

COUNCIL

2 JUNE 2026

JOINT REPORT OF THE MONITORING OFFICER AND THE CABINET

A.1 PROPOSED AMENDMENTS TO THE COUNCIL'S CONSTITUTION: NEW PROCUREMENT PROCEDURE RULES

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To enable Council to consider proposed amendments to the Council's Constitution in respect of the Procurement Procedure Rules.

EXECUTIVE SUMMARY

At its formal meeting held on 24 April 2026 (minute 140 refers), and in accordance with the Council's adopted Procurement Strategy, Cabinet considered a report of the Assets & Community Safety Portfolio Holder (A.1) which sought Cabinet's approval for the Procurement Procedure Rules developed through Essex Procurement Partnership to be recommended onto Full Council for adoption, thereby replacing the Council's current Procurement Procedure Rules, contained within the Rules of Procedure set out in Part 5 of the Council's Constitution. The report also provided a high-level update of the Local Government Reorganisation for Greater Essex, Procurement and Contracts System Working Group.

Cabinet had resolved *"that Cabinet -*

- (a) approves in principle, the draft Procurement Procedure Rules, as set out in Appendix A to report A.1, as developed by the Essex Procurement Partnership, of which Tendring District Council is an active Member Authority, for recommendation onto Full Council for adoption;*
- (b) authorises the Corporate Director (Law & Governance), being the responsible Officer for the Council's corporate procurement function and the Council's statutory Monitoring Officer, to make any necessary minor amendments and to 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, as contained within the Rules of Procedure set out in Part 5 of the Council's Constitution;*
- (d) endorses the review to be undertaken by both 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."*

Cabinet resolution (c) is pertinent to this meeting of the full Council.

RECOMMENDATION

That the final draft Procurement Procedures Rules, as set out at Appendix 1 to this report, be approved and formally adopted, and that they replace, with immediate effect, the Council's current Procurement Procedure Rules, as contained with the Rules of Procedure set out in Part 5 of the Council's Constitution.

REASON(S) FOR THE RECOMMENDATION(S)

Having considered the Cabinet's recommendation arising from its consideration of the aforementioned matter, and to enable that recommendation to be approved and adopted.

ALTERNATIVE OPTIONS CONSIDERED

- (1) Not to approve the Cabinet's recommendation; or
- (2) To amend or substitute the Cabinet's recommendation.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Agreeing the proposed change will ensure that the Council demonstrates good governance and operates efficiently in pursuit of its priorities. 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.

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 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)	YES/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	Not Applicable in this instance

		Council (must be 28 days at the latest prior to the meeting date)	
X	The Monitoring Officer confirms they have been made aware of the above and any additional comments from them are below:		
Article 15 of the Council's Constitution provides that changes to the Constitution are approved by Full Council after receiving a recommendation from Cabinet following consideration of a proposal from the Monitoring Officer and a recommendation via the Portfolio Holder with responsibility for corporate governance. Article 15 also provides authority to the Monitoring Officer to make minor changes to the Constitution arising from changes to the organisational structure of the Council. Article 12 of the Constitution provides that the Council's Monitoring Officer will ensure the Constitution is up to date. This function takes into account legislative requirements and best practice. In accordance with Section 37 of the Local Government Act 2000, as amended, a local authority, operating executive arrangements, must prepare and keep up to date a document which contains a copy of the authority's standing orders for the time being and such other information as the authority considers appropriate. Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended, sets out functions which must not be the responsibility of the Executive and therefore rests with Council or its committees. The power to make amendments to the standing orders and the Constitution rests with full Council. All comments within the Monitoring Officer's responsibility are picked up throughout the content of the report, where the principles around Officers exercising delegated powers is being emphasised. This is also to reflect the requirements of the revised Best Value Statutory Guidance issued in May 2024. The Monitoring Officer was the author of the original report to Cabinet in April 2026.			
FINANCE AND OTHER RESOURCE IMPLICATIONS			
Risk			
Providing clarity through clearer and consistent procedure rules contained within the Constitution prevents confusion and different interpretation and enhances the Council's overall governance arrangements.			
X	The Section 151 Officer confirms they have been made aware of the above and any additional comments from them are below:		
There are no comments over and above those set out in the report to Cabinet which is appended to this report.			
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;		Best value authorities must demonstrate good governance, including a positive organisational culture, across all their functions and effective risk management.	

B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The Constitution sets out the Council's standing orders and associated scheme of delegation, policies and procedures for decision making.
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.	Governance is a theme of the Best Value Duty and is described (amongst other things) as ensuring decision-making processes, within clear schemes of delegation, should be transparent, regularly reviewed, clearly followed and understood, enabling decision-makers to be held to account effectively. There should also be evidence of the decisions following good public law decision making principles (reasonableness, rationality, proportionality, legality, fairness etc).

MILESTONES AND DELIVERY

Submission of relevant recommendation to the formal Cabinet meeting held on 24 April 2026.

Submission of Cabinet's recommendation to Council for approval and adoption – 2 June 2026.

Implementation of approved change to the Constitution –immediate effect.

ASSOCIATED RISKS AND MITIGATION

Not implementing the amendment to the Constitution will negatively impact the Council's efficiency in its governance and procurement arrangements. The report to Cabinet which is appended to this report sets out further risks and mitigation.

EQUALITY IMPLICATIONS

The purpose of the Constitution is to:

- 1 Provide key elements of the Council's overall governance arrangements;
- 2 Enable decisions to be taken efficiently and effectively;
- 3 Create an effective means of holding decision-makers to public account;
- 4 Enable the Council to provide clear leadership to the community, working in partnership with the local community, businesses and other organisations for the long term well-being of the District;
- 5 Support the involvement of the local community in the process of local authority decision making;
- 6 Ensure that no one will review, or scrutinise, a decision in which they were directly involved;
- 7 Help Councillors represent their residents more effectively;
- 8 Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for their decisions; and
- 9 Provide the framework and structure in which cost effective quality services to the community are delivered.

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

These are detailed in the report to Cabinet which is appended to this report.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

These are detailed in the report to Cabinet which is appended to this report.

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	None
Health Inequalities	None
Area or Ward affected	None directly.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

At its meeting held on 24 April 2026 and in accordance with the Council's adopted Procurement Strategy, Cabinet had considered a report of the Assets & Community Safety Portfolio Holder (A.1) which had sought Cabinet's approval for the Procurement Procedure Rules developed through the Essex Procurement Partnership to be recommended onto Full Council for adoption, thereby replacing the Council's current Procurement Procedure Rules, contained within the Rules of Procedure set out in Part 5 of the Council's Constitution. The report had also provided a high-level update of the Local Government Reorganisation for Greater Essex, Procurement and Contracts System Working Group.

Members had been aware that Tendring District Council (TDC) formed part of the Essex Procurement Partnership (EPP) (Cabinet 21 February 2025 minute no. 128 referred) 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

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

The Parties had also agreed at that 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 had agreed this with the objective of moving to formal joint procurement procedure rules to be embedded within their respective organisations over the period of the Agreement.

Cabinet had been informed that reducing duplication was 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 had been 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.

Cabinet had recalled that the Portfolio Holder for Assets and Community Safety, being the Executive member responsible for procurement, represented this Council at the Member Advisory Group (MAG) with elected members from each local authority. The MAG had been established in September 2023 and provided executive member oversight of the EPP by reviewing the performance of EPP in delivering against its objectives and acting as both critical friends and champions of the partnership.

It had been reported that the MAG had met in January 2026, when Officers had 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, was being refined further for EPP purposes, following a review undertaken by this Council’s Corporate Director (Law and Governance) and the Corporate Governance, Performance and Procurement Manager.

Members had been made aware that, in February 2026, the Leader of the Council & Portfolio Holder for Corporate Finance and Governance had received a report detailing the impact of the levels for tender exercises on the Council’s resources and capacity and their being potentially disproportionate to the increased costs for purchasing costs and services. Following consideration of the report, the Leader of the Council had 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. That exemption remained in place until full Council formally considered 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.

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

Cabinet had been advised that the draft Procurement Procedure Rules were new and if approved would replace the Council’s existing Rules. However, through development of the Rules, elements of the existing rules had been included where it had been considered necessary to do so.

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

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

Part 1 of the Rules detailed the Roles and Responsibilities applicable to all Members and Officers, Part 2 set out the Rules for all Tenders and Request for Quotations when conducting procurement activity and Part 3 was specifically for the EPP.

The Rules would form part of the Council's Constitution and so would apply to all Council Officers who would need to familiarise themselves with their contents prior to commencing any procurement-based activity. Following adoption of the Rules, training would be provided across the Council, which would include, at a high level, to Members.

It was important to note that these Rules related to procurement activity and that the Council's other Procedure Rules, such as financial and decision making/governance requirements remain unaffected and still applied.

It was reported that the EPP had a suite of process documents known as the "Procedures" which supported delivery of the Procurement Procedure Rules and the Council's adopted Procurement Strategy.

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

It had been pointed out that the Rules mirrored the NPPS in their 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*

Cabinet had been advised that Authorities must consider the NPPS in all procurement decisions and document how NPPS objectives had influenced their choices, and to align processes with growth, social value, and capability goals. This was a new statutory requirement and would be necessary for all procurement activity irrespective of value (i.e. both below the Procurement Act 2023 threshold and above).

Members had been reminded that one of the main objectives of the Rules was to 'build' on existing procedure rules as part of ensuring that the Council's procurement activities and tenders continued 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. Those principles also applied to both procurements above the UK public procurement thresholds and those below.

It had been highlighted that the new Rules included a section on Spend Thresholds providing a classification of the sourcing activity (procurement route) based on contract value. This determined the correct process and established who led the procurement process. The spend threshold was the first factor considered but Officers would need to consider the complexity of the requirement. If the requirement involved significant resources to implement, deliver, or manage for example, then spend alone might not be the determining factor.

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

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

Cabinet had been informed that through Local Government Reorganisation, the Procurement and Contracts workstream across Greater Essex had been active and updates had been provided within the Portfolio Holder's report, with recommendations on next steps.

To reduce duplication and to ensure that the Council had up to date, appropriate and proportionate controls, systems and standards to manage procurement risk and to comply with legal requirements:-

Cabinet had duly **RESOLVED** that Cabinet -

- (a) *approves in principle, the draft Procurement Procedure Rules, as set out in Appendix A to report A.1, as developed by the Essex Procurement Partnership, of which Tendring District Council is an active Member Authority, for recommendation onto Full Council for adoption;*
- (b) *authorises the Corporate Director (Law & Governance), being the responsible Officer for the Council's corporate procurement function and the Council's statutory Monitoring Officer, to make any necessary minor amendments and to 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, as contained with the Rules of Procedure set out in Part 5 of the Council's Constitution;*
- (d) *endorses the review to be undertaken by both 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.*

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.

Cabinet 24th April 2026 (minute no. 140) Proposed new Procurement Procedure Rules

developed through the Essex Procurement Partnership.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

Published minutes of the Cabinet meeting held on 24 April 2026.

APPENDICES

Appendix 1 = Final draft Procurement Procedures Rules

Appendix 2 = Portfolio Holder for Assets and Community Safety's report (A.1) to the formal meeting of the Cabinet held on 24 April 2026.

REPORT CONTACT OFFICER(S)

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