

CABINET

24 APRIL 2026

REPORT OF PORTFOLIO HOLDER FOR ASSETS & COMMUNITY SAFETY

A.1 PROPOSED NEW PROCUREMENT PROCEDURE RULES DEVELOPED THROUGH THE ESSEX PROCUREMENT PARTNERSHIP

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

In accordance with the Council's adopted Procurement Strategy, the report seeks Cabinet approval for the Procurement Procedure Rules developed through Essex Procurement Partnership to be recommended onto Full Council for adoption, replacing the Council's current Procurement Procedure Rules, contained with the Rules of Procedure set out in Part 5 of the Council's Constitution.

The report also provides a high-level update of the Local Government Reorganisation for Greater Essex, Procurement and Contracts System Working Group.

EXECUTIVE SUMMARY

Tendring District Council (TDC) forms part of the Essex Procurement Partnership (EPP) (Cabinet 21 February 2025 minute no. 128 refers) through its agreement to enter into a Collaboration Agreement for the delivery of joint procurement services for a three-year period together with:

- Braintree District Council
- Castle Point Borough Council
- Epping Forest District Council
- Essex County Council

The Parties agreed through the Collaboration Agreement to create common procurement documentation including common tender documents, a shared set of procurement rules and procurement strategy. Following Cabinet's recommendation Full Council adopted the Procurement Strategy on 25 March 2025 (minute no. 132).

The Parties also agreed, at the time as an interim measure, to adopt the EPP Procurement Rules where they were not in conflict with the Constitution of each Party. The Parties agreed with the objective of moving to formal joint procurement procedure rules to be embedded within their organisations over the period of the Agreement.

Reducing duplication is included within the rationale for collaboration both within the Collaboration Agreement and Procurement Strategy, as:

"Both in terms of procurement activities but also in documentation and adherence to procurement rules, allowing the Parties to focus on additional cost saving activity. This will also provide benefit to the entire supplier community, particularly Small to Medium Enterprises and Voluntary sector organisations, reducing the time to understand bid documents."

Through its decision making in 2025, Cabinet and Council were informed that following

adoption of the Procurement Strategy, a review of the Procurement Procedure Rules which had commenced and was in progress, would follow for approval, to meet the partnership's collaborative objectives.

The Portfolio Holder for Assets and Community Safety being responsible for procurement represents the Council at the Member Advisory Group (MAG) with elected members from each local authority. The MAG was established in September 2023 and provides executive member oversight of the EPP reviewing the performance of EPP in delivering against its objectives and acting as both critical friends and champions of the partnership.

The MAG met in January 2026, where officers informed Members that the draft Procurement Procedure Rules had been designed to provide a framework of best practice for all procurement activities to deliver against the Procurement Rules and support the Councils in achieving value for money and delivering the Councils' corporate objectives. The draft documentation, at that time, were being refined further for EPP purposes, following a review undertaken by TDC's Corporate Director (Law and Governance) and Corporate Governance, Performance and Procurement Manager.

In February 2026, the Leader of the Council and Portfolio Holder for Finance and Governance received a report detailing the impact of the levels for tender exercises on the Council's resources and capacity and being potentially disproportionate to increased costs for purchasing costs and services. Following consideration of the report granted for an interim period, an exemption applying to all procurements with the value of £50,000 - £100,000 to follow the Council's Request for Quotation Rules as set out in the Council's Procurement Procedure Rules. The exemption remains in place until the Council formally considers the revised Procurement Procedure Rules, which at the time were being drafted by the Essex Procurement Partnership, in accordance with the Council's adopted Procurement Strategy and Collaboration Agreement. Further information to support the exemption and increase in values is set out in the background section of this report.

High level Introduction to the new draft Procurement Procedure Rules ("the Rules"):

The draft Procurement Procedure Rules, set out at Appendix A, are new and if approved will replace the Council's existing Rules, however through development of the Rules, elements of the existing rules have been included where considered necessary to do so.

The new Rules are designed to provide a framework of best practice for all procurement activities which support the Council in achieving value for money and delivering the Council's corporate vision and priorities.

All Councils within EPP remain the Contracting Authority in all cases and the decision makers with regards to procurement activity and contract management. The Rules will apply to each member of the Partnership, following approval and adoption by the Councils, with the exception of Essex County Council whose Procurement Policy closely mirrors these.

Part 1 of the Rules, as set out in Appendix A, details the Roles and Responsibilities applicable to all Members and Officers, Part 2 sets out the Rules for all Tenders and Request for Quotations when conducting procurement activity and Part 2 is specifically for the EPP.

The Rules will form part of the Council's Constitution so apply to all Council Officers who should familiarise themselves with the content prior to commencing any procurement-based activity. Following adoption of the Rules, training will be provided across the Council.

It is important to note that these Rules relate to procurement activity and the Council's other Procedure Rules, such as Financial and decision making/governance requirements remain unaffected and still apply.

The EPP has a suite of process documents known as the **"Procedures"** which supports delivery of the Procurement Procedure Rules and the Council's adopted Procurement Strategy.

In producing new Rules, they had to reflect the National Procurement Policy Statement (NPPS) which sets out the UK Government's strategic priorities for public procurement and explains how contracting authorities must support their delivery. The NPPS is a statutory requirement under section 13 of the Procurement Act 2023, the latest version came into effect on 24 February 2025.

The Rules mirror the NPPS in focus on the following key strategic priorities:

- Delivering Value for Money
- Driving Economic Growth
- Enhancing Social Value
- Supporting Net Zero and Environmental Goals
- Improving Supplier Access and Market Diversity
- Commercial Capability and Innovation

Authorities must consider the NPPS in all procurement decisions and document how NPPS objectives influence their choices, and align processes with growth, social value, and capability goals. This is a new statutory requirement and will be necessary for all procurement activity irrespective of value (below Procurement Act 2023 threshold and above).

One of the main objectives of the Rules is to 'build' on existing procedure rules as part of ensuring that the Council's procurement activities and tenders continue to be carried out in accordance with the legislation, and in particular applying the principles of value for money, best value, public benefit, transparency, integrity, protection from fraud, fair treatment, consideration of SME, equal treatment and non-discrimination. These principles also apply to both procurements above the UK public procurement thresholds and those below.

The new Rules include a section on Spend Thresholds providing a classification of the sourcing activity (procurement route) based on contract value. This determines the correct process and establishes who leads the procurement process. The spend threshold is the first factor considered but Officers will need to consider the complexity of the requirement. If the requirement involves significant resources to implement, deliver, or manage for example, then spend alone may not be the determining factor.

The Rules provide different values to the existing rules and increased the Request for Quote process from £49,999 to £100,000 reflecting on inflation, resources and capacity. However, good governance and value for money is still provided through a number of controls.

It is recommended that upon adopted by the Council and training to Contracting Services across the Council, the Council's Internal Audit and Audit Committee review the Rules and operational requirements to ensure the Council's corporate governance requirements are being maintained. Any suggested revisions will be reported back to Cabinet by the end of 2026/27, ready for the next financial year.

Through Local Government Reorganisation, the Procurement and Contracts workstream across Greater Essex has been active and updates have been provided within the Report, with recommendations on next steps.

RECOMMENDATION(S)

It is recommended that Cabinet:

- (a) approves in principle, the draft Procurement Procedure Rules, as set out in Appendix A, as developed by Essex Procurement Partnership, of which Tendring District Council is an active Member Authority, for recommendation onto Full Council for adoption;**
- (b) subject to (a) delegates authority to the Corporate Director (Law & Governance), being responsible for the Council's corporate procurement function and Monitoring Officer, to make minor amendments and produce a final draft of the Procurement Procedure Rules in consultation with the Portfolio Holder for Assets and Community Safety, for Full Council to consider;**
- (c) recommends to Council that the final draft Procurement Procedures Rules be adopted, replacing the Council's current Procurement Procedure Rules, contained with the Rules of Procedure set out in Part 5 of the Council's Constitution;**
- (d) endorses the review to be undertaken by Internal Audit and the Audit Committee to ensure the Council's corporate governance requirements continue to be maintained through the new Rules and lessons learnt have been captured;**
- (e) notes the update of the activity within the Essex Procurement Partnership and the Local Government Reorganisation for Greater Essex, Procurement and Contracts System Working Group; and**
- (f) notes Officers will present the outcome of the detailed analysis of the Council's Contracts Register in due course in readiness for the transition phases of LGR.**

REASON(S) FOR THE RECOMMENDATION(S)

Tendring District Council (TDC) forms part of the Essex Procurement Partnership (EPP) (Cabinet 21 February 2025 minute no. 128 refers) through its agreement to enter into a Collaboration Agreement for the delivery of joint procurement services for a three-year period together with:

- Braintree District Council
- Castle Point Borough Council
- Epping Forest District Council
- Essex County Council

The Parties agreed through the Collaboration Agreement to create common procurement documentation including common tender documents, a shared set of procurement rules and procurement strategy. Following Cabinet's recommendation Full Council adopted the

Procurement Strategy on 25 March 2025 (minute no. 132).

The Parties also agreed, at the time as an interim measure, to adopt the EPP Procurement Rules where they were not in conflict with the Constitution of each Party. The Parties agreed with the objective of moving to formal joint procurement procedure rules to be embedded within their organisations over the period of the Agreement.

Reducing duplication is included within the rationale for collaboration both within the Collaboration Agreement and Procurement Strategy, as:

- **Reduced Duplication** – Working together to have one common approach to procuring and social value will both create efficiencies for the procurement team and reduce administrative burden to those bidding for procurements. Small to Medium Enterprises and Voluntary Sector Organisations who tend to have limited resources to bid, should be particularly advantaged by this approach.

In addition, recommending the Procurement Procedure Rules onto Full Council to be included within the Council's Constitution ensures the Council has up to date, appropriate and proportionate controls, systems and standards to manage procurement risk and to comply with legal requirements.

Procurement is also a key workstream for the preparation of LGR, with more information provided elsewhere within the report.

ALTERNATIVE OPTIONS CONSIDERED

- (1) Not agreeing the EPP Procurement Procedure Rules for adoption by the Council, with the Council either continuing with its current Rules or creating a revised version.

Disbenefits – The Council did agree through adoption of the Procurement Strategy in 2025, it would work towards a common set of Procurement Procedure Rules, which the Council's own officers have been involved with. Resources would have been wasted, and it would be against the principles of the Collaboration Agreement the Council has signed up to.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Tendring District Council adopted its Corporate Plan 2024-28 ('Our Vision') at full Council in November 2023 (Minute No. 76 refers) with Community Leadership and listening to, and delivering for, our residents and businesses to be recognised as cross cutting elements of the Plan. The Corporate Plan Themes are:

- Pride in our area and services to residents
- Raising aspirations and creating opportunities
- Championing our local environment
- Working with partners to improve quality of life
- Promoting our heritage offer, attracting visitors and encouraging them to stay longer

- Financial Sustainability and openness

“To continue to deliver effective services and get things done we must look after the public purse; that means carefully planning what we do, managing capacity, and prioritising what we focus our time, money and assets on. Tough decisions will not be shied away from, but will be taken transparently, be well-informed, and based upon engagement with our residents. We will give clarity on where the Council spends the money it is provided with.”

A number of the Council's priorities and statutory services rely on the procurement function to deliver their objectives. From 24th February 2025, all contracting authorities were mandated to deliver the objectives as defined in the Act, being value for money, maximise public benefit and act with integrity throughout the procurement process.

The National Procurement Policy Statement (NPPS) is provided for at section 13 of the Act (which also came into force on 24 February 2025). Contracting authorities are required to have regard to the policy objectives contained within the NPPS that is current at the time they are carrying out a procurement.

The NPPS contains the following Priorities:

- **Delivering Value for Money:**
In carrying out a procurement covered by the Act, a contracting authority must have regard to the importance of delivering value for money. Achieving value for money is always the overarching priority in public procurement. This must include consideration of outcomes and quality to avoid waste from low value, poor quality bids. This means optimising the use of public funds by balancing effectiveness, efficiency and economy over the life cycle of a product, service or works to achieve the intended outcomes of the procurement. This includes wider socio-economic and environmental benefits and impacts. The Act will deliver a step change in the transparency of public procurement that will drive value for money, bringing greater visibility of pipelines of future opportunities through to individual contract performance. Contracting authorities will need to ensure they have the right capability to benefit from the new commercial tools and deliver greater value for money.
- **Driving economic growth and strengthening supply chains by giving small and medium-sized enterprises (SMEs) and voluntary, community and social enterprises (VCSEs) a fair chance, creating high quality jobs and championing innovation.**
- **Delivering social and economic value that supports the Government's missions including by working in partnership across organisational boundaries where appropriate.**
- **Ensuring the right commercial capability and standards are in place to procure and manage contracts effectively and to collaborate with other contracting authorities to deliver best value.**

In entering into the Collaboration Agreement for EPP, the Council agreed to create common procurement documentation including common tender documents, a shared set of procurement

rules and procurement strategy. Following Cabinet's recommendation Full Council adopted the Procurement Strategy on 25 March 2025 (minute no. 132).

The Parties also agreed, at the time as an interim measure, to adopt the EPP Procurement Rules where they were not in conflict with the Constitution of each Party. The Parties agreed with the objective of moving to formal joint procurement procedure rules to be embedded within their organisations over the period of the Agreement.

Reducing duplication is included within the rationale for collaboration both within the Collaboration Agreement and Procurement Strategy, as:

"Both in terms of procurement activities but also in documentation and adherence to procurement rules, allowing the Parties to focus on additional cost saving activity. This will also provide benefit to the entire supplier community, particularly Small to Medium Enterprises and Voluntary sector organisations, reducing the time to understand bid documents."

OUTCOME OF CONSULTATION AND ENGAGEMENT

Consultation has taken place in the creation of the Essex Procurement Partnership with representation across the member Councils, at elected Member, senior officer and operational levels. The document provided as Appendix A have been developed with these officers.

The EPP member authorities are now taking this proposal through their respective decision-making bodies.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Is the recommendation a Key Decision (see the criteria stated here)	No	If Yes, indicate which by which criteria it is a Key Decision	☐ Significant effect on two or more wards ☐ Involves £100,000 expenditure/income ☐ Is otherwise significant for the service budget
		And when was the proposed decision published in the Notice of forthcoming decisions for the Council (must be 28 days at the latest prior to the meeting date)	N/A

The Member Authorities have decided to work collaboratively together to pool resources to deliver day-to-day procurement activities and wider specialist procurement advice and support on behalf of each other.

The Collaboration Agreement entered into by the member authorities, documents how the parties will work collaboratively.

The Procurement Procedure Rules set out in Appendix A is currently in draft form, and Tendring District Council is the first member authority to take the document through its decision-making

processes. A delegation is recommended providing the Corporate Director (Law & Governance) to make minor amendments to the document, so long as the principles remain the same, and has already been working with EPP on the drafting of the current document.

A review of contracts also forms a huge part of the work programme for EPP, and this work will also feed into the LGR workstreams.

PART 5 CONSTITUTION - PROCUREMENT PROCEDURE RULES

The Council's Procurement Procedure Rules are contained within (Part 5) of the Constitution and therefore must be recommended onto Full Council for approval via Cabinet. Article 15 of the Constitution provides the Monitoring Officer with the authority to suggest proposed changes via reporting to Cabinet.

PROCUREMENT ACT 2023:

These objectives set out the matters contracting authorities must give proper consideration to in the course of carrying out a procurement:

- value for money;
- maximising public benefit;
- transparency; and
- integrity.

With respect to equal treatment and non-discrimination, the Act provides, at sections 12(2) and (3), that contracting authorities must treat suppliers the same unless a difference between suppliers justifies different treatment (equal treatment).

Ensuring value for money in procurement is key to ensuring the optimum utilisation of limited public resources. Within the Act there is the explicit recognition (at section 12(1)(a)) that value for money is a key objective of public procurement.

Section 12(4) requires contracting authorities to have regard to the difficulties faced by small and medium-sized enterprises (SMEs) who wish to participate in public procurements and consider whether these can be mitigated. The definition of SMEs is found in section 123(1).

The objectives in section 12 provide signifiers as to what contracting authorities must do, and have regard to, in order to carry out fair procurements in a proportionate manner; but a noticeable difference from the previous legislation is that there is no underlying principle of proportionality in the Act. That is not to say that proportionality is not an important principle. Under the Act, where proportionality must be considered, this is expressly set out in the relevant sections.

The Procurement Review Unit (PRU) will manage the oversight regime on behalf of the government. The PRU will monitor compliance by contracting authorities, focusing mainly on investigations into contracting authorities who demonstrate 'institutional non-compliance' across its procurements (section 108 of the Act). Their role could be seen as similar to the Local Government and Social Care and Housing Ombudsmen but not to determine on the lawfulness of any particular activity. If an investigation is being conducted, the PRU may by notice require the contracting authority to provide relevant documentation as is reasonably required for the

purposes of the investigation. It is an avenue, aggrieved suppliers can utilise, being able to raise queries akin to the current Ombudsman processes.

INFORMATION SHARING DUTY:

The Act creates an environment of 'transparency by default' by imposing procedural transparency obligations at each stage of the procurement so that contracting authorities are clear about exactly what they are required to publish.

The information-sharing objective at section 12(1)(c) complements these procedural transparency obligations by introducing an overarching, general requirement for contracting authorities to have regard to the importance of sharing information for the purpose of allowing suppliers and others to understand the authority's procurement policies and decisions.

This duty does allow the contracting authority some discretion in deciding what to share beyond the specific procedural transparency requirements although the purpose of the objective in its own right must be borne in mind.

Notices and Decisions made in respect of procurement activity will increase in scale and detail.

BEST VALUE DUTY:

The Best Value Duty relates to the statutory requirement for local authorities and other public bodies defined as best value authorities in the Local Government Act 1999 to "*make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness*".

The Best Value Statutory Guidance issued in May 2024, makes reference to the procurement function in 4 of the Best Value Themes demonstrating how important it regards the process to achieve value for money, and standards expected as characteristics of a well-functioning authority:

- **Governance** - *Effective procedures are in place and followed to ensure members and all officers comply with the Nolan Principles, relevant codes of conduct and policies, including procurement. This includes adequate protections and support for whistle-blowers and adherence to Contract Procedure Rules.*
- **Use of resources** - *Sustainable corporate functions including procurement and IT which deliver value for money.*
- **Service delivery** - *Procurement processes ensure economic, efficient and effective outcomes of contract procurement and management.*
- **Partnerships and community engagement** - *The authority drives social and environmental value in their place through mechanisms like procurement and employment.*

An indicator of failure is described as having inefficient or uncompetitive procurement arrangements that do not deliver value for money.

YES	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:
------------	--

The Monitoring Officer is the author of this report.

FINANCE AND OTHER RESOURCE IMPLICATIONS

One of the revisions proposed is to increase the Request for Quote (RFQ) process from £50,000 to £100,000, other partners within EPP will also be suggesting the increase in values. The values for RFQ have not been reviewed for at least 15 years and are therefore considered potentially disproportionate to the increase in costs for purchasing goods and services, and the Council's resources are being impacted, due to increase in procurement activity by undertaking a full tender process. General inflationary uplifts for the last 15 years would approximately equate to £50,000 being the value of £80,000 in present terms. The approach adopted can also be seen as the start of the necessary alignment processes required as part LGR activities, whilst also continuing to balance value for money, assurance and good governance.

As part of any governance process, through its operational implementation, it is recognised that adjustments might be required within the above context which can be responded to in a timely manner via delegations within the recommendations above.

YES	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:
------------	---

There are no significant comments over and above those set out elsewhere in the report. It is however worth highlighting the original context of the proposed approach by 'building' on the current partnership arrangements to support the Council's on-going best value / value for money arrangements through the implementation of frameworks of best practice, with the procurement policy being a key document for the Council. It is also noted that this underlying approach will be further supported via internal reviews such as those by the Audit Committee that enable the Council to continue to maximise opportunities for strengthening arrangements over the next two years and as part of the wider LGR activities.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	Covered elsewhere throughout the report.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	

MILESTONES AND DELIVERY

Subject to Cabinet's decision - Procurement Procedure Rules recommended to Full Council for adoption as part of the Council's Rules of Procedure within Part 5 of the Council's Constitution – Council meeting on 2 June 2026.

Continuation of raising awareness of the Procurement Act requirements, Collaboration

Agreement and Prioritisation Approach, Procurement Strategy and the recommended revised Procurement Procedure Rules with staff and stakeholders from May 2026 onwards.

Review by Internal Audit and Audit Committee later in 2026 in readiness for any revised recommendations to be considered by the end of 26/27.

ASSOCIATED RISKS AND MITIGATION

There is a risk that with a wider Essex Procurement Partnership, Tendring District Council's procurement activity is reduced in prioritisation however, this is mitigated through further development of the Procurement Project Pipeline for Tendring and referenced in the Collaboration Agreement (Schedule 3).

The agreed Prioritisation Approach sets out the order in which sourcing projects of each Authority are undertaken. Projects will be evaluated in line with the Prioritisation Tool embedded within Schedule 3 as follows:

- a. Projects graded A-E will be placed on the forward plan.
- b. Projects with time limited funding or where the contract will expire will be prioritised in line with the parameters set out in sourcing grading tool.
- c. All other projects will be scheduled on the forward plan considering when the contract is required and in order of the grading i.e. Grade A first

Where a project not on the forward plan requires immediate resource, the grading will be assessed against projects currently being undertaken and where there is an opportunity to pause an existing project this will be done to enable the urgent project to be undertaken.

Where a project cannot go ahead due to resource not being available, discussions will be held with the member Authority affected to consider options for example a short exemption to enable a procurement to be undertaken. The Partners Working Group will be updated as part of the monthly reporting cycle.

The robustness of the Council's Procurement Project Pipeline is essential to feed into the Prioritisation Approach and to date the quality and timeliness of the information has put the procurement resources under particular strain. Further discipline is required across the Council's services to understand the importance of the data and the consequences of failing to keep the information up to date.

EQUALITY IMPLICATIONS

The Public Sector Equality Duty applies to the Council when it makes decisions.

The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation.

The Act states that ‘marriage and civil partnership’ is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

SOCIAL VALUE CONSIDERATIONS

One of the key objectives of the partnership between EPP has been to introduce a common approach to social value/climate agenda to sourcing activity for members.

At its meeting in November 2024 (Minute No. 82), Cabinet approved a Social Value Policy to demonstrate how the Council will deliver corporate priorities by achieving social value through procurement. Ensuring the additional benefit to the community which we can derive, over and above the direct purchasing of goods, services and outcomes, where these quality criteria are relevant and proportionate to the subject matter of the contract and non-discriminatory.

IMPLICATIONS RELATED TO DEVOLUTION AND/OR LOCAL GOVERNMENT REORGANISATION

As part of the preparation for Local Government Reorganisation, a number of working groups has been established across Greater Essex, of which the Procurement & Contracts System Working Group is one.

The terms of reference for the group are wider than the remit of EPP, however all of the partner member authorities are involved with the Working Group and there is a degree of overlap with the work being undertaken within EPP, although it is not duplication but using resources collectively to support the procurement and contracts function. Its Objectives cover:

- Ensuring new Unitary Authorities have a good understanding of their third-party commitments, high level opportunities and risk and priority activities to enable decisions to be made quickly and with the right information on how to deliver third party provided services to residents.
- Giving visibility of key procurement decisions which will be inherited by the new Unitary Authorities to representatives across existing councils to enable influence over decision making.
- Enabling alignment of procurement practices and policies where possible, which will support procurement staff to quickly adapt in the new Unitary Authorities, improving delivery of the procurement service. Alignment also supports businesses working with the existing and future Councils, particularly SME's, through standardisation of bidding documentation and approaches.
- Supporting transparent decision making and partnership principles between now and vesting day with regards to contracting activity, continuing to deliver best value and support collaborative decision making.
- Enabling senior leadership across the Essex system to understand the requirements for effective sourcing and management of third party spend ahead of the creation of the Unitary Authorities.

- To identify current and required contract management practice.

Recent activity within the Working Group is being focused at this stage on the following outcomes:

- (a) Developed Contracts Registers from each existing Authority that accurately reflect those Council's third party spend.
- (b) An analysis report, created by Crown Commercial Services, considering the Contracts Registers data and identifies:
 - Breakdown by spend category and sub-category (where appropriate)
 - Opportunities to merge / extend / transfer contracts
 - Opportunities to aggregate contracts
 - Opportunities to collaborate where councils have suppliers in common
 - Contracts which present risk, e.g. long-term contracts which extend beyond the "Vesting Day" of any new Unitary Authorities
- (c) This report will be used by the LGR Procurement System Working Group to identify procurement opportunities and risks for the Unitary Authorities.
- (d) Identification of Strategic suppliers including those undertaking critical activities
- (e) Aligned procurement practice with a common contracts register format and LGR clauses with the ambition to agree common procurement documentation with LGR Procurement Workstream Members.
- (f) Review of Contract Management Activity – Review current approaches, consider best practice and consider where there may be gaps

EPP currently consists of three of the four predecessor councils that will be abolished and replaced with the new proposed North East Essex Unitary Council. EPP has already developed a positive collaboration with a strong collective culture, working together with shared aims and objectives, developing common documentation, which can only be a huge benefit working towards Vesting Day on 1st April 2028.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050

Our Social Value Themes, Outcomes and Measures (TOMs) adopted in November 2024, have been agreed by our partners to directly to contribute towards achieving each partner's Corporate Priorities. TOMs will be used in the evaluation process, and which ones are used will be dependent on the nature of the procurement. Tenderers will have to demonstrate they will achieve benefits in the TOM to score points. The Measures represent added value that we would like our suppliers to deliver locally to the respective Borough, City or District of the Contracting Authority and as a result of the contract being tendered unless otherwise stated in the tender documents.

Within the Policy: Priority 4 (**Theme**) 'A *high-quality environment*', **Outcome** – "Suppliers contribute to the delivery of net zero targets; reduced greenhouse gases; reduced waste; and strengthened climate resilience'. For an example "**Measure** - Saving car miles on the contract through green transport programmes such as cycle to work and car-pooling programmes or public transport' (EPP23a)

OTHER RELEVANT CONSIDERATIONS OR IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder	There are no implications from the subject matter of this report, however each project and new procurement opportunity will consider these implications through the individual decision making.
Health Inequalities	
Area or Ward affected	None

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Collaboration Agreement sets out how EPP will deliver the objectives in detail and the governance structure which oversees its operation.

The Member Advisory Group works closely with the Strategic Officer Group, consisting of Director level representation from each EPP Member Authority with responsibility for:

- Setting the strategic direction of the collaboration, ensuring the service meets the defined service objectives.
- Agreeing the priorities of the collaboration within the resources available and supporting the process for ensuring sufficient resources are provided by each party to enable the objectives to be delivered.
- Monitoring the performance of the service delivered by the Lead Party (ECC) to ensure it is working effectively and in line with the work plan agreed by the parties.
- Agreeing to the growth of the collaboration with new Local Authorities joining.

The above groups are supported by the Officer Operational Group and Partner Working Group with a greater operational focus to ensure confidence that sourcing activity is being done effectively and demands from each Member Authority are being effectively met.

These groups ensure that the work and strategic direction of EPP and procurement in the Member Authorities are set by the parties in partnership. It is a collaboration of resources from across these Member Authorities rather than a service being delivered by one Council on behalf of others although as the Lead Party, ECC will have some additional responsibilities as set out in this report.

The objectives of the Procurement Act 2023 transform public sector procurement, driving innovation, delivering better outcomes and embedding transparency at each point of the procurement pathway. Crucially, it will let everyone access procurement data and understand

how money has been spent.

In line with the above objectives, the Act sets out the following four stages, note the emphasis on pre procurement activity:

- Plan
- Define
- Procure
- Manage

The new act brings in considerable flexibility, but this requires planning and defining the route to be taken ahead of procurement. EPP have undertaken a significant amount of training on the new Act and have worked with Essex County Council to develop procurement approaches, standard templates etc. for the new Act.

The Government's Commercial Function produced on 29 January 2025, an updated short guide for Senior Leaders on the Act, some extracts are included for reference.

It will create simpler, more flexible and effective procurement. The Procurement Act will bring a range of benefits, including:

- creating a simpler and more flexible commercial system that better meets our country's needs, while remaining compliant with our international obligations.
- opening up public procurement to new entrants, such as small businesses and social enterprises, so that they can compete for and win more public contracts.
- taking tougher action on underperforming suppliers and excluding suppliers who pose unacceptable risks.
- embedding transparency throughout the commercial lifecycle so that the spending of taxpayers' money can be properly scrutinised.

The purpose of the new Rules is to create flexibility and enhancing the use of SMEs, whilst achieving Value for Money and Best Value duties. The Rules set out roles and responsibilities and should be clear and easy to follow, and training undertaken across the Council.

The new Rules have been developed via Essex Procurement Partnership, giving consideration to the requirements of existing and new legislation, National Procurement Policy Statement and best practice being adopted. Whilst the new rules will replace those contained within the Council's Constitution, the existing rules have been used to form the basis of the review and the Council's Corporate Director (Law and Governance) and Corporate Governance, Performance and Procurement Manager, have been heavily involved.

PREVIOUS RELEVANT DECISIONS

Cabinet 21st February 2025 (minute no. 129) Essex Procurement Partnership Update and Procurement Strategy.

Full Council 25th March 2025 (minute no. 132) Adoption of the Procurement Strategy.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

APPENDIX A – Draft Procurement Procedure Rules

REPORT CONTACT OFFICER(S)

Name	Lisa Hastings
Job Title	Corporate Director (Law & Governance) and Monitoring Officer
Email/Telephone	lhastings@tendringdc.gov.uk 01255 686561