the Procurement & Contracts service can do this providing the relevant Officer provides them with the required information.
- 26.3 If the supplier has breached the contract and the breach results in termination (or partial termination), award of damages, or a settlement agreement between both parties, a Contract Performance Notice must be published within 30 days of the relevant breach.
- 26.4 Where a contract naturally expires or is terminated, a Contract Termination Notice must be published.
- 26.5 Where the Total Value of the contract exceeds £1,000,000.00 the Officer must make a written report evaluating the extent to which the purchasing need and contract objectives were met by the contract. This should be done normally when the contract is completed. Where the contract is to be re-let, a provisional report should also be available early enough to inform the approach to re-letting of the subsequent contract.
- 26.6 For contracts awarded under £120,000, if, at any point during the delivery of the contract, the cost looks likely to exceed £120,000 the Contract Manager must notify the Procurement & Contracts Service who will assess options with the Contract Manager and recommend the best option for that particular project.

27. INTERNAL PROVIDERS

Where an in-house Service is bidding in competition for the provision of goods, works or services, care must be taken to ensure a fair process between the in-house provider Service and external bidding organisations.

28. EXTERNAL BODY GRANT FUNDING

- 28.1 Where a procurement process is funded, in whole or part, by grant funding which has been awarded to the Council by an external funding body, the Procurement & Contracts Service must ensure that any rules or conditions imposed by the funding body are adhered to, in addition to the requirements of these Contract Procedure Rules.
- 28.2 Where there is any conflict between these Contract Procedure Rules and the rules or conditions imposed by the funding body, the stricter requirement should be followed.

29. REVIEW AND AMENDMENT OF CPR

These Contract Procedure Rules shall be reviewed and updated, as necessary.

31. TERMINATION OF CONTRACTS *(see the Delegations to Officers for details of Officers who may action this rule)*

The Delegations to Officers details which Officers may terminate a contract. Any termination must be strictly in accordance with the terms of the contract and subject to consultation with the Monitoring Officer and Section 151 Officer and in some cases with the relevant Portfolio Holder.

CONTRACT PROCEDURE RULES

1. INTRODUCTION

- 1.1 These Contract Procedure Rules set out the rules that apply to all Officers, Members and agents acting on behalf of the Council, involved in procurement and contract management. The rules must be read in conjunction with relevant laws, regulations and policies/procedures including the Councils' Financial Procedure Rules.
- 1.2 These Contract Procedure Rules form part of the Council's Constitution
- 1.3 These Rules seek to protect the Council's reputation by minimising the risk of allegations of unfair process, dishonesty, and failure to meet legal obligations. If in doubt and/or if advice on these Rules / associated legislative requirements (such as the Procurement Act 2023) is required, please contact the Procurement & Contracts service.
- 1.4 Should a conflict be found between these Rules and the law, the order of precedence shall be the law and then these Rules.
- 1.5 All values referred to in these Rules are inclusive of VAT, excluding the table at 13.3 where it explicitly notes the exclusive of VAT figures too.
- 1.6 In the case of a breach to these Contract Procedure Rules, the Responsible Officer must inform the Head of Procurement & Contracts as soon as they are aware of the breach, detailing the nature of the breach and any management action taken to address the issues arising from the breach. The Procurement & Contracts service will maintain a record of all such breaches which will be reported to the Senior Leadership Team periodically.

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2. BASIC PRINCIPLES

- 2.1 All procurement procedures must:
 - 2.1.1 realise/deliver value for money by awarding contracts that have the most economically advantageous contribution to delivering the Council's objectives.
 - 2.1.2 maximise public benefit
 - 2.1.3 be consistent with the highest standards of integrity.
 - 2.1.4 operate in a transparent manner.
 - 2.1.5 ensure fairness in allocating public contracts including managing conflicts of interest.
 - 2.1.6 comply with all legal requirements including but not limited to the Procurement Act 2023 or successor legislation and the Procurement Regulations 2024.*
 - 2.1.7 support all relevant Council priorities and policies, including the Medium-Term Financial Plan.

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**Where a procurement / contract was started under the Public Contract Regulations 2015, that procurement or contract continues to be governed by those Regulations until the contract expiry date.*

NB: These Rules shall be applied to the contracting activities of any partnership for which the Council is the accountable body unless the Council expressly agrees otherwise (see the Delegations to Officers for details of Officers who may action this rule).

2.2 Procurements must also have regard to the National Procurement Policy Statement which sets out the national priorities for procurement, "written" or "in writing" means any expression consisting of words or figures which can be read, reproduced, and subsequently communicated, including information transmitted and stored by electronic means.

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3. RELEVANT CONTRACTS

All Relevant Contracts must comply with these Contract Procedure Rules. A Relevant Contract is any arrangement made by, or on behalf of, the Council for the carrying out of works, supplies, goods, materials, or services. These include arrangements for:

- the supply or disposal of goods or materials,
- the hire, rental or lease of goods or equipment,
- execution of works.

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3.1 the delivery of services, including (but not limited to) those related to:

- the recruitment of staff
- land and property transactions
- financial and consultancy services
- the supply of staff by employment agents, consultants, or any other companies

3.2 Relevant Contracts do not include:

3.2.1 contracts of employment which make an individual a direct employee of the authority.

3.2.2 agreements regarding the acquisition, disposal, or transfer of land (to which the Financial Procedure Rules apply).

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3.2.3 the payment of grants to third parties

3.2.4 The lending or borrowing of money by the Council.

3.2.5 Contracts between Local Authorities as defined by Schedule 2, Paragraph 2 of the Procurement Act 2023

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Contracts between Local Authorities as defined by Clause 17 of the Concession Contracts Regulations 2016

3.2.6 Contracts between Local Authorities as defined by Clause 1 of the Local Authorities (Goods and Services) Act 1970.

3.2.7 Section 75 NHS Act 2006 arrangements (although details must be recorded on the Council's Contract Register).

Please note, the Council cannot simply choose to treat a project as a Grant in order to avoid complying with these Contract Procedure Rules. Grants will have different conditions with regards to procurement.

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Generally, procurement is required when the Council is acquiring goods, services, or works to meet its own needs, and it retains control over the specification and delivery of those services. A grant is awarded to support an activity that aligns with the Council's objectives but is initiated and delivered by the recipient, who retains a degree of autonomy over the process.

Where there is any clarity required, please contact the Procurement & Contracts service.

NB: While grants are not covered by these Contract Procedure Rules, there are rules on the awarding of grants which do need to be observed. The Council cannot simply choose to treat procurement as a grant in order to avoid conducting a competitive process.

1. BASIC PRINCIPLES

1.1 All procurement procedures must:

- 1.1.1 realise value for money by awarding contracts that have the most economically advantageous contribution to delivering the Council's objectives;
- 1.1.21.1 be consistent with the highest standards of integrity;
- 1.1.31.1.1 operate in a transparent manner;
- 1.1.41.1.1 ensure fairness in allocating public contracts including managing conflicts of interest;
- 1.1.51.1.1 comply with all legal requirements including but not limited to the Procurement Act 2023 or successor legislation;
- 1.1.61.1.1 support all relevant Council priorities and policies, including the Medium Term Financial Plan.

~~NB: These Rules shall be applied to the contracting activities of any partnership for which the Council is the accountable body unless the Council expressly agrees otherwise (see the Delegations to Officers for details of Officers who may action this rule).~~

~~1.21.1 "written" or "in writing" means any expression consisting of words or figures which can be read, reproduced, and subsequently communicated, including information transmitted and stored by electronic means.~~

2.4. OFFICER RESPONSIBILITIES

2.4.1 Responsible Officers

2.1.14.1.1 Officers will make sure that:

- (a) ~~they~~ comply with these Contract Procedure Rules (CPRs),
- (b) ~~they~~ comply with the Council's Constitution,
- (c) have the appropriate authorisation to procure~~they~~, complying with the Delegations to Officers;
- (d) ~~they~~ declare both, prior to the commencement of the procurement process and throughout the procurement process / contract, any personal interest / conflict of interest~~interest~~ they may have in that process;
- (e) ensure all tenders/quotations are kept confidential;
- (f) ensure a written contract is issued and signed by both parties, or a purchase order is issued before the supply of goods, services or carrying out of works begin;
- (g) ~~Where appropriate identify a Contract Manager with responsibility for ensuring the contract delivers as intended; where appropriate ensure that the contracts for which they are responsible are effectively managed (ensuring a named Contract Manager is allocated to the relevant contract) and monitored ensuring the contract delivers as intended.~~
- (h) a ~~ensure~~ a review of each contract is carried out at an appropriate stage; and
- (i) ~~they~~ they comply with all legal requirements; and.

- (j) ensure contracts with a value over £56,000 are recorded on the Contracts Register as held and maintained by the Contracts and Procurement and Contracts Service;
(†)

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Officers must ensure that any agents, consultants, and contractual partners acting on their behalf also comply.

2.1.24.1.2 Officers ~~will~~ must:

- (a) keep any necessary records (such as a record of decisions made or minutes from any meetings) required by these Contract Procedure Rules,
- (b) take all necessary procurement, legal, financial, and professional advice, taking into account the requirements of these Contract Procedure Rules,
- (c) prior to letting a contract on behalf of the Council, check whether:
 - (i) the Contracts Register lists an appropriate contract in place for the Council, or:
 - (ii) an appropriate national, regional, or other collaborative contract is already in place.

Where the Council already has an appropriate contract in place, then this must be used unless it can be established that the contract does not fully meet the Council's specific requirements in this particular case, and this is agreed following consultation with the Contracts and Procurement & Contracts Service.

Where an appropriate national, regional, or collaborative contract is available, consideration should be given to using this, provided the contract ~~contract~~ offers value for money.

- (d) ensure that when any employee, either of the Council or of a service provider, may be affected by any transfer arrangement, then any Transfer of Undertaking (Protection of Employment) issues are considered and legal and HR advice from within the Council is obtained prior to proceeding with the procurement exercise.

2.1.34.1.3 Failure to comply with any of the provisions of these Contract Procedure Rules, the Council's Constitution or any legal requirements may be brought to the attention of the Monitoring Officer, Head of Internal Audit, or other relevant Officers as appropriate. Depending on the nature of the non-compliance this may result in disciplinary action being taken.

2.1.44.1.4 A contract may be let through any framework agreement to which the Council has access. Where the contract to be let is subject to the Procurement Act 2023, or any other relevant UK Legislation, use of such framework agreement shall be subject to compliance with those regulations (see the Delegations to Officers for details of Officers who may action this rule).

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2.24.2 Chief Officer/Deputy Chief Officers

2.2.14.2.1 Chief Officer/Deputy Chief Officers will:

- (a) ensure their Services complies fully and are familiar with the requirements of these Contract Procedure Rules.;

- ~~(b)(a)~~ ensure contracts with a value over £5,000 are recorded on the Contracts Register as held and maintained by a Contracts and Procurement Service;
- ~~(e)(b)~~ ensure compliance with English Law and U.K. legislation and Council policy;
- ~~(d)(c)~~ ensure value for money and optimise risk allocation in all procurement matters;
- ~~(e)(d)~~ ensure compliance with any guidelines issued in respect of these Contract Procedure Rules;
- ~~(f)(e)~~ take immediate action in the event of a breach of the Contract Procedure Rules or any Code of Practice within their directorate or service area;
- ~~(g)(f)~~ ensure that all existing and new contracts anticipated during the forthcoming financial year are clearly itemised in the Budget supporting documentation;
- ~~(h)~~ make appropriate arrangements for the opening of tenders and their secure retention using secure electronic means;
- ~~(t)(g)~~ ensure original contract documents with a total value over £56,000 are forwarded to the Contracts and Procurement and Contracts Service for safekeeping;
- ~~(j)(h)~~ ensure effective contract management, contract reviews and monitoring during the lifetime of all contracts in their areas;
- ~~(i)~~ seek and act upon advice from the Contracts and Procurement and Contracts Service and Performance team where necessary to ensure compliance with these responsibilities; and
- ~~(k)~~

Keep records of variations and exemptions of any provision of these Contract Procedure Rules.

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5. CONFLICTS OF INTEREST

5.1 Officers must take all reasonable steps to identify and keep under review any conflicts of interest or potential conflicts of interest. This obligation starts when the need for the procurement is first identified and continues until the termination of the contract.

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5.2 Officers must take all reasonable steps to ensure that a conflict of interest does not put a supplier at an unfair advantage or disadvantage. If the Officer deems that that advantage or disadvantage cannot be avoided, they must contact the Procurement & Contracts service before progressing further with the procurement.

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5.3 Where the procurement is valued over the Procurement Act 2023 thresholds a conflicts assessment must be prepared by the Officer in conjunction with the Procurement & Contracts service. The Procurement & Contracts service have a template document for Officers to complete, which includes the provision for details of all conflicts or potential conflicts of interest and any mitigating steps that the Council has taken or will take.

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5.4 This conflicts assessment must be kept under review and revised as necessary during the procurement and contract term.

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5.5 Any Officer or Member who fails to declare a conflict of interest may be subject to disciplinary proceedings and risks being prosecuted under the Bribery Act 2010.

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6. PRE-MARKET ENGAGEMENT

6.1 When Officers are undertaking pre-market engagement, they must ensure it is utilised for the following purposes:

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6.1.1 Developing the Council's requirements and approach to the procurement.

6.1.2 Designing a procurement procedure, conditions of participation or award criteria.

6.1.3 Preparing the tender notice and associated tender documents, including the proposed terms and conditions.

6.1.4 Understanding market conditions and identifying potential suppliers.

6.1.5 Understanding the resourcing limitations and capacity requirements of suppliers in relation to the procurement process and anticipated timetable.

6.2 Suppliers must not be put at an unfair advantage, or disadvantage, when undertaking pre-market engagement. If an Officer deems that a supplier has been put at an unfair advantage, or disadvantage, they must contact the Procurement & Contracts service before progressing further with the procurement.

~~Council may consult potential suppliers, prior to the issue of the Invitation to Tender or Request for Quotation, in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential organisation (see the Delegations to Officers for details of Officers who may action this rule).~~

6.3 When engaging with potential suppliers, the Council may use any advice in the planning and conduct of the procurement procedure, provided that it does not have the effect of distorting competition and does not result in a violation of the principles of non-discrimination and transparency.

6.4 The Council shall take appropriate measures to ensure that competition is not distorted by the participation of a candidate or tenderer who has provided any advice by ensuring all other candidates and tenderers are provided with all of the information the advising candidate or tenderer has received or given and that all candidates or tenderers are given sufficient time to respond to the tender or quote.

6.5 When undertaking any market testing pre-market engagement activities above £60,000, the Officer responsible must seek advice from a Contracts and Procurement Service the Procurement & Contracts Service.

2.2.2 Chief Officer/Deputy Chief Officers must keep a register of

- (a) ~~contracts entered into by or on behalf of the Council, and~~
- (b) ~~exemptions recorded under Rule 3 and satisfy themselves that the use of exemptions has been monitored and a record kept by a Contracts and Procurement Service.~~

3.7. EXEMPTIONS

~~3.7.1~~ Except where the Procurement Act 2023 thresholds are exceeded applies, the Cabinet/Executive has the power to ~~waive~~ waive any requirements within these Contract Procedure Rules for specific projects. An exemption under this Rule 3.7 allows a contract to be placed by direct negotiation with one or more suppliers rather than in accordance with Rule 9.13.

~~3.7.2~~ These Contract Procedure Rules may be exempted where the circumstances meet any of the following criteria within 3.7.3. An exemption form must be completed and sent to the Head of Procurement & Contracts in the first instance to allow comments which will assist with the approval or rejection of the exemption.

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7.3 The Head of Procurement & Contracts will then pass this through to the Section 151 Officer, ~~for approval prior to consideration by the Chief Executive, and the Portfolio Holder for the relevant area, as well as the Portfolio Holder for Finance~~ for approval / sign-off. This process must be followed in advance of the award of contract, and in compliance with the criteria set out in the Delegations to Officers. Please see the circumstances for an exemption below:

3.3

3.3-47.3.1 for works, supplies, or services which are either patented or of such special character that it is not possible to obtain competitive prices;

3.3-27.3.2 for supplies purchased or sold in a public market or auction;

7.3.3 with an organisation already engaged by the Council for a similar and related procurement and where there is significant benefit to extending the contract to cover this additional requirement that does not breach legal requirements such as the Procurement Act 2023.

3.3.3

3.3-47.3.4 involving such urgency that it is not possible to comply with the Contract Procedure Rules and there is a significant risk to the council of not acting with urgency;

3.3-57.3.5 for the purchase of a work of art or museum specimen, or to meet the specific requirements of an arts or cultural event which cannot be procured competitively due to the nature of the requirement;

3.3-67.3.6 in relation to time-limited grant funding from an external body, where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this;

3.3-77.3.7 where relevant legislation not otherwise referred to in these Contract Procedure Rules prevents the usual procurement process from being followed;

3.3-87.3.8 goods, works or services contracts may be awarded directly to a legal person where that legal person meets the criteria as set out in Schedule 2, Paragraph 2 of the Procurement Act 2023. (formerly known as "Teckal" companies);

7.3.9 where building development opportunities are available to the Council, and have been proven to be financially viable, and the value is under the Procurement Act 2023 Thresholds for Works (as per Appendix 2 – Procurement Act 2023 Thresholds..

3.3-97.3.10 where an existing contract is being re-procured and there are delays to that procurement process which means that the new contract cannot start at the expiry of the existing contract (this exemption cannot be for longer than 6-months and cannot make the contract a "convertible contract" under the Procurement Act 2023 by exceeding the applicable threshold).

3.4 In addition to approval by a Contracts and Procurement Service:

3.4.1 ~~the Monitoring Officer must be consulted where purchases are to be made using standing arrangements with another local authority, government department, health authority, primary care trust or statutory undertaker.~~

3.4.2 ~~The Monitoring Officer must be consulted where the contract is an extension to an existing contract and a change of supplier would cause:~~

- ~~(a) Disproportionate technical difficulties~~
- ~~(b) Diseconomies~~
- ~~(c) Significant disruption to the delivery of Council services.~~

3-57.4 Every ~~variation~~ exemption must be recorded on the Council's Procurement Exemption Form at Appendix 1 to these Contract Procedure Rules and the form will be recorded on

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a master register to be maintained by [thea Contracts and Procurement & Contracts Service](#).

~~3.67.5~~ Where [an exemption a variation/exemption](#) is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to Council services, [the](#) Chief Officer/Deputy Chief Officer may approve the exemption but must prepare a report for the next meeting of the Cabinet/Executive to support the action taken.

~~3.7~~ Where [grant conditions require expenditure to be incurred within a financial year, and notification of grant is received so late as to prevent compliance with Rule 9](#), an exemption may be approved by the Chief Executive on receipt of a report from the relevant service where the Section 151 Officer and Monitoring Officer have been consulted.

~~3.87.6~~ [A Contracts and Procurement Service](#) [The Procurement & Contracts service](#) must monitor the use of all exemptions.

~~4.1. RELEVANT CONTRACTS~~

~~4.1.1.1~~ All Relevant Contracts must comply with these Contract Procedure Rules. A Relevant Contract is any arrangement made by, or on behalf of, the Council for the carrying out of works, supplies, goods, materials, or services. These include arrangements for:

~~4.1.11.1.1~~ the supply or disposal of goods or materials;

~~4.1.21.1.1~~ the hire, rental or lease of goods or equipment;

~~4.1.31.1.1~~ execution of works;

~~4.1.41.1.1~~ the delivery of services, including (but not limited to) those related to:

~~(a)~~ the recruitment of staff

~~(b)(a)~~ land and property transactions

~~(c)(a)~~ financial and consultancy services

~~(d)(a)~~ the supply of staff by employment agents, consultants, or any other companies

~~4.2.1.1~~ Relevant Contracts do not include:

~~4.2.11.1.1~~ contracts of employment which make an individual a direct employee of the authority;

~~4.2.21.1.1~~ agreements regarding the acquisition, disposal, or transfer of land (to which the Financial Procedure Rules apply);

~~4.2.31.1.1~~ the payment of grants to third parties

~~4.2.41.1.1~~ The lending or borrowing of money by the Council.

~~4.2.51.1.1~~ Contracts between Local Authorities as defined by [Schedule 2, Paragraph 2 of the Procurement Act 2023](#)

~~4.2.61.1.1~~ Contracts between Local Authorities as defined by Clause 17 of the Concession Contracts Regulations 2016

~~4.2.71.1.1~~ Contracts between Local Authorities as defined by Clause 1 of the Local Authorities (Goods and Services) Act 1970.

~~4.2.81.1.1~~ Section 75 NHS Act 2006 arrangements (although details must be recorded on the Council's Contract Register).

~~NB: While grants are not covered by these Contract Procedure Rules, there are rules on the awarding of grants which do need to be observed. The Council cannot simply choose to treat procurement as a grant in order to avoid conducting a competitive process.~~

5.8. RECORDS

~~5.1.48.1~~ The Procurement Act 2023 requires contracting authorities to maintain the following comprehensive records of procurement activities:

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- ~~5.1.48.1.1~~ sufficient documentation to justify decisions at all stages of the procurement process
- ~~5.1.28.1.2~~ contract details including value
- ~~5.1.38.1.3~~ selection decision
- ~~5.1.48.1.4~~ justification for use of the selected procedure
- ~~5.1.58.1.5~~ names of bidding organisations, both successful and unsuccessful
- ~~5.1.68.1.6~~ reasons for selection
- ~~5.1.78.1.7~~ reasons for abandoning a procedure

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~~5.1~~ 1A Most contracts and extensions to contracts will be awarded by Officers making a decision under delegated authority (see Delegations to Officers). All such Officer decisions must be published unless the decision is administrative, minor, or not closely connected to the discharge of an executive function. Some decisions will be subject to Call-in. Where Call-in applies, the winning contractor must be advised that the award of contract is subject to Call-in and will not be confirmed until the Call-in period has expired.

~~5.2.28.2~~ For contracts up to £460,000 the following records must be kept:

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- ~~5.2.48.2.1~~ invitations to quote (where applicable)
- ~~5.2.2~~ ~~all quotes returned~~
- ~~5.2.38.2.2~~ all tenders/quotes returned;
- ~~5.2.48.2.3~~ notification to the successful, and unsuccessful (where applicable) bidders of the outcome of the quotation exercise
- ~~5.2.58.2.4~~ the contract;
- ~~5.2.68.2.5~~ a written record of:
 - (a) any exemptions and reasons for it; and
 - (b) the reasons if the lowest price is not accepted

~~5.3~~

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~~5.4.48.3~~ For contracts where the total value is greater than £60,000.00 but less than £120,000.00 for works, supplies of goods materials or services, A the Contracts and Procurement and Contracts Service ~~should~~ must be made aware of any procurement requirements at the earliest opportunity to assist with this process. Where formal advertising via a Request for Quotation is ~~required~~ recommended by these rules, the Council's e-Tendering portal should be used. ~~competitive procurement processes must be advertised on the Council's e-Tendering portal.~~ The following records must be kept: greater than £40,000.00 but less than £85,000.00 for works, supplies of goods materials or services, the following records must be kept:

- ~~5.4.48.3.1~~ invitations to quote/tender;
- ~~5.4.28.3.2~~ all communication with suppliers;
- ~~5.4.38.3.3~~ all tenders/quotes returned;
- ~~8.3.4~~ a completed evaluation sheet with scores and comments justifying the score awarded, where a formal process is used;

8.3.5 a decision log, including details of why a bidder has been selected, where an informal process is used;

5.4.4 a completed evaluation sheet with scores and comments justifying the score awarded;

5.4.5 8.3.6 feedback assessment summaries letters-/ feedback to the unsuccessful bidders;

5.4.6 8.3.7 all communications with the successful contractor;

5.4.7 8.3.8 the contract;

5.4.8 8.3.9 a written record of:

(a) any exemptions and reasons for it; and

(b) the reasons if the lowest price is not accepted

5.4.9 8.3.10 written records of communications with the successful contractor.

5.5 For contracts up to £40,000 records should be kept following the principles as above but the actual record kept should be proportionate to the value of the contract.

5.6 8.4 Where the total value exceeds £85120,000.00 for works, supplies of goods, materials or services, the Officer must record the same details as in Rule 5.3 above and any further records as advised by a Contracts and Procurement Service the Procurement & Contracts Service.

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5.7 8.5 Written records required by this Rule 5.8 must be kept for six years (twelve years if the contract is under seal) after the final settlement of the contract. All documents which relate to unsuccessful candidates (tender responses, feedback letters etc.) must be kept for 12 months from award of contract provided there is no dispute about the award or where there is a dispute, once the dispute is resolved, 12 months from resolution of the dispute.

5.8 8.6 Prospective candidates must be notified simultaneously in writing and as soon as possible of any contracting decision. If a candidate requests in writing the reasons for a contracting decision, the officer must give the reasons in writing within 15 days of the request.

8.7 The Freedom of Information Act 2000 gives a general right of public access to all types of 'recorded' information held by public authorities, sets out exemptions from that general right, and places a number of obligations on public authorities with regard to the disclosures of information. The Council will, as a general rule, allow public access to recorded information where possible and the contractor shall agree to the Council making any disclosures in accordance with the Act.

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6.9. RISK MANAGEMENT / ASSESSMENT

Officers must consider any risks in the procurement process including the skills and capacity within the Council to manage the procurement process. Where any risk assessment identifies a need for further specialist advice that specialist advice must be procured in accordance with these rules.

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9.1 Officers must create a robust risk assessment as part of the procurement planning process for all contracts valued over £120,000 in conjunction with the Procurement & Contracts service.

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9.2 The risk assessment must be reviewed and updated regularly during the procurement process and throughout the contract term.

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6.19.3 Where key risks are identified at the pre-procurement stage which may lead to a future contract modification, these risks must be stated clearly in the tender notice and in relevant procurement documents.

7.10. ADVERTISING

The Contracts and Procurement Service will ensure that the minimum advertising requirements in the Procurement Act 2023 and as outlined in Rule 98 are met.

8.11. FRAMEWORKS AGREEMENTS

8.1 Framework has the same meaning as in the Procurement Act 2023. "...a contract between a Contracting Authority and one or more supplier(s) that provides for the future award of contracts by the authority to the supplier(s)."s Agreements (see the Delegations to Officers for details of Officers who may action this rule):

11.1

Contracts based on Frameworks may be awarded in one of two ways, as follows:

where the terms of the agreement are sufficiently precise to cover the particular call-off, by applying the terms laid down in the Framework Agreement without re-opening competition, or

where the terms laid down in the Framework Agreement are not precise or complete enough for the particular call-off, by holding a further competition in accordance with the following procedure:

inviting the organisations within the Framework Agreement, that are capable of executing the subject of the contract, to submit bids, with an appropriate time limit for responses, taking into account factors such as the complexity of the subject of the contract,

awarding each contract to the bidding organisation who has submitted the most economically advantageous tender on the basis of the relevant Award Criteria set out in the Framework Agreement.

11.2 Contracts based on Frameworks may be awarded in one of two ways, as follows:

11.2.1 Where the terms of the agreement are sufficiently precise to cover the particular call-off, by applying the terms laid down in the Framework Agreement without re-opening competition (Direct Award), or

11.2.2 Where the terms laid down in the Framework Agreement are not precise or complete enough for the particular call-off, by holding a further competition in accordance with the following procedure (Further Competition):

(a) Inviting the organisations within the Framework that are capable of executing the subject of the contract, to submit bids, with an appropriate time limit for responses, considering factors such as the complexity of the subject of the contract,

(b) Awarding each contract to the bidding organisation who has submitted the most advantageous tender on the basis of the relevant Award Criteria set out in the Framework.

11.3 The term of a Framework must not exceed four years when utilising a Closed Framework, or eight years when utilising an Open Framework, as defined in the Procurement Act 2023.

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11.4 A contract of any value can be procured through a framework. If the proposed contract value is over £60,000, the Procurement & Contracts service must be consulted before the procurement is started.

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11.5 A framework is considered a compliant procurement route when:

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11.5.1 It has been entered into by the Council in compliance with these Rules, or

11.5.2 Another contracting authority, purchasing consortium or central government organisation has tendered the framework in compliance with the relevant procurement legislation and the Council is named as a potential user of the arrangement (e.g., ESPO / CCS).

11.5.3 When using a framework as per 11.5.2, officers must ensure that all of the necessary documentation is completed. Officers must consult with the Procurement & Contracts service before entering into a call-off contract as per 11.5.2.

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11.6 Officers must carry out due diligence checks at contract award to evidence fulfilment of any conditions of participation and that there are no grounds for exclusion.

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11.7 ~~Where a Framework Agreement is used and the arrangements under that Agreement Framework include further competition, the~~ Approval to procure and award must be in compliance with the ~~Delegations to Officers.~~

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11.8 Most contracts will then be awarded by Officers making a decision under delegated authority. All such Officer decisions must be published unless the decision is administrative, minor, or not closely connected to the discharge of an executive function. Some decisions will be subject to Call-in. Where Call-in applies the winning contractor must be advised that the award of contract will not be confirmed until the Call-in period has expired.

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12. DYNAMIC MARKETS

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12.1 A dynamic market as defined in the Procurement Act 2023 is an open list of qualified suppliers eligible to participate in future procurements (via Further Competition only). Suppliers can join the dynamic market at any time if they meet the specified conditions, enabling the ability to streamline a procurement process by allowing continuous admission of suppliers.

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12.2 Officers must ensure that there is no existing Council contract, framework or Dynamic Market available before undertaking an alternative procurement.

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12.3 Only procurements valued over the relevant UK Procurement threshold may be procured via a Dynamic Market.

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12.4 A dynamic market is considered a compliant procurement route when:

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12.4.1 It has been entered into by the Council in compliance with these Rules, or

12.4.2 Another contracting authority, purchasing consortium or central government has tendered the framework in compliance with the relevant procurement legislation and the Council is named as a potential user of the arrangement (e.g., ESPO / CCS).

12.5 Officers must seek advice and support from the Procurement & Contracts service whenever they wish to establish or use a Dynamic Market.

details which Officers may seek, receive, and evaluate quotations/tenders.

8.1.1 Framework has the same meaning as in the Procurement Act 2023: "...a contract between a contracting authority and one or more suppliers that provides for the future award of contracts by the authority to the supplier(s)."

8.1.2 The term of a Framework Agreement must not exceed four years, when utilising a Closed Framework, or eight years when utilising an Open Framework, as defined in the Procurement Act 2023.

8.1.31.1.1 Contracts based on Frameworks may be awarded in one of two ways, as follows:

(a) where the terms of the agreement are sufficiently precise to cover the particular call off, by applying the terms laid down in the Framework Agreement without re-opening competition, or

(b)(a) where the terms laid down in the Framework Agreement are not precise or complete enough for the particular call off, by holding a further competition in accordance with the following procedure:

(i) inviting the organisations within the Framework Agreement, that are capable of executing the subject of the contract, to submit bids, with an appropriate time limit for responses, taking into account factors such as the complexity of the subject of the contract,

(ii)(i) awarding each contract to the bidding organisation who has submitted the most economically advantageous tender on the basis of the relevant Award Criteria set out in the Framework Agreement.

Where a Framework Agreement is used and the arrangements under that Agreement Framework include further competition, the Delegations to Officers details which Officers may seek, receive, and evaluate quotations/tenders.

8.1.4 Most contracts will then be awarded by Officers making a decision under delegated authority. All such Officer decisions must be published unless the decision is administrative, minor, or not closely connected to the discharge of an executive function. Some decisions will be subject to Call-in. Where Call-in applies the winning contractor must be advised that the award of contract will not be confirmed until the Call in period has expired.

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13. COMPETITION REQUIREMENTS / ASSETS FOR DISPOSAL PROCUREMENT THRESHOLDS

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13.1 Officers must establish the total value of the procurement including whole life costs, incorporating any potential extension periods which may be awarded. Where the Procurement Act 2023 rules apply, Officers must also ascertain the value of a contract in accordance with those rules.

13.2 Contracts must not be artificially under / over-estimated or divided into two or more separate contracts where the effect is to avoid the application of the thresholds below.

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13.3 Where the estimated total value is within the values in the table below, the corresponding tendering procedure must be followed. (see the Delegations to Officers for details of Officers who may actions this rule).

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9.1 Competition Requirements

- 9.1.1 Chief Officers/Deputy Chief Officers must establish the total value of the procurement including whole life costs and incorporating any potential extension periods which may be awarded. Where the **Procurement Act 2023** rules apply, Chief Officers/Deputy Chief Officers must also ascertain the value of a contract in accordance with those rules.
- 9.1.2 Contracts must not be artificially under or over-estimated or divided into two or more separate contracts where the effect is to avoid the application of Contract Procedure Rules, **or the Procurement Act 2023.**
- 9.1.3 Where the estimated total value for a purchase or concession is within the values in the first and second columns of the table below, the tendering procedure in the third column must be followed (see the Delegations to Officers for details of Officers who may action this rule).

<u>Procurement Values (exclusive of VAT)</u>	<u>Works and Concessions Supply of Goods, Materials and Services Procurement Values (inclusive of VAT)</u>	<u>Tendering Procedure</u> Formatted Table
<u>£0 to £6,250</u>	<u>£0 to £57,0500</u> <u>£0 to £5,000</u>	<u>One written quote - this should be a local provider wherever possible. A purchase order must be raised.</u>
<u>£6,250.01 - £12,500</u>	<u>£5,001 - £10,000</u> <u>£7,500.01 - £15,000</u> <u>£5,001 - £10,000</u>	<u>Two written quotes - one should be a local provider wherever possible. A purchase order must be raised.</u>
<u>£12,500.01 - £50,000</u>	<u>£15,000.01 - £60,000</u> <u>£10,001 to £40,000</u> <u>£10,001 to £40,000</u>	<u>At least three written quotes shall be sought and two must be received. Local providers must be given an opportunity to provide a quote, wherever possible. A purchase order must be raised</u>
<u>£50,000.01 - £100,000</u>	<u>£40,001 to £85,000</u> <u>£60,000.01 - £120,000</u> <u>£40,001 to £85,000</u>	<u>At least five written quotations shall be sought. A via a Request for Quotation via the e-Tendering Portal is recommended. The Procurement & Contracts service must be involved. Where a formal Request for Quotation process is not utilised, the Procurement & Contracts service must agree the alternative process (e.g., retrieving quotations from suppliers via email etc.). Local providers must be given an opportunity to provide a quote, wherever possible. A purchase order must be raised.</u>
<u>£100,000.01 up to Procurement Act 2023 thresholds</u>	<u>£85,001 up to Procurement Act 2023 thresholds</u> <u>£120,000.01 up to Procurement Act 2023 thresholds</u> <u>£85,001 up to Procurement Act 2023 thresholds*</u>	<u>Open tender - via the E-Tendering Portal & a below-threshold notice published on Find a Tender. A social value clause must be built into the specification and contract. (Public Service (Social Value) Act 2012 Social value) must be considered as part of the specification / award criteria. A purchase order must be raised</u>
<u>Above Procurement Act 2023 thresholds</u>	<u>Above Procurement Act 2023 thresholds</u> <u>Above Procurement Act 2023 thresholds*</u> <u>Above Procurement Act 2023 thresholds*</u>	<u>UK Public Procurement Procedure - via E-Tendering Portal & Find a Tender notice. Social value must be considered as part of the specification / award criteria. Local social value clause must be built into the specification of the</u>

		contract. (Public Service (Social Value) Act 2012). A purchase order must be raised
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* As per Appendix 2 – Above Procurement Act 2023 thresholds*

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13.4 Written quotations must include the following information as a minimum;

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13.4.1 Details of the goods, services or works to be supplied;

13.4.2 Where and when the delivery is to take place (where applicable);

13.4.3 The total value of the contract; and

13.4.4 The terms and conditions to apply including the price and payment terms

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13.5 Officers must provide contractual details to the Procurement & Contracts service for contracts over £6,000 so that the contract can be added to the Council's Contracts Register.

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13.6 Officers must provide contractual details to the Procurement & Contracts service for contracts £30,000 & above where the Procurement & Contracts service have not been involved in the procurement. This must be provided for within 30 days of contract award to allow a Contract Details Notice to be published.

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13.7 Officers must contact the Procurement & Contracts service for any procurement requirements £60,000.01 & above. For spend of £60,000 and below, Officers can procure without the need to involve the Procurement & Contracts service, following the procurement thresholds above. Where there are any queries, the Procurement & Contracts service should be contacted to avoid non-compliance.

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13.8 Where the Procurement Act 2023 thresholds apply, Officers must consult the Procurement & Contracts service to determine the procedure for conducting the procurement exercise.

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13.9 Where it can be determined that there are insufficient suitably qualified candidates to meet the threshold requirements as per the table above, all suitably qualified candidates must be invited. (see the Delegations to Officers for details of Officers who may action this rule.)

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13.10 Where services are currently purchased internally, i.e., from within the Council, for internal provision, the requirement to obtain other quotations or tenders does not apply. However, the purchaser may choose to seek alternative quotations/tenders for the purpose of market testing.

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9.1.4 Where it can be demonstrated that there are insufficient suitably qualified candidates to meet the competition requirements, all suitably qualified candidates must be invited (see the Delegations to Officers for details of Officers who may action this rule).

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9.1.5 Where services are currently purchased internally, i.e., from within the Council, for internal provision, the requirement to obtain other quotations or tenders does not apply. However, the purchaser may choose to seek alternative quotations/tenders for the purpose of market testing.

Where the Procurement Act 2023 thresholds apply, the procuring Officer shall consult a Contracts and Procurement Service to determine the procedure for conducting the procurement exercise.

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9.1.6

~~9.2— Assets for Disposal (see the Delegations to Officers for details of Officers who may action this rule):~~

~~9.2.1 — Assets for disposal must be dealt with in accordance with the Council's Financial Procedure Rules.~~

~~9.2.2 — Assets for disposal must be sent to Public Sale except where better value for money is likely to be obtained by inviting quotations and tenders. In the latter event, the method for disposal of surplus or obsolete stocks/stores or assets other than land must be determined as follows:~~

Commented [MG1]: I have removed Asset Disposal section as agreed - it is covered within Finance Procedure Rules at each Council - although each differing slightly.

Total Value	Procedure
Where the cost of disposal is likely to outweigh the value of the asset for disposal	By (in order of preference) 1. gifting to a local organisation if they can make use of the asset; 2. disposal for recycling; or 3. disposal by the most environmentally friendly option possible.
Up to £10,000	Two written quotations or public sale
£10,000.01 and above	At least three written quotations or public sale, or an invitation to tender

10. PRE-TENDER MARKET TESTING AND CONSULTATION

~~10.1 — The Council may consult potential suppliers, prior to the issue of the Invitation to Tender or Request for Quotation, in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential organisation (see the Delegations to Officers for details of Officers who may action this rule).~~

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~~10.2 — When engaging with potential suppliers, the Council may use any advice in the planning and conduct of the procurement procedure, provided that it does not have the effect of distorting competition and does not result in a violation of the principles of non discrimination and transparency.~~

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~~10.3 — The council shall take appropriate measures to ensure that competition is not distorted by the participation of a candidate or tenderer who has provided any advice by ensuring all other candidates and tenderers are provided with all of the information the advising candidate or tenderer has received or given and that all candidates or tenderers are given sufficient time to respond to the tender or quote.~~

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~~10.4 — In undertaking any market testing activities, the Officer responsible must seek advice from a Contracts and Procurement Service.~~

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14. EVALUATION CRITERIA AND STANDARD EVALUATING TENDERS (see the Delegations to Officers for details of Officers who may action this rule);

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~~The evaluation of bids must be conducted in accordance with the evaluation criteria set out in the procurement documents provided to bidding organisations, and in line with any guidance given by a Contracts and Procurement Service.~~

~~The arithmetic in compliant tenders must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their tender. Alternatively, if the rates in the tender, rather than the overall price, were stated within the Invitation to Tender as being~~

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~~dominant, an amended tender price may be requested to accord with the rates given by the tenderer.~~

~~Deputy Chief Officers must ensure that submitted tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily.~~

11.

14.1 In any procurement exercise the successful bid should be the one which:

14.1.1 Offers the most advantageous proposal based on the award criteria.

14.1.2 Such criteria may include:

- (a) ~~Quality including technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental, and innovative characteristics and trading and its conditions;~~
- (b) ~~After-sales service and technical assistance, delivery conditions such as delivery date, delivery process and delivery period or period of completion.~~
- (c) ~~Price / Commercial approach~~
- (d) ~~Social Value / sustainability commitments~~

14.2 ~~Evaluation must be conducted in accordance with the published criteria. Evaluators must undertake evaluations individually initially followed by moderation to reach an agreed tender score.~~

14.3 ~~All criteria must relate to the subject matter of the contract, must be objectively quantifiable and non-discriminatory.~~

14.4 ~~The procurement documentation must clearly explain the basis of the decision to bidding organisations, making clear how the evaluation criteria specified in the process will be applied, the overall weightings to be attached to each of the high-level criteria, whether the high-level criteria are divided into any sub-criteria and the weightings attached to each of those sub-criteria.~~

11.1 ~~Evaluation Criteria~~

11.1.1 In any procurement exercise the successful bid should be the one which:

- (a) ~~offers the lowest price where payment is to be made by the Council, or offers the highest price if payment is to be received, or~~
- (b) ~~offers the most advantageous balance between quality and price. In the latter case, the Council will use criteria such as qualitative, environmental and/or social aspects, linked to the subject matter of the contract to determine that an offer is the most advantageous. Such criteria may include:~~
 - (i) ~~quality, including technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental, and innovative characteristics and trading and its conditions;~~
 - (ii) ~~organisation, qualification, and experience of staff assigned to performing the contract, where the quality of the staff assigned can~~

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- have a significant impact on the level of performance of the contract;
or
(iii) ~~after sales service and technical assistance, delivery conditions such as delivery date, delivery process and delivery period or period of completion.~~

- ~~11.1.2 Issues that are important to the Council in terms of meeting its corporate objectives can be used to evaluate bids. The criteria can include, for example sustainability considerations, support for the local economy, or the use of sub-contractors. The bidding organisations' approaches to continuous improvement and setting targets for service improvement or future savings could also be included. All criteria must relate to the subject matter of the contract, be in line with the Council's corporate objectives and must be objectively quantifiable and non-discriminatory.~~
- ~~11.1.3 The procurement documentation should clearly explain the basis of the decision to bidding organisations, making clear how the evaluation criteria specified in the process will be applied, the overall weightings to be attached to each of the high-level criteria, how the high-level criteria are divided into any sub-criteria and the weightings attached to each of those sub-criteria.~~
- ~~11.1.4 The evaluation criteria must not include:~~
- ~~(a) Non-commercial considerations~~
 - ~~(b) Matters which discriminate against suppliers who are signatories to the Government Procurement Agreement.~~

~~11.2 Standards~~

- ~~11.2.1 Relevant British and International standards which apply to the subject matter of the contract, and which are necessary to properly describe the required quality must be included within the contract.~~
- ~~11.2.2 Officers should refer to the Procurement and Contracts Service if they have any queries or require further guidance.~~

~~42.15. INVITATION TO TENDER / REQUEST FOR QUOTATION (see the Delegations to Officers for details of Officers who may action this rule)~~

~~42.15.1 Invitations to Tender/Requests for Quotation must be issued in accordance with the requirements of these Contract Procedure Rules.~~

~~12.2 The Invitation to Tender shall state that no tender will be considered unless it is received by the date and time stipulated in the Invitation to Tender, subject to 15.5.3. No tender delivered in contravention of this **Rule 12** shall be considered.~~

~~42.315.2 All Invitations to Tender shall include the following:~~

- ~~42.3.115.2.1 A specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers, together with the terms and conditions of contract that will apply.~~
- ~~42.3.215.2.2 A requirement for candidates to declare that the tender content, price or any other figure or particulars concerning the tender submitted by the candidate has not been disclosed by the candidate to any other party (except where such disclosure is made in confidence for a necessary purpose).~~
- ~~42.3.315.2.3 A requirement for candidates to complete fully and sign all tender documents including a form of tender and certificates relating to canvassing and non-collusion.~~
- ~~42.3.415.2.4 Notification that tenders are submitted to the Council on the basis that they are compiled at the candidate's expense.~~

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~~42.3.5~~15.2.5 A description of the award procedure and, unless defined in a prior advertisement, a definition of the award criteria in objective terms and the percentage weighting of each criterion in the evaluation.

~~42.3.6~~15.2.6 The method by which arithmetical errors discovered in the submitted tenders are to be dealt with. In particular, whether the overall price prevails over the rates in the tender or vice versa.

~~42.4~~15.3 The Invitation to Tender or Requests for Quotation must state that the Council is not bound to accept any tender or quotation.

15.4 All candidates invited to tender, or quote must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis. Where a candidate asks a clarification question regarding the tender or quote, the question and the answer will be provided to all candidates.

15.5 Tenders received after the tender deadline date and time or tenders which are not submitted in accordance with these Rules and any criteria set out in the procurement documentation will be disqualified unless otherwise agreed by the Monitoring Officer

15.6 If there is an obvious ambiguity or error in the tender and that ambiguity or error appears to have a simple explanation, bidders may be invited to correct their tender response. Advice must be sought from the Procurement & Contracts service before further action is taken.
~~42.5~~

42.6 Under the Procurement Act 2023, the Council is required to request an explanation of the price or costs proposed in a tender where that price or those

15.7 costs appear to be **abnormally low** in relation to the requirement. If the bidder is unable to demonstrate that the price offered is not abnormally low, its tender may be disregarded. Advice must be sought from the Procurement & Contracts service during this process.

~~42.7~~ Advice should be sought from the Contracts & Procurement Service during this investigation process to ensure that the requirements of the Procurement Act 2023 are complied with.

43.16. SHORTLISTING

Any shortlisting (i.e., supplier selection or conditions of participation) must have regard to the economic and financial standing, legal capacity, and the technical and professional ability of the candidates to deliver the required goods, services or works.

44.17. SUBMISSION, RECEIPT AND OPENING OF TENDERS / QUOTATIONS (see the Delegations to Officers for details of Officers who may action this rule):

44.17.1 Tenders

17.1.1 Bidding organisations must be given an adequate period in which to prepare and submit a proper quotation or tender, consistent with the complexity of the contract requirements.

~~44.1.4~~17.1.2 When advertising a tender for a procurement above the Procurement Act 2023 thresholds, the tenders must be advertised for the minimum number of days as specified in the Procurement Act 2023 legislation.

~~44.1.2~~17.1.3 Tender Contents:
Each tender must contain, where relevant:

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- (a) An undertaking signed by the tenderer that to the best of their knowledge and belief they have complied with all the relevant provisions of the Health and Safety at Work Act 1974 and regulations made under it or where they have not complied, an explanation of the remedial action they have taken to ensure compliance;
- (b) A statement that the tenderer will comply with all current relevant British Standard Specification or Code of Practice or equivalent international standards offering guarantees of safety, reliability, and fitness for purpose;
- (c) A statement by the tenderer that they will not try to obtain or receive by whatever means any information which gives or is intended to give the tenderer or another party any unfair advantage over any other tenderer (including the Council's own workforce) in relation to the tendering for and award of any contract;
- (d) A statement that the Council shall not be liable for expenses incurred in the preparation of tenders; nor shall the Council be bound to accept the lowest or any tenders submitted; and shall have reserved to them the right to invite fresh tenders should they consider that course desirable.

44.217.2 Electronic Arrangements

44.2.17.2.1 Tenders, ~~Quotations~~ Request for Quotations, Framework Further Competition bids and Conditions of Participation stages will be received electronically and will be opened by ~~a Contracts and Procurement Service~~ the Procurement & Contracts service on the e-Tendering portal. The system will not allow any quotations to be opened until the allocated return date / time has passed. *(See the Delegations to Officers for details of Officers who may action this rule).*

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44.317.3 Hard Copy Arrangements

44.3.17.3.1 In the limited circumstances where a Quotation, Further Competition bid or Tender cannot be received electronically, ~~thea Contracts and Procurement and Contracts~~ Service will consult with the Monitoring Officer to agree a suitable way to receive the Quotation, Further Competition bid or Tender.

45.18. CLARIFICATION PROCEDURES AND POST TENDER NEGOTIATIONS

45.118.1 Seeking clarification of a tender received whether in writing or by way of a meeting is permitted. However, any such clarification must not involve changes to the basic features of the bidding organisation's submission and all tenderers must be treated equally *(see the Delegations to Officers for details of Officers who may action this rule).*

45.218.2 Post tender negotiation means negotiations with any tenderer after submission of a tender and before the award of the contract with a view to obtaining an adjustment in price, delivery, or content. *Where the value of the Tender is above the threshold in the Procurement Act 2023 advice must be sought from a* ~~Contracts and Procurement~~ the Procurement & Contracts Service. Where post tender negotiation results in a fundamental change to the specification (or contract terms) the contract must not be awarded but re-tendered *(see the Delegations to Officers for details of Officers who may action this rule).*

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45.318.3 If post tender negotiations are necessary after a single stage tender or at the final stage of a multiple-stage tender, then such negotiations shall only be undertaken with the tenderer who has previously been identified as submitting the best tender. Tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the tender documents. Officers appointed by the Chief

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Officer/Deputy Chief Officer to carry out post tender negotiations should ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.

~~15.4~~18.4 Post tender negotiation must only be conducted in accordance with guidance given by the Monitoring Officer and ~~a Contracts and Procurement Service~~the Procurement & Contracts Service.

~~15.5~~18.5 The Monitoring Officer and ~~a Contracts and Procurement Service~~the Procurement & Contracts Service must be consulted and agree:

~~15.5.1~~18.5.1 Wherever it is proposed to enter into post tender negotiation;

~~15.5.2~~18.5.2 About whether negotiation is with all tenderers;

~~15.5.3~~18.5.3 To either accept or reject late submissions before opening any of the responses. Late submissions must only be accepted in exceptional circumstances.

~~15.6~~18.6 Negotiations must be conducted by a team of at least two officers, one of whom must be from a section independent to those leading negotiations (*see the Delegations to Officers for details of Officers who may action this rule*).

~~16.19.~~ **EVALUATION, AWARD OF CONTRACT, AND DEBRIEFING OF ORGANISATIONS**

~~16.1~~ **Evaluation** (*see the Delegations to Officers for details of Officers who may action this rule*):

~~16.1.11.1.1~~ The evaluation of bids must be conducted in accordance with the evaluation criteria set out in the procurement documents provided to bidding organisations, and in line with any guidance given by a Contracts and Procurement Service.

~~16.1.21.1.1~~ The arithmetic in compliant tenders must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their tender. Alternatively, if the rates in the tender, rather than the overall price, were stated within the Invitation to Tender as being dominant, an amended tender price may be requested to accord with the rates given by the tenderer.

~~16.1.31.1.1~~ Deputy Chief Officers must ensure that submitted tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily.

~~16.2~~19.1 **Award of Contract and Contract Extensions** (*see the Delegations to Officers for details of Officers who may action this rule*):

19.1.1 The Council is required to notify successful and unsuccessful bidders of the outcome of a procurement process, in writing, in as timely a fashion as possible.

19.1.2 Where a contract was advertised with an extension option and that extension option forms part of the contract, the decision to extend the contract may be made after ensuring that taking up the extension option delivers value for money.

~~16.2.2~~
19.1.3 Decisions on award of contract and contract extensions must be made in accordance with the Delegations to Officers.

19.1.4 For the avoidance of doubt, extensions are not permitted where they are not provided for in the original contract.

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~~16.2.3~~

~~16.3.1~~ 19.2 Debriefing Assessment Summaries

~~16.3.1~~ 19.2.1 The ~~debriefing of organisations will~~ Assessment Summaries (detailed feedback) will be sent by ~~the Contracts and P~~ Procurement & Contracts Service, in line with the relevant Officer's evaluation comments.

17.20. CONTRACT DOCUMENTS

17.4.20.1 Format of Contract Documents

17.4.1 20.1.1 Every Relevant Contract/must be in writing and must state clearly:

- (a) what is to be supplied (description and quality)
 - (b) payment provisions (amount and timing and seeking electronic invoices)
 - (c) when the Council will have the right to terminate the contract
 - (d) that the contract is subject to the law as to prevention of corruption
- The Council's standard terms and conditions must be used where possible.

17.4.1 20.1.2 In addition, every Relevant Contract for purchases over ~~£2530,000.00~~ for works, supplies of goods, materials or services must also as a minimum state clearly:

- (a) that the contractor may not assign or sub-contract without prior written consent
- (b) any insurance and liability requirements
- (c) health and safety requirements
- (d) ombudsman requirements
- (e) data protection requirements if relevant
- (f) that charter standards are to be met if relevant

(g) —requirements under the Equalities Act 2010

~~(h)(g)~~ obligations under the Care Act 2014 in safeguarding adults and children applicable Equality legislation

~~(h)~~ (h) a right of access to relevant documentation and records of the contractor for monitoring and audit purposes, including obligations under the FOI Act 2000 and 2015 Transparency Code

~~(j)~~ (i) requirements under the Counter-Terrorism and Security Act 2015 and Prevent Strategy where applicable

~~(k)~~ (i) obligations under the Public Interest Disclosure Act 1998 including employee whistleblowing.

~~(l)~~ (k) Statement requirements under the Modern Slavery Act 2015.

17.4.1 320.1.3 All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the Monitoring Officer. An award letter is insufficient.

17.4.1 420.1.4 All contracts must include the following paragraph:

'The Contractor recognises that the Council is under a duty to act in a manner which is compatible with the Convention rights as defined by Section 1(1) of the Human Rights Act 1998 ('Convention Rights'). This duty includes a positive obligation on the Council to ensure that contractors providing services on the Council's behalf act in a way which is compatible with the Convention Rights. The Contractor therefore agrees to provide the Services and comply with its other obligations under this contract in a manner which is compatible with the Convention Rights.'

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~~17.1.5~~20.1.5 The Officer responsible for securing the signature of the contractor must ensure that the person signing for the contracting party has authority to bind it.

~~17.2.2~~20.2 **Contract Signature** (see the Delegations to Officers for details of Officers who may action this rule):

~~17.2.1~~20.2.1 A contract entered into by or on behalf of the Council must:

- (a) Where the contract is in the form of a deed (see below), be made under the Council's seal and attested as required by the Constitution, or:
- (b) Where the contract is in signed under hand, it must be the form of an agreement, either:
 - (i) be signed by at least two officers of the Council authorised as required by the Constitution (see Delegations to Officers), or:
 - (ii) ~~be formalised by the sending of an award letter and the subsequent issuing of a purchase order.~~

~~20.2.2~~ A contract must be in the form of a deed (see below) and sealed where;

~~17.2.2~~

- (a) The Council wishes to enforce the contract for more than six years after it ends; or
- (b) The price paid or received under the contract is a nominal price and does not reflect the value of the goods or services; or
- (c) Where there is any doubt about the authority of the person signing for the contracting party.

A contract in the form of a deed must state in the signature pages that the Contractor and the Council are executing the contract as a deed. Where an Officer is unsure whether a Contract should be signed under hand, or sealed, they must contact the Procurement & Contracts service to seek advice.

~~17.3~~20.3 **Legal Services Review of Tenders and Contracts**

~~17.3.1~~20.3.1 To ensure the integrity of the procurement process:

- (a) All proposed Invitations to Tender, where they are not in compliance with the Council's harmonised contract documentation or standard terms and conditions issued by a relevant professional body, will be reviewed by the Deputy Chief Officer, Procurement and Contracts service.
 - (a) ~~Any proposed Invitations to Tender which are subject to the Procurement Act 2023, or which are deemed to be of high risk, must be reviewed by the Deputy Chief Officer.~~
 - (b) ~~Any proposed contract where there is any deviation from the contract terms included in the invitation to tender must be reviewed by the Deputy Chief Officer. Where the Procurement and Contracts service are unable to advise, it will be escalated to the Deputy Chief Officer with the recommendation that external legal advice is sought.~~

~~18.21~~ **LIQUIDATED DAMAGES, SERVICE CREDITS, BONDS AND PARENT COMPANY GUARANTEES**

21.1 Where a bond or guarantee is required to ensure satisfactory contract performance and/or to protect the Council, the requirement must be notified to bidders in the procurement documentation and must be in place no later than four (4) weeks after contract signature.

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~~21.2~~ Every formal written contract which exceeds £~~12085~~5,000.00 in value ~~or amount~~ and is for the execution of works shall provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed.

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~~18.421.3~~ Every formal written contract that includes Key Performance Indicators / Service Level Agreements shall consider reasonable service credits to include within the contract where performance / service standards are not being met.

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~~18.221.4~~ The Officer must consult the Deputy Chief Officer when a tenderer is a subsidiary of a parent company and the ~~O~~fficer does not think that a parent company guarantee~~er~~ is necessary, and:

~~18.2.421.4.1~~ The total value exceeds £~~85,000.00-120,000.00~~

~~18.2.221.4.2~~ Award is based on evaluation of the parent company, or

~~18.2.321.4.3~~ There is some concern about the stability of the ~~tenderer~~supplier.

~~18.321.5~~ The officer must consult the Deputy Chief Officer about whether a bond is needed:

~~18.3.421.5.1~~ Where the total value exceeds £~~85~~120,000.00.

~~21.5.2~~ Where it is proposed to make stage payments or other payments in advance of receiving the whole of the subject matter of the ~~contract~~contract, or-

~~18.3.221.5.3~~ There is some concern about the stability of the supplier.

~~19.22.~~ PREVENTION OF CORRUPTION

~~19.422.1~~ Rules and regulations pertaining to the prevention of corruption are outlined in the Council's Financial Procedure Rules and must be adhered to.

~~19.222.2~~ The following clauses must be put in every written Council contract:

'The Council may terminate this contract and recover all its loss if the Contractor, its employees, or anyone acting on the Contractor's behalf do any of the following things:

~~19.2.422.2.1~~ Offer, give, or agree to give anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done); or

~~19.2.222.2.2~~ Commit an offence under the Bribery Act 2010 or Section 117(2) of the 1972 Act; or

~~19.2.322.2.3~~ Commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors, or employees.

Any clause limiting the Contractor's liability shall not apply to this cause.'

~~19.322.3~~ Any suspected irregularity shall be referred to the ~~Audit Manager who shall notify~~ the Monitoring Officer where necessary. Any examination of contractors' or tenderers' books and records as a result of any such suspected irregularity shall be conducted by the ~~Audit Manager. Head of Procurement & Contracts.~~ If, in the investigation of any irregularity, the Monitoring Officer considers that disciplinary procedures may need to be invoked, the appropriate Chief Officer/Deputy Chief Officer shall also be notified.

~~20.23.~~ DECLARATION OF INTERESTS

Rules and regulations pertaining to the Declaration of Interests are outlined in the Code of Conduct for Employees within the Constitution and must be adhered to.

24-24. CONTRACT MANAGEMENT / MONITORING

24.1 All contracts must have an appointed Contract Manager for the entirety of the contract. The responsible Deputy Chief Officer must ensure a Contract Manager is designated prior to award.

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24.2 The Contract Manager must monitor the overall performance of the contract in line with the specification, agreed service levels and contract terms.

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24.3 The Contract Manager must ensure that they undertake contract management meetings with the supplier in line with the agreed timescales as per the contract.

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24.4 The Officer named in the Contract Register will act as the Contract Manager and will be responsible for ensuring the obligations of these Rules. The Procurement & Contracts service are available to be contacted for any contract management support.

25. CONTRACT MODIFICATIONS

25.1 Before modifying a contract, the Procurement & Contracts service must be consulted to ensure the correct modification / variation process is being undertaken.

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25.2 If the contract is valued above the Procurement Act 2023 threshold, advice from the Procurement & Contracts service must be sought before a modification is made to understand whether the modification is substantial or not, and whether a Contract Change Notice must be published, as per the Procurement Act 2023.

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25.3 A substantial modification is one which would:

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25.3.1 Increase or decrease the term of the contract by more than 10% of the maximum term provided for, or

25.3.2 Materially change the scope of the contracts, or

25.3.3 Materially change the economic value of the contract in favour of the supplier.

25.4 A Contract Change Notice would not be required where:

25.4.1 The modification increases or decreases the estimated value of the contract in the case of goods/services by less than 10% or in the case of works by less than 15%, or

25.4.2 The modification increases or decreases the term of the contract by less than 10%.

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22-26. POST CONTRACT MONITORING AND EVALUATION

22-126.1 During the life of the contract the Contract Manager must monitor in respect of:

22-126.1.1 performance

22-126.1.2 compliance with specification and contract

22-126.1.3 cost

22-126.1.4 any Best Value requirements

~~22.1.5~~ 26.1.5 user satisfaction and risk management

26.1.6 social value or any other contractual obligations to deliver additional value arising from the contract

26.2 Where the total value of the contract exceeds £5,000,000, the Contract Manager must assess performance at least once every 12 months. A Contract Performance Notice must be published – the Procurement & Contracts service can do this providing the relevant Officer provides them with the required information.

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26.3 If the supplier has breached the contract and the breach results in termination (or partial termination), award of damages, or a settlement agreement between both parties, a Contract Performance Notice must be published within 30 days of the relevant breach.

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26.4 Where a contract naturally expires or is terminated, a Contract Termination Notice must be published.

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~~22.1.6~~

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~~22.2~~ 26.5 Where the Total Value of the contract exceeds ~~£85,000.00~~ £1,000,000.00 the Officer must make a written report evaluating the extent to which the purchasing need and contract objectives were met by the contract. This should be done normally when the contract is completed. Where the contract is to be re-let, a provisional report should also be available early enough to inform the approach to re-letting of the subsequent contract.

26.6 For contracts awarded under £120,000, if, at any point during the delivery of the contract, the cost looks likely to exceed £120,000 the Contract Manager must notify the Procurement & Contracts Service who will assess options with the Contract Manager and recommend the best option for that particular project.

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~~For contracts awarded under £85,000, if, at any point during the delivery of the contract, the cost looks likely to exceed £85,000 the Contract Manager must notify a Contracts and Procurement Service. A Contracts and Procurement Service and the Contract Manager will consider the following options: Where the amount by which the total contract value exceeds £85,000 is significant and~~

~~the contract allows termination, terminate the existing contract, and retender.~~

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~~22.3~~

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~~Where the amount by which the total contract value exceeds £85,000 is not significant, allow the contract to run to its natural conclusion;~~

~~Where the amount by which the total contract value exceeds £85,000 is significant and the contract allows termination, terminate the existing contract, and retender.~~

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~~Where the amount by which the total contract value exceeds £85,000 is significant and the contract does not allow termination, or continuing with the contract represents value for money, allow the contract to run to its natural conclusion~~

23.27 INTERNAL PROVIDERS

Where an in-house Service is bidding in competition for the provision of goods, works or services, care must be taken to ensure a fair process between the in-house provider Service and external bidding organisations.

24-28. EXTERNAL BODY GRANT FUNDING

~~24.428.1~~ Where a procurement process is funded, in whole or part, by grant funding which has been awarded to the Council by an external funding body, ~~a Contracts and Procurement Service~~ the Procurement & Contracts Service must ensure that any rules or conditions imposed by the funding body are adhered to, in addition to the requirements of these Contract Procedure Rules.

~~24.228.2~~ Where there is any conflict between these Contract Procedure Rules and the rules or conditions imposed by the funding body, the stricter requirement should be followed.

25. APPOINTMENT OF CONSULTANTS

~~25.1~~ The engagement of consultant architects, engineers and surveyors or other professional consultants including Counsel shall be subject to completion of a formal letter, contract of appointment or brief.

~~25.2~~ Consultants shall be required to provide evidence of and maintain professional indemnity policies to the satisfaction of the relevant Deputy Chief Officer for the periods specified in the respective agreement.

~~25.3~~ Consultants shall be selected, and commissions awarded in accordance with the values and procedures recorded in the table in Rule 9.1.3 above for services.

~~25.4~~ Records of consultancy appointments shall be maintained in accordance with Rule 5.

Commented [MG2]: Suggest removing? Other elements of the CPRs cover all of these points already?

26-29. REVIEW AND AMENDMENT OF CPR

These Contract Procedure Rules shall be reviewed and updated, as necessary.

~~2731~~ **TERMINATION OF CONTRACTS** (see the Delegations to Officers for details of Officers who may action this rule)

The Delegations to Officers details which Officers may terminate a contract. Any termination must be strictly in accordance with the terms of the contract and subject to consultation with the Monitoring Officer and Section 151 Officer and in some cases with the relevant Portfolio Holder.

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Amended Delegations to Officers in relation to Contracts

(Amended delegations approved by Cabinet/Executive.

Amended CPRs approved by full Council)

Abbreviation	Meaning
CX	Chief Executive
DCX	Deputy Chief Executive / Director
AD	Assistant Director
SM	Service Manager
MO	Monitoring Officer

Officer(s)	Subject	Delegation From	Power
CX, DCXs and ADs following consultation with the MO or S151 Officer	Contracts - contracting activities of any partnership for which the Council is the accountable body	Cabinet/Executive	(Note to Contract Procedure Rule 1) Authority to agree that Contract Procedure Rules do not apply to contracting activities of any partnership for which the Council is the accountable body
CX, DCXs, ADs and SMs subject to consultation with the appropriate portfolio holder (consultation is not required for (i) routine contracts (e.g. routine ongoing or annual maintenance contracts, routine purchasing of goods and equipment; routine servicing of vehicles etc); (ii) contracts for 1-off schemes where the scheme has been formally approved and where sufficient money has been allocated within the budget for the contract; and (iii) indirect services such as legal services or consultants for schemes which have been formally approved and where sufficient money has been allocated within the budget for the contract as such contracts are not closely connected	Contracts – letting (awarding) of contracts through framework agreement	Cabinet/Executive	(Contract Procedure Rules 2.1.4 and 11) Authority to let (award) a contract through any framework agreement to which the Council has access where considered expedient by a CO or a DCO subject to the scheme falling within the approved budget which includes the approved 5-year capital programme. (A decision notice must be published for each award of contract unless administrative or minor or not closely connected to discharge of function.) (The signing of contracts is dealt with separately below.)

to the discharge of the function.)			
Approval by the CX, S151 Officer and the Portfolio Holder for finance in advance of the award of contract	Contracts - variation or waiver (exemption) of Contract Procedure Rules	Cabinet/Executive	(Contract Procedure Rule 7.3) Authority to vary or waive any Contract Procedure Rules subject to complying with all relevant requirements of Rule 9, and subject to the scheme falling within the approved budget which includes the approved 5-year capital programme.
CX, DCXs, ADs, SMs and any other officer with the written approval of the CX/DCXs/ADs/SM (any sub-delegations lasting more than 6 months must be reported to the MO)	Contracts - pre tender market testing and consultation	Cabinet/Executive	(Contract Procedure Rule 6) Authority to consult potential suppliers prior to issue of the Invitation to Tender or Request for Quotation subject to the scheme falling within the approved budget which includes the approved 5-year capital programme
CX, DCXs, ADs, SMs and any other officer with the written approval of the CX/DCXs/ADs/SM (any sub-delegations lasting more than 6 months must be reported to the MO)	Contracts – all values – seeking, receiving, and evaluating quotations/tenders for contracts for works, goods materials, and services, and hiring of consultants	Cabinet/Executive	(Contract Procedure Rules 10, 13, 14, 15, 17, and 19) Authority to request and receive tenders and quotations, and to evaluate tenders and quotations subject to compliance with the Contract Procedure Rules (as amended by any authorised variation or waiver) and subject to the scheme falling within the approved budget which includes the approved 5-year capital programme. (The awarding and the signing of contracts are dealt with separately.)

<p>CX, DCXs, ADs and SMs following consultation with the relevant portfolio holder (consultation is not required for (i) routine contracts (e.g. routine ongoing or annual maintenance contracts, routine purchasing of goods and equipment; routine servicing of vehicles etc); (ii) contracts for 1-off schemes where the scheme has been formally approved and where sufficient money has been allocated within the budget for the contract; and (iii) indirect services such as legal services or consultants for schemes which have been formally approved and where sufficient money has been allocated within the budget for the contract as such contracts are not closely connected to the discharge of the function.)</p>	<p>Contracts - awarding of contracts</p>	<p>Cabinet/Executive</p>	<p>(Contract Procedure Rules 8.1A,19.1) Authority to award contracts subject to compliance with the Contract Procedure Rules (as amended by any authorised variation) and subject to the scheme falling within the approved budget which includes the approved 5-year capital programme</p> <p>(Decision notices must be published for each award of contract unless administrative or minor or not closely connected with discharge of function.) (The signing of contracts is dealt with separately.)</p>
<p>CX, DCXs and ADs SMs – up to £120,000</p>	<p>Contracts – signing of contracts which are <u>not under seal</u></p>	<p>Cabinet/Executive</p>	<p>(Contract Procedure Rule 20.2) Authority to sign contracts which are not under seal, and which come within the jurisdiction of the officer concerned.</p> <p>(Contracts under seal must be signed only by officers who have specific authority to do so – set out in the Council's Constitution</p>
<p>Officers of the Contracts team</p>	<p>Contracts - Authorised Officer of relevant team opening tenders (electronically)</p>	<p>Cabinet/Executive</p>	<p>(Contract Procedure Rules 17.2) Officers appointed as "Authorised Officer of relevant team"</p>
<p>CX, DCXs, ADs, SMs and any other officer</p>	<p>Clarification of an invitation to tender</p>	<p>Cabinet/Executive</p>	<p>(Contract Procedure Rule</p>

with the written approval of the CX/DCXs/ADs/SM (Any sub-delegations lasting more than 6 months must be reported to the MO)			18.1) Authority to provide clarification of an Invitation to tender
CX, DCXs, ADs, and SMs	Post tender negotiations	Cabinet/Executive	(Contract Procedure Rules 18.2 to 18.6) (at least 2 officers are required – see rule 18.6) Authority to undertake post tender negotiations
CX, DCXs, ADs and SMs In consultation with the relevant portfolio holder (consultation is not required for termination of low value or minor contracts (£15,000 or less))	Authority to terminate contracts	Cabinet/Executive	(Contract Procedure Rule 31) Authority to terminate contracts subject to consultation with the MO and S151 Officer

Revised Contract Procedure Rules (CPR) – Key Changes

Appendix 3

Current rule	New rule	Reason for change
No current comparable rule	<p>1 – Introduction</p> <p>This introduction includes “All thresholds referred to in these Rules are inclusive of VAT.”</p>	<p>To provide a basic introductory section detailing what these rules are and the purpose behind them.</p> <p>Made it clear that all values are inclusive of VAT throughout aligning with Procurement legislation.</p>
CPR Rule 4 - Relevant Contracts	<p>CPR Rule 3 – Relevant Contracts</p> <p>Added “Please note, the Council cannot simply choose to treat a project as a Grant in order to avoid complying with these Contract Procedure Rules. Grants will have different conditions with regards to procurement.</p> <p>Generally, procurement is required when the Council is acquiring goods, services, or works to meet its own needs, and it retains control over the specification and delivery of those services. A grant is awarded to support an activity that aligns with the Council’s objectives but is initiated and delivered by the recipient, who retains a degree of autonomy over the process.</p> <p>Where there is any clarity required, please contact the Procurement & Contracts service.”</p>	To provide a brief explanation regarding a Grant versus a procurement requirement.
No current comparable rule	5 – Conflicts of Interest	To provide details of what Officers must do with regards to procurement projects and conflicts of interest.
No current comparable rule	6 – Pre-Market Engagement	To provide details of what Officers can do with regards to engaging with suppliers prior to a procurement process.

Revised Contract Procedure Rules (CPR) – Key Changes

Appendix 3

<p>CPR Rule 3 – Exemptions/Variations</p>	<p>CPR Rule 7 – Exemptions</p> <p>Added an additional circumstance for an exemption (7.3.10):</p> <p>“where an existing contract is being re-procured and there are delays to that procurement process which means that the new contract cannot start at the expiry of the existing contract (this exemption cannot be for longer than 6-months and cannot make the contract a “convertible contract” under the Procurement Act 2023 by exceeding the applicable threshold).”</p>	<p>To enable a compliant approach where unexpected delays occur as part of a procurement process whereby officers can extend the existing contract for a period no longer than 6 months.</p>
<p>CPR Rule 8 – Framework Agreements</p>	<p>CPR Rule 11 – Frameworks</p> <p>In line with the new Procurement Act 2023, outlined the two framework options (Open and Closed).</p>	<p>To ensure officers comply with the new legislation when setting up frameworks.</p>
<p>No current comparable rule</p>	<p>CPR Rule 12 – Dynamic Markets</p>	<p>To provide details of Dynamic Markets (a type of framework) should there be a need to utilise.</p>
<p>CPR Rule 9 – Competition Requirements / Assets for Disposal</p> <p>£0 - £5,000 – One written quote -this should be a local provider wherever possible. A Purchase Order must be raised</p> <p>£5,001 - £10,000 – Two written quotes – one should be a local provider wherever possible. A Purchase Order must be raised</p> <p>£10,001 - £40,000 – At least three written quotes shall be sought and two must be received. Local providers must be given an opportunity to provide a quote, wherever possible. A purchase order must be raised</p> <p>£40,001 - £85,000 – At least five written quotations shall be sought via a Request for Quotation via the e-Tendering Portal.</p>	<p>CPR Rule 13 – Procurement Thresholds</p> <p>£0 - £6,250 – One written quote – this should be a local provider wherever possible. A Purchase Order must be raised.</p> <p>£6,250.01 - £12,500 - Two written quotes – one should be a local provider wherever possible. A Purchase Order must be raised</p> <p>£12,500.01 - £50,000 – At least three written quotes shall be sought. Local providers must be given an opportunity to provide a quote, wherever possible. A purchase order must be raised</p> <p>£50,000.01 - £100,000 – At least three written quotations shall be sought. A request for quotation via the e-Tendering portal is</p>	<p>Increase in thresholds is reflective of current figures being exclusive of VAT and proposed figures being inclusive of VAT.</p> <p>Slight increase in addition to this is to align with inflationary increases.</p> <p>Change to what was “at least five written quotations” to allow more flexibility to go out for a simpler quotation process where it is deemed appropriate. This is to enhance local supplier usage as they often don’t want</p>

Revised Contract Procedure Rules (CPR) – Key Changes

Appendix 3

<p>Local providers must be given an opportunity to provide a quote, wherever possible. A purchase order must be raised.</p> <p>£85,000 up to Procurement Act 2023 thresholds – Open tender via e-Tendering portal. A social value clause must be built into the specification and contract. (Public Service (Social Value) Act 2012). A purchase order must be raised.</p>	<p>recommended. The Procurement & Contracts service must be involved. Where a formal Request for Quotation process is not utilised, the Procurement & Contracts service must agree the alternative process (e.g., retrieving quotations from suppliers via email etc.). Local providers must be given an opportunity to provide a quote, wherever possible. A purchase order must be raised.</p> <p>£100,000.01 up to Procurement Act 2023 thresholds – Open tender via the e-Tendering portal & a below-threshold tender notice published on Find a Tender. Social value must be considered as part of the specification / award criteria. A purchase order must be raised.</p>	<p>to go through the effort of a formal procurement process.</p>
<p>CPR Rule 9 - Competition Requirements / Assets for Disposal</p> <p>9.2 Assets for Disposal</p>	<p>Removing Assets for Disposal section</p>	<p>Covered within Finance Procedure Rules which is considered to be the appropriate place.</p>
<p>CPR Rule 21 – Contract Management / Monitoring</p>	<p>CPR Rule 24 – Addition</p> <p>The Contract Manager must monitor the overall performance of the contract in line with the specification, agreed service levels and contract terms.</p> <p>The Contract Manager must ensure that they undertake contract management meetings with the supplier in line with the agreed timescales as per the contract.</p> <p>The Officer named in the Contract Register will act as the Contract Manager and will be responsible for ensuring the obligations of these Rules. The Procurement & Contracts service are available to be contacted for any contract management support.</p>	<p>To put more importance and emphasis on contract management and what officers are required to do as part of this.</p>

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Revised Contract Procedure Rules (CPR) – Key Changes

Appendix 3

<p>No current comparable rule</p>	<p>CPR Rule 25 – Contract Modifications</p>	<p>To ensure a clear process regarding contract changes/variatio</p>
<p>CPR Rule 22 – Post Contract Monitoring and Evaluation</p>	<p>CPR Rule 26 – Post Contract Monitoring and Evaluation - Addition</p> <p>Where the total value of the contract exceeds £5,000,000, the Contract Manager must assess performance at least once every 12 months. A Contract Performance Notice must be published – the Procurement & Contracts service can do this providing the relevant Officer provides them with the required information.</p> <p>If the supplier has breached the contract and the breach results in termination (or partial termination), award of damages, or a settlement agreement between both parties, a Contract Performance Notice must be published within 30 days of the relevant breach.</p> <p>Where a contract naturally expires or is terminated, a Contract Termination Notice must be published.</p>	<p>To align with Procurement Act 2023.</p>



Report To:	Cabinet
Date:	16 December 2025
Subject:	Local Council Tax Support Scheme 2026/27
Purpose:	To determine the Council Tax Support scheme, 2026/27
Key Decision:	N
Portfolio Holder:	Councillor Paul Redgate, Portfolio Holder for Finance
Report Of:	Russell Stone, Director of Finance (Section 151 Officer)
Report Author:	Sharon Hammond, Head of Revenues & Benefits
Ward(s) Affected:	All
Exempt Report:	No

Summary

This report presents the outcome of the consultation process for Cabinet's consideration and seeks its recommendation regarding the proposed Council Tax Support scheme for 2026/27.

Cabinet's final scheme recommendation will be submitted to Full Council for approval on 28 January 2026.

Recommendations

That Cabinet

1. Recommends that Full Council approve continuation of the current Council Tax Support scheme, updated in line with DWP's annual update of allowances and premiums, for 2026/27

and

2. Delegates approval for developing the 2026/27 scheme rules in accordance with recommendation 1. above to the Director of Finance and Section 151 Officer, in consultation with the Portfolio Holder for Finance as appropriate, including prescribed, administrative and minor changes.

Reasons for Recommendations

Full Council must make any revision to its scheme, or any replacement, and agree its final scheme no later than 11th March 2026 in respect of the 2026/27 financial year.

The recommendation has regard to the earlier deliberations of Cabinet, and the outcome of the consultation process for a continuation scheme.

Up-rating in line with Department for Work and Pensions (DWP) will ensure the scheme continues to support the most vulnerable and low-income households by using nationally recognised rates of DWP income.

Other Options Considered

Options were considered previously by Cabinet, leading to consultation on a continuation scheme.

1. Background

- 1.1. Local Council Tax Support schemes replaced the former national Council Tax Benefit scheme from April 2013, with government placing the duty to create a local scheme for working age applicants with billing authorities. Central funding was reduced and then, in subsequent years subsumed into other grants paid to local authorities. It is no longer possible to identify the amount of funding provided by central government.
- 1.2. This annual review relates only to Working Age claimants as the scheme for pensioners continues to be prescribed by government, allowing up to 100% support against Council Tax liability. The council has no power to change the level of support for pensioners. In addition, the local scheme protections for War pensioners and Care Leavers up to the age of 25 are not affected by any scheme review proposals.
- 1.3 Following a fundamental review last year, from 1 April 2025 South Holland District Council's scheme provides a maximum level of support for working age claimants up to 85% for households with children and 75% for other households. The working age scheme currently supports 2,575 working age claimant households, costing £2.5million (of which £292k is the cost to this Council).
- 1.4 A breakdown of total current caseload and expenditure is shown in the table below.

	Current Caseload Count	2025/26 CTS Expenditure	Cost to South Holland District Council (11.81%)
All Groups	4,951	£5,239,816	£618,822
Pensioner	2,376	£2,767,888	£326,888

Working Age	2,575	£2,471,928	£291,936
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- 1.5 An Exceptional Hardship Fund, administered under discretionary provisions of Section 13A (1) (c) Local Government Finance Act 1992 is in place, operating alongside the Council Tax Support scheme.

2. 2026/27 Scheme Consultation

- 2.1 Cabinet decided at its meeting on 16 September 2025 to consult on continuation of the current Council Tax Support scheme, including uprating in line with DWP's annual updating of allowances and premiums for 2026/27.
- 2.2 In line with statutory requirements, consultation has been carried out with major precepting authorities, and other persons likely to have an interest in the operation of the scheme. The consultation took place between 23 September and 8 November 2025.
- 2.3 Major precepting authorities have been consulted on the proposals.

Lincolnshire Police and Crime Commissioner's response noted the proposal to retain the current scheme for 2026/27, uprated in line with DWP.

Lincolnshire County Council responded that as a major preceptor, it supported the Council's proposal for 2026/27 to retain the current scheme, in line with DWP upratings.

- 2.4 The wider public consultation included publicity through media release, website and social media. A total of 29 responses were received. With such a low response rate it is recognised that the results cannot be relied upon as being wholly representative or statistically significant.
- 2.5 The survey asked whether respondents agree with the proposal to continue the current CTS scheme, which provides up to 85% support for households with Children and 75% for other households. High level findings are summarised (*note percentages have been rounded*): -

- 61% of the respondents agree that the Council should continue its current scheme for 2026/27.
- 29% did not agree.
These respondents were asked what level of support they feel the council should offer. Responses were mixed, with some supporting maintaining or increasing help for those in need, but also resistance from individuals who feel the system is inequitable or overly generous.
- 11% didn't know if they agreed with the proposal.

General feedback highlights strong support for helping vulnerable groups, including low-income families.

- 2.6 The full consultation report is shown at Appendix A.

3. Conclusion

- 3.1. In making the decision to consult on a continuation scheme for 2026/27, Cabinet had regard to the current economic challenges and recognised the impact a reduction in the scheme would have at this time on working age claimant households. Continuation of the scheme will provide some stability in respect of Council Tax.
- 3.2. Although there was a low response to the consultation, the majority of respondents agreed with the proposal for continuation of the current scheme.
- 3.3. The recommendation for continuation of the current scheme is also consistent with the Council's original intention for the scheme changes made in 2025/26 to be reviewed after the first full year of operation, to consider performance and determine if any further modification is required.

Implications

South and East Lincolnshire Councils Partnership

None

Corporate Priorities

None

Staffing

None

Workforce Capacity Implications

None

Constitutional and Legal Implications

The authority is required to make its Local Council Tax Support Scheme, including any revised or replacement schemes, in accordance with the Local Government Finance Act 1992.

Final scheme rules will incorporate provision for pensioners, as prescribed by central government.

Data Protection

None

Financial

Continuation of the current scheme will be factored into the Council's budgets and included in the 2026/27 Budget and Medium-Term Financial Strategy.

Risk Management

None

Stakeholder / Consultation / Timescales

The Section 151 Officer and Portfolio Holder for Finance have been consulted.

Legislation requires consultation to be carried out with major precepting authorities, the public and other stakeholders where changes to the scheme are proposed. Consultation has been carried out, as detailed in section 2 of this report and Appendix 1 to this report.

Reputation

None

Contracts

None

Crime and Disorder

None

Equality and Diversity / Human Rights / Safeguarding

The Council Tax Support scheme continues to be administered based on the principles of the previous national Council Tax Benefit scheme and retains the core features that recognise additional needs of the disabled, those with children and those with caring responsibilities.

Health and Wellbeing

None

Climate Change and Environment Impact Assessment

Not undertaken

Acronyms

CTS – Council Tax Support
DWP Department for Work and Pensions

Appendices

Appendices are listed below and attached to the back of the report:

Appendix 1 Consultation Report

Background Papers

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

Chronological History of this Report

None

Report Approval

Report author:	Sharon Hammond, Head of Revenues & Benefits Sharon.Hammond@pspsl.co.uk
Signed off by:	Russell Stone, Director of Finance and Section 151 Officer Russell.stone@sholland.gov.uk
Approved for publication:	Councillor Paul Redgate, Portfolio Holder for Finance

**Council Tax Support Scheme 2026/27
South Holland District Council
Consultation Report
Published**

“You Said, We Listened”



Introduction to this consultation

1. This report contains the responses received for the Council Tax Support Scheme 2026/27 consultation which took place between 23rd September 2025 and 8th November 2025.

All respondents were informed that from April 2025, the Council had offered a scheme that provided up to 85% of Council Tax Support for working age households with children and up to 75% for households without children.

They were also informed that the Council was currently facing considerable financial challenges to produce a balanced budget, as was required by law. However, it recognised how important Council Tax Support was for some households in the community and as such was consulting on continuing the current scheme.

2. The exercise was performed to gain the views of residents on the proposed modifications to the Council Tax Support Scheme for the 2026/27 financial year.

Methodology

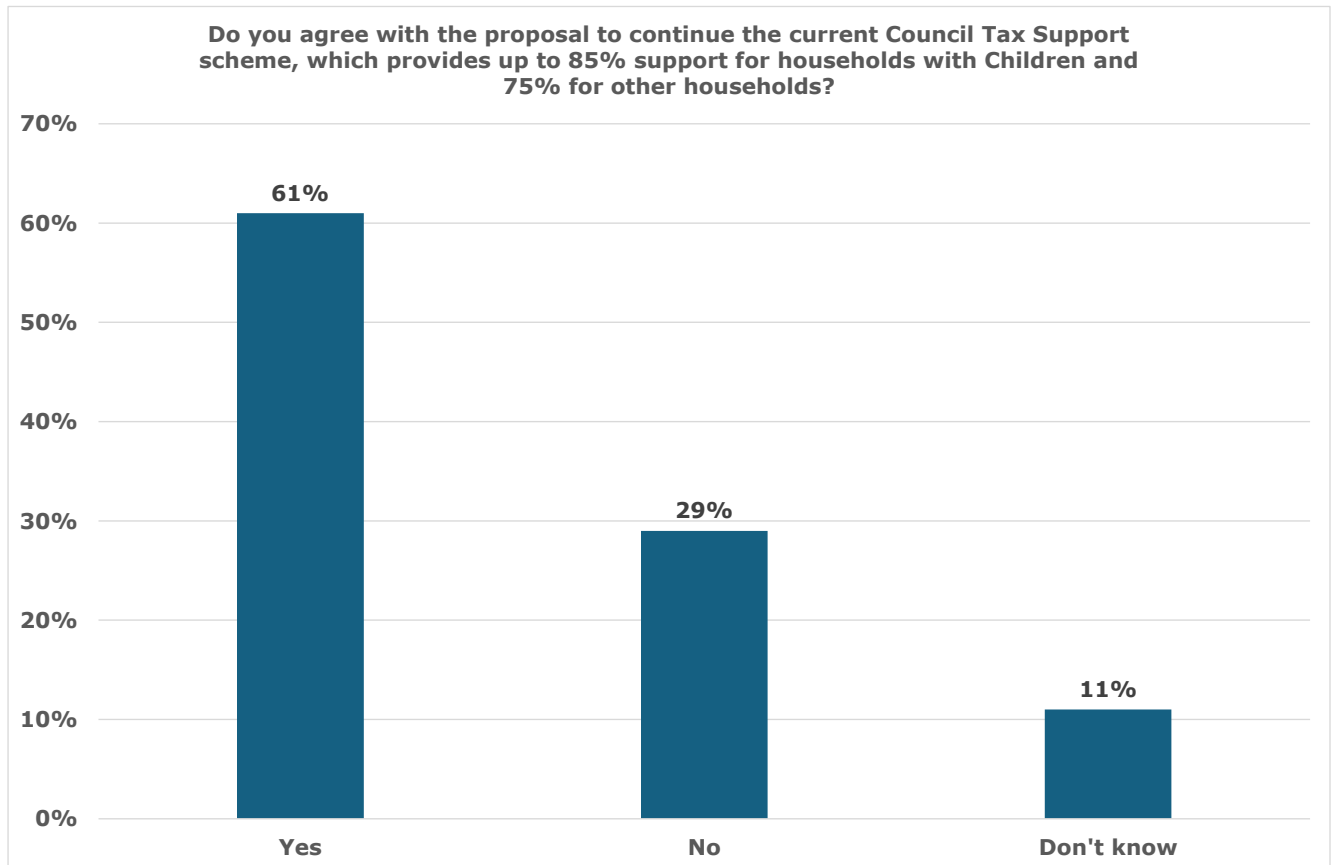
3. The consultation, which was available in both hard copy and online, was promoted in a number of ways.
 - A media release was circulated announcing the proposals for the Council Tax Support Scheme 2026/27. The media release also provided residents with details of the consultation exercise being undertaken and details of how to complete or request a paper copy of the consultation.
 - A letter was forwarded to precepting Authorities on 29th September 2025, inviting them to give their views on the proposals for 2026/27.
 - Social media; Facebook and Twitter were also used to inform residents that the consultation exercise was being undertaken.
 - A homepage banner was placed on South Holland District Council's website to draw attention to the consultation.
 - The questionnaire was also made available for people to complete on South Holland District Council's website.
4. It should be noted that base data has been rounded to the nearest number (so may add up to between 99% and 101%.) No comparisons have been made with the previous consultation exercise undertaken in 2024 as the questions in the consultation have been revised.

Response Rate

5. 29 electronic responses were received.
6. In addition, written responses were received from Lincolnshire County Council and the Lincolnshire Police and Crime Commissioner. Their responses are detailed at numbers 9 and 10 in this report.

Results and Analysis

7. All respondents were asked if they agreed with the proposal to continue the current Council Tax Support scheme, which provided up to 85% support for households with children and 75% for all other households. The chart below shows that 61% all respondents 'agreed' with the proposal, 29% 'did not agree', with the remaining 11% stating that they 'did not know' if they agreed with the proposal.



Those respondents that stated they 'did not agree' with the proposal were asked what level of support they felt the Council should offer. They were advised that their feedback would be helpful when it considered the scheme in future years. Two respondents suggested the Council should provide 50% Council Tax Support; one respondent suggested 50% for working households and 75% for pensioners, another suggested that vulnerable people should receive 100% Council Tax Support regardless of having children in their household and a further respondent felt that people on PIP and pensioners on low incomes should be exempt from paying Council Tax. One respondent commented that those on benefits received enough support already from Universal Credit and Central Government and another commented that they were fed up with their Council Tax increasing because some people did not pay it. They went on to say that they had worked all their life without being entitled to anything.

8. All respondents were given the opportunity to comment. A mixture of comments were made such as how important it was to care for the most vulnerable people and struggling families on low incomes. One respondent said that they were not aware the Council Tax Support scheme existed. Another suggested that single

occupancy households should receive 50% discount and not 25% discount. A further respondent suggested the Council should provide full Council Tax reduction for those with children. One person thought that the criteria for the scheme should be published on the Council's website. A full list of comments are listed below:

- I fully support struggling families/low-income households getting financial help/support. Are there ways of this being in the form of vouchers/ ways to ensure the children benefit directly?
- I think it should be full Council Tax reduction for those who have children
- I believe single occupancy households should receive more than a 25% discount. This should be 50%
- You need to provide more details on the other households? Agree with 85% for households with children where needed. Agree with pensioners receiving support.
- Wasn't even aware that there was such a scheme in place! Might have been missing out for ages then. No doubt those with kids are helped the most, not single people or couples!
- Help the pensioners
- Pensioners on a low income and/or on Pension Credit should have a discount available to them too - people don't become rich just because they've reached state pension age.
- Yes, because we are a family that struggle with payments not that we get the help, but I know how much a difference it would make to us if we did. So, it needs to carry on to help the others its already helping
- Time to think of the vulnerable and not the rich
- The scheme cannot come at the cost of putting Council Tax rates up for others. We are two parent working household and our Council Tax is the same as 2 weeks' worth of food shopping if not more. Paying Council Tax should not impact on purchasing essentials. Otherwise, you are forcing more families into this bracket of needing help.
- I have two things to add. 1) That the scheme criteria should be a published document, on your website, possibly with a flowchart, so that it is obvious how the calculations are done; one reason is so that people can calculate in advance how their Council Tax support would change if they changed jobs to a different wage or to different hours or moved to the district, because it makes a lot of difference if Council Tax would have to be paid in full, so people should be able to work this out in advance for themselves. 2) Please publish how other Councils do their calculations, if it is not identical nationwide, because apparently it is not identical in other Councils, even neighbouring ones, which begs the question what would happen when Council mergers happen in the following year, and this information has not been given to the public, it is not transparent. Perhaps you could write an article.
- It's important to care for the most vulnerable in society.

Responses from precepting authorities

9. A response was received from the Office of the Lincolnshire Police and Crime Commissioner stating that they noted the proposal to retain the current Council Tax Support scheme for 2026/27, updated in line with the Department of Works and

Pensions annual update of allowances and premiums.

10. A response was also received from Lincolnshire County Council confirming that as a major preceptor, they supported the Council's proposal for 2026/27, to retain the current scheme, updated in line with the Department for Works and Pensions upratings for 2026/27.

Contact:

For more information relating to this report contact:

- Jackie Todd, Consultation Officer at jackie.todd@e-lindsey.gov.uk or 01507 601111

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Report To:	South Holland District Council
Date:	Wednesday, 28 January 2025
Subject:	Housing Rents 2026/27
Purpose:	To seek Council approval for the proposed applicable rent increase allowable under the Direction on the Rent Standard 2026 for Council tenants and other housing tenures.
Key Decision:	No
Portfolio Holder:	Portfolio Holder for Strategic and Operational Housing
Report Of:	Vikki Cherry, Assistant Director – Housing
Report Author:	Vikki Cherry, Assistant Director – Housing
Ward(s) Affected:	(All Wards)
Exempt Report:	No

Summary

Each year local authority housing landlords are required to set Housing Revenue Account rents for the forthcoming financial year.

Local Authorities can increase social and affordable rents by the previous September's Consumer Price Index (CPI) plus 1%, in line with the Government's Policy on rents for social housing. This equates to a 4.8% rise for 2026/27.

In addition, the government is expected to announce rent convergence during January 2026, permitting landlords to charge an additional £1 or £2 per week on social rents.

When balanced against the operating costs of the Housing Revenue Account and the increasing demands of a proactively regulated environment, the proposed increase is considered proportionate to enable the Council to deliver decent, safe, and well-managed homes. Given the significant pressure on the HRA to fund high levels of capital investment in properties, this report recommends that social and affordable rents be set at the maximum level permitted under the 2026 Rent Standard.

Benchmarking indicates that the majority of social landlords are adopting this approach.

Recommendations

That:

- a) South Holland District Council approve the following rent increases for 2026/27:

Tenants of South Holland District Council properties let at affordable rent.	4.8%
Tenants of S106 units managed by the South Holland District Council.	4.8%
Shared ownership rents. (Leaseholders)	4.8%
Guest rooms and community centres for Council tenants.	4.8%
Alarm monitoring charges.	4.8%
Guest rooms and community centres for private hire.	4.8%
Homeless accommodation for individuals and families.	4.8%
Garages and garage plots.	4.8%

- b) South Holland District Council approve that, for 2026/27, rents for properties let at a social rent are set at the maximum level permitted under the 2026 Rent Standard.
- c) South Holland District Council approve that, for 2026/27, rents for South Holland Homes properties are set at the maximum level permitted under the 2026 Rent Standard.

Reasons for Recommendations

Setting rents at the maximum level permitted under the Rent Standard is essential to ensure the long-term sustainability of the Housing Revenue Account (HRA) and delivery of the 30-year HRA Business Plan. This approach enables the Council to generate sufficient income to:

- Fund essential capital investment in housing stock, including major component replacements (roofs, kitchens, bathrooms) and compliance works.
- Meet statutory obligations and regulatory standards, ensuring homes remain safe, decent, and energy-efficient.
- Deliver strategic priorities, such as achieving EPC C by 2030 and supporting decarbonisation programmes, which require significant match funding alongside government grants.
- Maintain and improve tenant services, while safeguarding the financial resilience of the HRA against inflationary pressures and future borrowing requirements.

Failure to maximise rental income would compromise the ability to invest in the existing stock, reduce reliance on external borrowing, and limit capacity for new development.

Other Options Considered

Consideration has been given to applying a lower increase. However, this would have a long-term detrimental impact on the Housing Revenue Account Business Plan. This would limit the Councils capital programmes for refurbishment and limit the Councils ability to deliver all of the expected outcomes of the Consumer Standards. **Not recommended.**

Consideration has been given to not applying a rent increase. However, this would significantly impact the Business Plan over the next thirty years. **Not recommended.**

Postpone the rent-setting decision until the Council meeting on 26 February 2026, to allow incorporation of the government announcement regarding rent convergence in January 2026. This timescale would not allow sufficient time for notice to be formally served on tenants (due to how Easter falls). **Not recommended.**

1. Background

- 1.1 The background information below and subsequent report sets out a proposal to increase rents and other associated charges by the maximum amount permitted under the Rent Standard 2026.
- 1.2 S76 of the Local Government and Housing Act 1989 sets out the Councils responsibility when setting rent increases. The primary objective of the Authority is to ensure that increases enable the Council to satisfy the requirement not to create a debit balance for the HRA. The proposal to increase rents supports the Council to achieve this and continue to deliver services where demand is increased such as repairs and a comprehensive capital programme.
- 1.3 The Council has a responsibility to set out how it meets its fiduciary duty. Ordinarily this would require demonstration of the Councils ability to obtain value for money on behalf of council taxpayers and rate payers, showing appropriate stewardship of public funds. In this proposal, the duty is limited to the ringfenced HRA. Therefore, the duty is to demonstrate to tenants and leaseholders that this decision has been taken in a business-like manner.
- 1.4 The Council must also act in accordance with the Wednesbury Principles. This requires the Council to act reasonably, having regard to all relevant considerations and disregarding all irrelevant considerations. In doing so, not reaching a decision that no reasonable authority would take. The relevant considerations are:
 - That not approving a rent increase would have a negative cumulative effect on the Councils rental income from 2026/27 and in perpetuity.
 - The substantial increase in operating costs, to enable the Council to fulfil all of statutory obligations together with delivering all of the outcomes of the

- consumer standards as set out by the Regulator of Social Housing.
 - The financial hardship caused to tenants who are expected to pay the full increase.
- 1.5 Like most social landlords, the Council has administered a hardship fund for its tenants for several years. It is proposed to continue to support this fund during 2026/27. In creating a support fund, the Council must be satisfied that this is a lawful debit to the HRA. The Council must ensure the debit only relates to property held under Section 74 of the Local Government and Housing Act 1989 and whether the expenditure can be debited from the HRA in accordance with Part II of Schedule 4 to the 1989 Act. It is considered a lawful debit to the HRA on the basis that such payments relate to supervision and management of houses and other property held in the HRA.
 - 1.6 Council tenants are entitled to receive legal notice notifying them of any rent increases or other charges due. Together with the required formal notice, the Council also provides information on how tenants can seek help if they are struggling with their rent payments or any challenges which may affect the sustainability of their tenancy. Tenants are reminded of the support and assistance their Housing Neighbourhood Officer can provide together with our Cost-Of-Living Team.
 - 1.7 All tenants will receive statutory notice advising them of their new rent. If approved, new rents will be applicable from the 6 April 2026. (Being the first Monday of the new rent year.)
 - 1.8 Tenants in receipt of services where a service charge is due will be consulted on charges for 2026/27 at the same time as receiving notice of any approved rent increase. In addition, any properties receiving major works where it would be appropriate to reassess the rent charged will be reviewed and rents re-set according to the maximum formula rent permissible.

2. Report

- 2.1 The recommendations set out in this report are that the Council increase rents and charges in line with the limits set out in the Direction on the Rent Standard 2026. Benchmarking has confirmed that most social housing providers are increasing their rents by the maximum permissible level. Alongside the traditional support to tenants, most providers set aside a specific fund to help support tenants determined to be in hardship.
- 2.2 Similar to other Registered Providers, the Council lets properties at social and affordable rents within the HRA. To date, the Rent Standard has set the same increase to both types of rent. The rent standard for 2026, differentiates the maximum permissible rent for affordable and social rents.
- 2.3 Affordable rent setting for 2026/27
- 2.4 Affordable rents were introduced by the government in 2011 as part of the Affordable Homes Programme 2011–2015, which aimed to deliver new social housing at rents of up to 80% of local market rent instead of traditional social rent levels.

- 2.5 As at 1/12/2025, the Council had 126 properties let at affordable rent in the HRA.
- 2.6 The maximum permissible rent increase for affordable rented properties for 2026/27 is CPI+1%. For 2026/27, CPI+1% equates to 4.8%.
- 2.7 The table below summarises the average weekly rent charged for affordable rent properties and the new average weekly rent due.

Number of bedrooms	Current average weekly rent for properties let at <u>affordable rent</u>	2026/27 average weekly rent for properties let at <u>affordable rent</u>
1	£105.86	£110.94
2	£133.93	£140.36
3	£150.70	£157.93
4	£184.53	£193.39
5	N/A	N/A

2.8 Social rent setting for 2026/27

- 2.9 In 2002, the government introduced a policy of ‘convergence’ to bring the rent of all social homes in line with the capped ‘formula’ rent over time. This was to address historic differences in rents across similar social homes that resulted from having been built in different time periods, regulatory and financial environments. This methodology stopped in 2015 followed by a variation of methodology for rent setting, as set out in the table below.

Years	Annual rent setting rules
2002 – 2015	RPI+0.5% + £2 per week
2015 – 2016	CPI+1%
2016 – 2020	Reduction by 1%
2020 – 2023	CPI+1%
2023 – 2024	CPI+1%, capped at 7%
2024 -2025	CPI+1%

- 2.10 As at 1/12/2025, the Council had 3,606 properties let at social rent in the HRA, with 98% of these below the cap (formula rent) due to the restriction applied by government in 2023/24, which limited increases to below CPI + 1%.
- 2.11 In July 2025, MHCLG consulted Registered Providers on the reintroduction of rent convergence, a mechanism that allows rents on properties let at social rent to increase by an additional amount (on top of CPI+1%) until they reach capped levels (formula rent). The consultation sought views on CPI+1%+£1 per week and CPI+1%+£2 per week.
- 2.12 An announcement was expected on rent convergence as part of the Budget on 26 November 2025 but has been delayed until January 2026 (exact date unknown).
- 2.13 At the point of writing the report, Officers are certain of a minimum permitted income increase of 4.8%, based on CPI (September) + 1%. The table below models the options of rent convergence.

No. of bedrooms	Current average <u>social rent</u> weekly rent	2026/27 average weekly rent for properties let at <u>social rent</u>		
		CPI+1% (guaranteed)	CPI+1% +£1*	CPI+1% + £2*
1	£83.07	£87.05	£88.00	£88.95
2	£94.96	£99.52	£100.47	£101.42
3	£104.01	£109.00	£109.98	£110.96
4	£112.40	£117.79	£118.79	£119.79
5	£129.79	£136.02	£137.02	£138.02

*The average rent has not increased by exactly £1 or £2, as certain properties are already let at the maximum formula rent levels, with rents being re-set when a property becomes void.

3. Conclusion

- 3.1. The recommendations set out in this report are in line with the HRA Business Plan which assumes rents will be increased by a minimum of CPI + 1%. (Amendments will be made following the announcement on rent convergence).
- 3.2. In order to safeguard the long-term financial sustainability of the Housing Revenue Account and deliver the Council's statutory obligations and investment priorities, it is essential that rents for 2026/27 are set at the maximum level permitted under the 2026 Rent Standard.
- 3.3. This approach ensures sufficient income to fund rising operating costs, maintain compliance with consumer standards, and support a comprehensive capital programme focused on improving the quality, safety, and energy efficiency of homes.
- 3.4. The Council remains committed to helping vulnerable tenants sustain their tenancies. We will continue to provide tailored support for those facing financial challenges and ensure the hardship fund is available to offer practical assistance when needed.

Implications

South and East Lincolnshire Councils Partnership

None.

Corporate Priorities

South Holland - local priorities. Engage with housing tenants to help shape service delivery in the district.

Staffing

None.

Workforce Capacity Implications

None.

Constitutional and Legal Implications

The background section to this report sets out the legal implications of the decision the Council is being asked to take. The decision is in line with the applicable rent standard and does not exceed the permissible rent increase for rent year 20226/27.

Data Protection

None.

Financial

The financial implications of the decisions to be taken within this report will be set out in detail in the budget proposed to Council for 2026/27, Medium Term Financial Strategy and the HRA Business Plan. A revised HRA Business Plan and Asset Management Strategy will be presented to Council for adoption on 28 January 2026. The business plan sets out the borrowing required to meet the government's minimum energy efficiency standards for social housing; raising rents to the maximum permitted levels will reduce the amount of borrowing required.

Risk Management

None.

Stakeholder / Consultation / Timescales

Consultation has been undertaken with the relevant Portfolio Holder. The decision to increase rent is for South Holland District Council to determine, this report has not been considered by other committees. In accordance with the Housing Act 1985 tenants are entitled to statutory notice which will be served if approval is given.

Tenants have recently been consulted on business plan modelling of which included discussions around the necessity to maximise income.

Reputation

The Council continues to deliver a capital programme of upgrades to its housing stock. Any increase to rents charged supports the continued investment in maintaining high quality housing stock. The proposals in this report are considered to support these primary objectives.

Contracts

None.

Crime and Disorder

None.

Equality and Diversity / Human Rights / Safeguarding

The Direction for the Rent Standard is set by MHCLG. The Council recognises that any additional expenditure may be challenging for tenants. We will ensure that tenants are clearly notified regarding any increases to rent charges. The support being offered to tenants will also be clearly documented, encouraging tenants to engage with the Council if they are likely to experience hardship. Tenants will also be made aware of the Councils Revenues and Benefits Team and the Department of Work and Pensions for support with Housing Costs. Housing Neighbourhood Officers, together with Cost-of-Living Response Officers are available to provide any additional one to one support as required.

Health and Wellbeing

None

Climate Change and Environment Impact Assessment

The HRA Business Plan includes provision for improvements to windows, doors, roofing and insulation. The Council has also engaged a programme of activity to support the green homes agenda to ensure that the EPC rating of all residential properties is improved in accordance with government guidelines. The proposals in this report will enable the Council to continue to deliver these programmes of improvement and meet government expectations around minimum energy efficiency standards.

Acronyms

CPI - Consumer Price Index.

HRA - Housing Revenue Account.

MHCLG – Ministry of Housing, Communities and Local Government

Appendices

None.

Background Papers

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

Chronological History of this Report

A report on this item has not been previously considered by a Council body.

Report Approval

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Signed off by: Vikki Cherry, Assistant Director - Housing
vcherry@sholland.gov.uk

Approved for publication: Cllr Tracey Carter, Portfolio Holder for Strategic and Operational Housing



Report To: South Holland District Council

Date: Wednesday, 28 January 2026

Subject: Delegated Authority to appoint persons to Inquorate Parish Councils

Purpose: To seek delegated authority for the Chief Executive to make Orders under Section 91 of the Local Government Act 1972, appointing named persons to be Parish Councillors on a temporary basis.

Key Decision: N

Portfolio Holder: Councillor Nick Worth, Leader

Report Of: John Medler, Assistant Director - Governance (Monitoring Officer)

Report Author: Forrest White, Democratic and Electoral Services Officer

Ward(s) Affected: All Wards

Exempt Report: N

Summary

To seek the Council's authority to delegate authority to the Chief Executive to make an Order under Section 91 of the Local Government Act 1972 at any time, to appoint named persons to be Parish Councillors on a temporary basis.

Recommendations

That delegated authority be granted to the Chief Executive, in consultation with District Ward Member(s) for the parish affected, to make such orders under Section 91 of the Local Government Act 1972, to appoint named persons to be Parish Councillors on a temporary basis, following the procedure set out in Appendix A.

Reasons for Recommendations

To streamline the process for making Orders under section 91(1), to ensure ongoing governance of Parish Councils for the benefit of the residents of the district, in circumstances where a Parish Council within the district becomes inquorate.

Other Options Considered

Do Nothing – by not having a delegation in place, an inquorate Parish Council would have to wait for the next scheduled meeting of the District Council for temporary Parish Councillors to be appointed.

1. Background

- 1.1 The district has 21 Parish Councils in its area and in the event of any of those Parish Councils becoming inquorate this will render the Parish Council unable to take any decisions, including around the public funds that it holds.
- 1.2 The Local Government Act 1972 contains a provision designed to address this issue, providing that district Councils may appoint persons temporarily to make the Parish Council quorate until there are enough Parish Councillors, which will enable business to continue.
- 1.3 Under the Constitution there are currently no delegated powers for an officer of South Holland District Council to appoint temporary Councillors to inquorate parish councils, therefore the responsibility lies with Full Council to make these appointments.
- 1.4 Without timely interim appointments made, Parish Council's work is unable to take place.

2. Report

- 2.1 To ensure that temporary appointments can be made to inquorate Parish Councils as quickly as possible in the future, it is recommended that the Chief Executive be granted delegated authority, in consultation with the appropriate Ward Member(s).
- 2.2 Having an officer delegation from Full Council in place would mean that any undue delay could be avoided where the power to make a Section 91 Order needs to be used.
- 2.3 Although a procedure is not strictly necessary, to avoid any doubt or dispute regarding the process or validity of any temporary appointments made, a suggested procedure has been produced and is set out in Appendix A.

3. Conclusion

- 3.1 It is recommended that delegated authority be granted to the Chief Executive in consultation with District Ward Member(s) for the parish affected to make such

orders under Section 91 of the Local Government Act 1972 to appoint named persons to be Parish Councillors on a temporary basis.

Implications

South and East Lincolnshire Councils Partnership

None

Corporate Priorities

None

Staffing

None

Workforce Capacity Implications

None

Constitutional and Legal Implications

Under Section 91 of the Local Government Act 1972 the principal authority has the power (not duty) to appoint persons on a temporary basis to fill all or any of the vacant seats on inquorate parish councils.

Data Protection

None

Financial

None

Risk Management

Failure to make an Order to appoint interim persons to an inquorate parish council would render the council unable to operate and conduct its business.

Stakeholder / Consultation / Timescales

None

Reputation

None

Contracts

None

Crime and Disorder

None

Equality and Diversity / Human Rights / Safeguarding

None

Health and Wellbeing

None

Climate Change and Environment Impact Assessment

Not undertaken

Acronyms

None

Appendices

Appendices are listed below and attached to the back of the report:

Appendix A	Procedure for making temporary appointments to inquorate parish councils
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Background Papers

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

Chronological History of this Report

A report on this item has not been previously considered by a Council body

Report Approval

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Approved for publication:	Councillor Nick Worth, Leader

Procedure for Making Temporary Appointments to Parish Councils

This process enables South Holland District Council to make an Order to appoint persons to Parish Councils in the District area in accordance with Section 91 of the Local Government Act 1972.

1. The Clerk to a Parish Council notifies South Holland District Council that their authority is unable to operate due to being inquorate.
2. Electoral Services verifies the number of seats on that council and that it is inquorate. They also identify the minimum number of appointments required in order for the parish council to be quorate.
3. All ward members in the ward in which the parish council is located will be offered the opportunity to be appointed to the council as a temporary appointment until such time as the vacancies are filled by election or co-option. Where there are insufficient District ward members available for appointment to achieve a quorum, or there are more seats vacant than ward members, the relevant County division member(s) may also be approached.
4. All appointments will end once sufficient members are elected or co-opted to the parish council.
5. In the event that insufficient ward and county members are available and willing to be appointed in order to make up a quorum, the Chief Executive is authorised to appoint any other person, following consultation with the District ward member(s) for the parish affected.
6. In the event that no appointments can be made, the parish council will remain inquorate until elections are held resulting in sufficient numbers of parish councillors to be quorate.
7. In accordance with Section 91 (3) of the local Government Act 1972, the Chief Executive will send two copies of the Order to the Secretary of State. This will also be copied to the Clerk.

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