



**PLEASE NOTE THAT PRAYERS WILL BE HELD AT 6.50PM BEFORE THE COMMENCEMENT OF THE BUSINESS OF THE COUNCIL.**

**THE MAYOR REQUESTS THAT ANY MEMBER WISHING TO PARTICIPATE IN PRAYERS BE IN ATTENDANCE BY NO LATER THAN 6.45PM.**

Dear Sir/Madam,

You are summoned to attend the meeting of the Borough Council of Newcastle-under-Lyme to be held in the **Queen Elizabeth II & Astley Rooms - Castle House, Barracks Road, Newcastle, Staffs. ST5 1BL** on **Wednesday, 21st January, 2026 at 7.00 pm.**

## **B U S I N E S S**

**1 APOLOGIES**

**2 DECLARATIONS OF INTEREST**

To receive declarations of interest from Members on items contained within this agenda.

**3 MINUTES OF A PREVIOUS MEETING** **(Pages 5 - 16)**

To consider the Minutes of the previous meeting(s)

**4 MAYOR'S ANNOUNCEMENTS**

**5 UPDATES TO THE COUNCIL CONSTITUTION** **(Pages 17 - 48)**

**6 STATEMENT OF THE LEADER OF THE COUNCIL** **(Pages 49 - 52)**

To receive a statement by the Leader of the Council on the activities and decisions of Cabinet and items included on the Forward Plan.

**7 REPORTS OF THE CHAIRS OF THE SCRUTINY COMMITTEES** **(Pages 53 - 54)**

- a) Economy and Place Scrutiny Committee
- b) Health, Wellbeing and Environment Scrutiny Committee
- c) Finance, Assets and Performance Scrutiny Committee

**8 REPORTS OF THE CHAIRS OF THE REGULATORY COMMITTEES** **(Pages 55 - 58)**

- a) Audit and Standards Committee
- b) Planning Committee
- c) Licensing and Public Protection Committee

**9 MOTIONS OF MEMBERS** (Pages 59 - 60)  
A Motion has been received 'Supporting our Borough's Town Centres, High Streets and Villages'

**10 QUESTIONS TO THE MAYOR, CABINET MEMBERS AND COMMITTEE CHAIRS** (Pages 61 - 62)

**11 RECEIPT OF PETITIONS**  
To receive from Members any petitions which they wish to present to the Council.

**12 URGENT BUSINESS**  
To consider any communications which pursuant to Section B4, Rule 9 of the constitution are, in the opinion of the Mayor, of an urgent nature and to pass thereon such resolutions as may be deemed necessary.

**13 DISCLOSURE OF EXEMPT INFORMATION**  
To resolve that the public be excluded from the meeting during consideration of the following report(s) as it is likely that there will be disclosure of exempt information as defined in paragraphs contained within Part 1 of Schedule 12A (as amended) of the Local Government Act 1972.

Yours faithfully



Chief Executive

## **NOTICE FOR COUNCILLORS**

### **1. Fire/Bomb Alerts**

In the event of the fire alarm sounding, leave the building immediately, following the fire exit signs.

Fire exits are to be found at the side of the room leading into Queens Gardens.

On exiting the building Members, Officers and the Public must assemble at the statue of Queen Victoria. DO NOT re-enter the building until advised to by the Controlling Officer.

### **2. Mobile Phones**

Please switch off all mobile phones before entering the Council Chamber.

### **3. Notice of Motion**

A Notice of Motion other than those listed in Procedure Rule 14 must reach the Chief Executive ten clear days before the relevant Meeting of the Council. Further information on Notices of Motion can be found in Section B5, Rule 4 of the Constitution of the Council.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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# Public Document Pack Agenda Item 3

**Council - 19/11/25**

## EXTRAORDINARY COUNCIL MEETING

Wednesday, 19th November, 2025  
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

**Present:** Mayor - Councillor Robert Bettley-Smith (Chair)

Councillors:	Adcock	Gorton	Stubbs
	Allport	Grocott	Sweeney
	Barker MBE	Heesom	J Tagg
	Beeston	Holland	S Tagg (Leader)
	Brown	Hutchison	Turnock
	Bryan	Johnson	J Waring
	Burnett-Faulkner	D Jones	P Waring
	Casey-Hulme	Northcott	Whieldon
	Crisp	Parker	Whitmore
	Dymond	Reece	G Williams
	Edgington-Plunkett	Richards	J Williams
	Fear	Skelding	Wright

**Apologies:** Councillor(s) Berrisford, Dean, Fox-Hewitt, S Jones, Lewis and Wilkes

Officers:	Gordon Mole	Chief Executive
	Simon McEneny	Deputy Chief Executive
	Anthony Harold	Service Director - Legal & Governance / Monitoring Officer
	Nesta Barker	Service Director - Regulatory Services
	Georgina Evans-Stadward	Service Director - Strategy, People and Performance
	Geoff Durham	Civic & Member Support Officer
	Craig Turner	Service Director - Finance / S151 Officer

### 1. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

### 2. FORMER MAYOR AND COUNCILLOR - COLIN BROOKS

A minute's silence was held for former Councillor and Mayor, Colin Brooks who had recently passed away.

The Leader of the Council led the tributes stating that Colin had been a member of the Council from 1995 to 1999 and 2002 to 2006, serving as Mayor between 2005 and 2006. He had served on several committees during his terms. Heartfelt condolences were sent to Sheila and the family.

Councillor Gill Williams stated that Colin had been very proud to have been elected as Mayor. He represented the Borough with dignity and understanding. Colin worked with Councillors and officers to create the Lyme Valley Park.

[Watch the tributes here](#)

**3. FREEDOM OF THE BOROUGH - SIR IAN DUDSON KCVO CBE**

This Extraordinary Meeting had been called in respect of conferring honorary Freedom of the Borough upon Sir Ian Dudson KCVO CBE.

The Leader, Councillor Simon Tagg moved the recommendation, stating that he was pleased to propose this. Sir Ian had recently retired after nearly a decade of distinguished service. He had deep roots in local heritage with his family business and his leadership in industry and civic life was a great credit to him. As Lord Lieutenant he represented the Crown in Staffordshire with dignity and dedication. His contribution spanned education, the voluntary sector and cultural heritage. Sir Ian had showed unwavering commitment to the Borough of Newcastle-under-Lyme, making him an outstanding ambassador.

Councillor Dave Jones stated that it was an honour to second the recommendation and stated that throughout his long connection to the Borough, Sir Ian had served for a significant period of time as pro-Chancellor and Chair of Keele University Council and the University owed him a great debt.

**Resolved:** That the Council in exercise of their powers under Section 249(5) of the Local Government Act 1972 and being desirous of expressing its admiration and appreciation of the long and continuing service given by Sir Ian Dudson KCVO CBE to the Borough and his outstanding contribution to civic life of the Borough of Newcastle-under-Lyme and the County of Staffordshire and as a mark of esteem does confer upon him the honorary Freedom of the Borough.

[Watch the debate here](#)

**Mayor - Councillor Robert Bettley-Smith  
Chair**

Meeting concluded at 7.14 pm

## **SPECIAL COUNCIL**

Wednesday, 19th November, 2025  
Time of Commencement: 7.14 pm

[View the agenda here](#)

[Watch the meeting here](#)

**Present:** Mayor - Councillor Robert Bettley-Smith (Chair)

Councillors:	Adcock	Gorton	Stubbs
	Allport	Grocott	Sweeney
	Barker MBE	Heesom	J Tagg
	Beeston	Holland	S Tagg (Leader)
	Brown	Hutchison	Turnock
	Bryan	Johnson	J Waring
	Burnett-Faulkner	D Jones	P Waring
	Casey-Hulme	Northcott	Whieldon
	Crisp	Parker	Whitmore
	Dymond	Reece	G Williams
	Edgington-Plunkett	Richards	J Williams
	Fear	Skelding	Wright

**Apologies:** Councillor(s) Berrisford, Dean, Fox-Hewitt, S Jones, Lewis and Wilkes

Officers:	Gordon Mole	Chief Executive
	Simon McEneny	Deputy Chief Executive
	Anthony Harold	Service Director - Legal & Governance / Monitoring Officer
	Nesta Barker	Service Director - Regulatory Services
	Georgina Evans-Stadward	Service Director - Strategy, People and Performance
	Geoff Durham	Civic & Member Support Officer
	Craig Turner	Service Director - Finance / S151 Officer

### **1. DECLARATIONS OF INTEREST**

The Council's Monitoring Officer was called upon to advise Members of declarations of interest in relation to item 5 on the agenda – Local Government Reorganisation.

Referring to the Annual Council meeting in May, whereby a general dispensation had been given to all Members, the Monitoring Officer stated that it was good practice that a dispensation could be given for this matter and therefore Members did not need to declare any interest on item 5.

There were no declarations of interest stated.

### **2. MINUTES OF A PREVIOUS MEETING**

**Resolved:** That the minutes of the meeting held on 24 September, 2025 be agreed as a correct record.

**3. MAYOR'S ANNOUNCEMENTS**

The Mayor made three announcements:

Members were thanked for their support throughout the Mayor's 65 mile walk around the Borough. It was expected that over £5000 would be raised for Papyrus.

The Mayor's Civic Carol Service would be held on Saturday 20 December, 2025 at St Margaret's Church, Betley at 5.30pm and a Carols By Candlelight Service – in the presence of the Mayor would be held on Sunday 21 December at St Giles Church Newcastle at 6pm.

There would be several events announced at January Council and Members were asked to note the Mayor's Ball on Saturday 21 March, 2026 at Keele University.

**4. LOCAL GOVERNMENT REORGANISATION**

The Leader introduced a report seeking endorsement and support of Members for actions to enable the submission of a proposal to the Government setting out a model for the invitation area of Staffordshire and Stoke-on-Trent.

The Leader believed from the outset that the two tier system of County and Borough worked well. Strong local services were delivered, there was local accountability and financial stability.

Reorganisation was not a priority and pursuing it risked diverting resources from what truly mattered – delivering services to the residents of the Borough and securing real devolution.

The Borough had a proud history, going back over 850 years and in 2023, the passion and pride of its residents and businesses and past and present Members of the Council was evident. The local governance of the Borough should therefore be protected.

The Save our Borough petition now had over 9,300 signatories which was a testament to local feeling. If the Government insisted on enforcing change it must be ensured that the Borough remained strong and independent.

The proposal being put forward was for a unitary authority for the whole of the Borough of Newcastle-under-Lyme, based on its current boundaries as part of a full unitary model for the County of Staffordshire and Stoke on Trent.

This was the preferred model that came from the investigation of options agreed by the Council last March. A unitary Borough Council would meet the Government's local government reorganisation criteria. Newcastle Borough Council was financially strong with balanced budgets, well managed reserves and no long term debt and was therefore ready to take up the challenges of taking on the extra services of a unitary council.

Any merger with Stoke on Trent City Council would harm the residents of Newcastle financially and by hitting service delivery.

There were other proposals – such as Staffordshire County Council's creation of east and west Staffordshire councils but the investigations showed that the key criteria were not met. Members of the County Council had all signed a letter to the Prime Minister asking him to stop local government reorganisation. The Leader asked that Members at Newcastle do the same, as outlined in an email that he had sent to all Members last week.

The Deputy Leader seconded the recommendations stating that he could not understand the point of local government reorganisation. In a recent survey, only 6% thought that it was a good idea. Work to develop the submission brought to committee this evening cost nearly £200,000 – money which could have been better spent on local services. A further £400,000 had been put into this years budget for local government reorganisation.

Councillor Dave Jones stated that the Labour group would be supporting the recommendations outlined in the report. Councillor Jones stated that his preferred model since 2018 had been for a Newcastle-under-Lyme unitary authority to allow for more services to be run locally as it was in the best interests of residents. Becoming a unitary authority would break up the control from upper tier services. Councillor Jones agreed with the Leader that this Council was in the best place to step up and run the upper tier services and better decisions could be made locally.

Councillor Holland referred to Appendix C, stating that it was confirmation that the Council's principles were the right ones with 59% of survey respondents backing a unitary authority. Appendix B demonstrated that Newcastle could succeed as a unitary authority. The Borough had been opposing the annexation into Stoke on Trent for 95 years and very little had changed. The arguments of 1930 were the same arguments of today.

Councillor Gorton stated that to date, only five responses had been published which seemed to indicate that there was no consensus and also showed how difficult it was to unpick the present two tier system. Councillor Gorton felt that it would be better for ministers to call a halt to local government reorganisation in Staffordshire and focus on the devolution aspect of last year's White Paper.

It was very clear from respondents to the survey that many questioned the value and benefit arising from a reorganisation.

Councillor Whieldon stated that local government reorganisation was trying to force a mandate with non-comparable regions with no evidence or reasons why and no thought had been given to cultural compatibility. It would cause serious imbalance in the widely different demographic and cultural development.

Councillor Stubbs stated that the proposal put forward sought to safeguard this Council's identity and accountability. It argued for a single unitary authority within Newcastle's current boundaries – a model that reflected the Council's community and history.

Councillor Skelding stated that the reorganisation was a 'hostile takeover bid'. It would strip away Newcastle's heritage and would decimate representation and dilute democracy. There had been no consultation with residents on this.

Councillor Paul Waring stated that the general feeling of residents within his wards was that it would lead to more levels of management and cost. The savings for local government reorganisation in comparison with the cost were minuscule at 0.4%.

Councillor Adcock stated that the reorganisation was a pull towards centralisation with fewer elected representatives per head of population and decisions being taken further away from where people were living.

Councillor Hutchison stated that local government reorganisation would significantly change local services such as waste and recycling and street scene. A Newcastle unitary authority would give a clear picture of who controlled and was responsible for local services.

Councillor Fear stated that this was not devolution – it was the reverse. Instead of passing powers down they were being sucked upwards to a few distant people. Although it was stated that reorganisation would save money, it had since emerged that it had not been costed at all.

In summing up, the Leader thanked everyone for their contributions in agreeing to support the submission on 28 November, 2025 for a Newcastle unitary authority but this Council did not accept that there was a need for change. A two tier system did deliver.

Local government reorganisation could mean the loss of Newcastle's Aldermen and Burgesses.

The Leader stated that the offer was there for a letter to be drafted to the Prime Minister asking for local government reorganisation to be stopped and it could be sent round to all Members for them to add their signature if they wished to do so.

Newcastle's proposal was strong, practical and represented local identity.

A named vote was called for and taken:

ADCOCK	Y	FEAR	Y	RICHARDS	Y
ALLPORT	Y	FOX-HEWITT	Absent	SKELDING	Y
BARKER	Y	GORTON	Y	STUBBS	Y
BEESTON	Y	GROCOTT	Y	SWEENEY	Y
BERRISFORD	Absent	HEESOM	Y	J TAGG	Y
BETTLEY-SMITH	Y	HOLLAND	Y	S TAGG	Y
BROWN	Y	HUTCHISON	Y	A TURNOCK	Y
BRYAN	Abstain	JOHNSON	Y	J WARING	Y
BURNETT-FAULKNER	Y	D JONES	Y	P WARING	Y
CASEY-HULME	Y	S JONES	Absent	WHIELDON	Y
CRISP	Y	LAWLEY	Absent	WHITMORE	Y
DEAN	Absent	LEWIS	Absent	WILKES	Absent
DYMOND	Y	NORTHCOTT	Y	G WILLIAMS	Y

EDGINGTON-PLUNKETT	Y	PARKER	Y	J WILLIAMS	Y
		REECE	Y	WRIGHT	Y

In Favour (Y) – 35

Against (N) - 0

Abstain – 1

**Resolved:**

- (i) That the work undertaken in the preparation of a final Local Government Reorganisation submission to UK Government from Newcastle-under-Lyme Borough Council be noted; and
- (ii) That the case for a single unitary council for Newcastle-under-Lyme within the current Borough boundaries, be endorsed.

*Councillor Sweeney raised a point of personal explanation and informed Members that Councillor Bryan's abstention was due to her holding paid employment with a local authority which may be impacted by the changes.*

[Watch the debate here](#)

## **5. LICENSING ACT POLICY**

*Councillor Dave Jones left the meeting at 8.11pm*

The Deputy Leader of the Council introduced a report seeking the adoption of the draft Statement of Licensing Policy 2025-2030.

There was a requirement for Council's to update their Statement of Licensing Policy every five years. The Policy had been reviewed by the Licensing and Public Protection Committee at its meeting in August where they reviewed the consultation and at a meeting in October, the results of the consultation were reviewed.

Councillor Joan Whieldon, Chair of the Licensing and Public Protection Committee seconded the recommendations stating that the Policy was instrumental to the Council as it set out how the Council dealt with pertinent and complex issues raised when administering this regime and without which, the Council could be open to challenge.

**Resolved:**

- (i) That the decision made by Licensing & Public Protection Committee on 8th October 2025, be endorsed.
- (ii) That the adoption of the Statement of Licensing Policy 2025-30, be approved.

[Watch the debate here](#)

**6. MOTIONS OF MEMBERS**

A Motion regarding the first anniversary of the Borough's Civic Pride Campaign was submitted by the Conservative Group, proposed by the Leader - Councillor Simon Tagg and seconded by Councillor Hutchison.

Councillor Tagg introduced the Motion stating that the last twelve months had seen a real effort made for cleaner and safer streets and stronger community engagement right across the Borough. It had been a partnership with residents, residents groups, businesses, voluntary groups, Police, Aspire Housing, Newcastle Business Improvement District and Council staff.

Activities had included litter picks, green space improvements and tree Planting, graffiti removal, support for vulnerable individuals. The Motion acknowledged the successes of the first year of the campaign.

Civic Pride showcased the work that the Council and all of the organisations involved did on a daily basis. It was not just about cleaner neighbourhoods, but also about people, place, purpose and working in partnership together.

In seconding the Motion, Councillor Hutchison stated that the first year of the initiative had been well received by the local community and partner organisations and the commitment looked set to continue.

The initiative began in the Kidsgrove area in January and then in June there was a day of action in Wolstanton and May Bank. October saw a week of action in Newcastle. In total the Civic Pride Events did 22 days of action, covering all areas of the Borough.

The Civic Pride Investment Fund had assisted groups and projects within the Borough to promote the image of Newcastle as a clean, safe and friendly place in which to live, work and visit.

Councillor John Williams, in supporting the Motion stated that he had found that there was a lack of residents involved and asked that they be encouraged to be involved and take more pride in their area.

Councillor Holland stated that, as he was compiling his report for the North Staffordshire Theatre Trust – at item 8 on this agenda, he was reminded of Stoke-on Trent's City of Culture bid and, although unsuccessful it transformed the way in which the City thought about itself. Programmes like Civic Pride could do that.

Councillor Stubbs asked if it was possible for the Council or Portfolio Holder to put out a calendar of events – earlier than the previous one to allow more Councillors and the community groups to attend the events.

Councillor Heesom stated that she had attended several events and that Civic Pride had had a significant effect – especially on community safety and community cohesion. Silverdale had a bike marking event by the police which was really well attended. It was supported that, for next year a programme would be set out much earlier and some events could be advertised on the new screen in the town centre.

There was a Civic Pride Investment Fund that people could apply for with published criteria.

Councillor Fear agreed with all that had been said and stated that it had all worked well but improvements could always be made, such as advertising earlier. This was only the first year and therefore could be built upon.

In summing up, the Leader stated that there was more that could be done for future events including encouraging more community participation through social media or other means. The calendar of events should be made available earlier. The Leader was pleased that issues such as e-scooters and e-bikes and street racers were being dealt with by the police.

A vote was taken and the Motion was carried.

[Watch the debate here](#)

## **7. REPORTS OF THE REPRESENTATIVES ON OUTSIDE BODIES**

The Leader introduced a report regarding the bi-annual submission of reports from Members representing the Council on outside bodies in respect of those organisation's activities.

These were the first reports back following the decision to do this which was made at Full Council in April. Reports were attached to the agenda.

In future the reports would be incorporated into the Regulatory and Scrutiny Chairs' reports on the agenda.

Councillor Sweeney seconded the recommendations.

**Resolved:** That receipt of the bi-annual reports which have been received in relation to the business carried out/matters dealt with by relevant Outside Bodies to full Council as appropriate be noted and accepted.

[Watch the debate here](#)

## **8. QUESTIONS TO THE MAYOR, CABINET MEMBERS AND COMMITTEE CHAIRS**

Question from Councillor Nick Crisp to the Portfolio Holder for Community Safety and Wellbeing:

“I’m pleased that Newcastle-under-Lyme Borough Council has been recognised with the Employer Recognition Scheme Bronze Award for its support of Armed Forces veterans. This reflects the council’s commitment to supporting veterans, reservists, service families, and cadet volunteers.

Can the Portfolio Holder confirm whether the Council intends to build on this success by working towards silver and gold level recognition, further strengthening its support for the Armed Forces community in the Borough?”

The Portfolio Holder stated that the bronze award was welcomed. Confirmation was given that the Council did intend to build upon it by applying for silver and gold awards. The Scheme recognised the commitment and support that organisations gave to Armed Forces veterans and personnel through the signing of the Armed

Forces Covenant and making of pledges which demonstrated the development and implementation of Armed Forces friendly policies and promoting and advocating good practice to other partners and organisations.

The Council was already in a good position to achieve silver standard – having policies in place which, for example acknowledged the housing needs of ex Armed Forces people and was currently looking at human resources policies which would ensure that there was no unfair disadvantage to ex-service personnel through the recruitment and selection processes.

Councillor Crisp did not ask a supplementary question:

**Question from Councillor Andrew Parker to the Leader of the Council:**

“Following last week’s announcement that Newcastle Town Centre Business Improvement District (BID) has successfully secured its re-ballot, alongside the Town Centre’s outstanding achievements in the Heart of England and National Britain in Bloom awards, Will the Leader join me in congratulating the BID team and council staff on these successes, and outline how the council intends to build on this and work with the BID to further enhance the vitality and attractiveness of our town centre for businesses, residents, and visitors?”

The Leader stated that the success of the BID re-ballot was really welcome, giving it up to 2031 to continue delivering its services and the great work that it did with businesses in the town centre – such as the Christmas lights switch-on which was funded by the BID. They had a Business Plan and Prospectus, setting out their aims and objectives for the next five years, for which they went to businesses and got support in the ballot from voting businesses.

The Council would continue to work in partnership with the BID and other key organisations such as the police, helping to deliver the objectives which married with the Council’s objectives which included a cleaner and safer town centre, vibrant businesses and the regeneration that was currently underway.

Regarding the success in the Britain in Bloom Awards, that was a great achievement for the town centre again. Last year the BID won the regional finals and went through to the nationals where they won a silver award and received a commendation. The Leader thanked all of the Council staff who were involved in that.

The business engagement part of the awards was carried out by the BID, getting businesses involved in dressing their windows and frontages.

Councillor Parker asked a supplementary question:

“The Queen’s Gardens have been a credit again this year. Could the Leader confirm that the Council’s policy of having a sustainable herbaceous perennial planting scheme mixed in with the annual planting in the Queens’ Gardens is to be continued. The Scheme demonstrates that the Council’s environmental

sustainability approach whilst ensuring a striking and interesting garden environment for town centre visitors”

The Leader stated that Queens Gardens had always been the flagship of the town centre. The Council had moved towards more sustainable planting around the sides. The Council still did the proper bedding plants and the changing throughout the year ensuring that the Council still mixed the sustainable planting which would grow and improve year after year whilst still changing the bedding plants in the central parts to keep the variety.

[Watch the debate here](#)

**9. RECEIPT OF PETITIONS**

No petitions were received.

**10. URGENT BUSINESS**

There was no urgent business.

**11. DISCLOSURE OF EXEMPT INFORMATION**

There were no confidential items.

**Mayor - Councillor Robert Bettley-Smith  
Chair**

Meeting concluded at 9.02 pm

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## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### SERVICE DIRECTOR LEGAL AND GOVERNANCE REPORT TO

Council  
21 January 2026

**Report Title:** Legislative Updates to the Council Constitution – Procurement Regulations

**Submitted by:** Service Director Legal & Governance

**Portfolios:** All

**Ward(s) affected:** All

#### **Purpose of the Report**

To inform Council of legislative updates that will impact on the Borough Council of Newcastle-under-Lyme Constitution including and relating to the Procurement Act 2023

#### **Recommendation**

##### **That Council**

1. Acknowledges the changes introduced as part of the Procurement Act 2023 and its impacts on the delivery of future procurement exercises delivered throughout the authority.
2. Acknowledges the required changes to the Council's current constitution particularly under section(s): F5 Finance and Contract Procedural Rules – Section F5F – Contract Procedure Rules and F5 Finance and Contract Procedural Rules – Section F5H – Glossary
3. Notes the ongoing work for the Constitution Working Group by officers for a full constitution review to be brought to Annual Council.

#### **Reasons**

On 24 February 2025, the Procurement Act 2023 (PA 2023) came into effect, revoking and replacing the previous regime. Despite this revocation, the previous regime continues to apply in certain instances, due to transitional and savings arrangements set out in the Procurement Act 2023 (Commencement No 3 and Transitional and Saving Provisions) Regulations 2024 (SI 2024/716) (TSR 2024); all procurements "commenced" before 24 February 2025 will therefore continue to be regulated under the previous regime. Procurements commenced on or after that date will be regulated by the PA 2023.

It should be noted that the Procurement Act 2023 (Commencement No 4) Regulations 2025 (SI 2025/1316) will bring into force in early 2026 the remaining publications obligations under the Procurement Act 2023 (PA 2023) relating to the payment's compliance notice, significant payment notice and contract performance notice, where and when publication of each notice becomes obligatory.

#### **1. Background**

- 1.1 The Procurement Act 2023 provides a major overhaul of UK public procurement, replacing complex, EU-derived rules with a simpler, more transparent, and flexible system focused on better value, fairness, and competition, especially for SMEs, by consolidating previous

regimes, strengthening transparency, introducing new exclusion grounds for poor performing and non-compliant suppliers, and embedding social value.

- 1.2 The Act represents the biggest shake-up of UK procurement laws for over thirty years. Until recently, the existing procurement regime in the UK has been derived from EU rules on public procurement and EU law, dating from 2014. The Act will consolidate various existing public procurement rules into one regime based on national priorities and certain objectives seen as key by the Government – for example, overcoming the barriers faced by smaller businesses to taking part in public procurement.
- 1.3 Some of the changes are significant, will open up new opportunities for greater competition, and provide scope for a much more flexible procurement process and approach to contract management. And with certain sector-specific provisions made and exclusions applied, it will be important for organisations to determine how the Act will apply to them and ensure they are well equipped to respond.
- 1.4 A number of pieces of secondary legislation (Regulations) are now in place to deal with particular aspects of the Act and its implementation.

These principally concern commencement and transition and also deal extensively with the "machinery" around the Act – providing the detail on matters such as the precise contents of the numerous transparency notices that authorities must publish in connection with procurements and procured contracts.

Other aspects covered by the secondary legislation include: the governance of the new Central Digital Platform (including what happens if a supplier can't register details because the platform is not working); the sharing of core supplier information through the Central Digital Platform; the contents of assessment summaries; the list of light-touch and reservable light-touch service types; the list of central government contracting authorities; and the disapplication of the Act in relation to regulated health procurement in England.

## 2. Issues

- 2.1 The new UK Procurement Act 2023 brings challenges like increased transparency demands (performance notices, Preliminary Market Engagement (PME)), which risk more supplier disputes over subjective metrics and data accuracy, requiring better systems for authorities.
- 2.2 Issues also include managing new mandatory exclusions, implementing robust conflicts of interest policies, navigating shorter standstill periods (8 working days), and adapting to new digital platforms, potentially straining local authorities' fragmented technology and data infrastructure.
- 2.3 For Contracting Authorities (Public Bodies):
  - Data & Digital Overhaul: Need for new systems to manage more notices (e.g. Preliminary Market Engagement, performance), publish detailed data, and link spend to contracts, not just suppliers.
  - Performance Transparency: Publishing KPI reports risks challenges from suppliers claiming unfairness or inaccuracy, requiring objective metrics.
  - Conflict Management: Strict new rules on identifying and managing conflicts of interest to maintain integrity.
  - Resource Strain: Smaller authorities with fragmented systems may struggle with new digital platforms and compliance.
- 2.4 The Procurement Act 2023 introduces a wide range of reporting examples which include:

- Payment's compliance notice (section 69): the obligation to publish a payments compliance notice commences on 1 January for England,
- Significant payments notice (section 70): The obligation to publish a notice when a payment exceeding £30,000 is made under a public contract commences on 1 April 2026 in England,
- Contract performance notice (section 71): The obligation to publish a contract performance notice commences on 1 January 2026,

The volume of transparency and notices or information generally, that contracting authorities are expected to publish has increased under the PA 2023, spanning the whole of the procurement cycle from pre-procurement planning to expiry or termination of the contract. Most of the detail relating to notices, including their prescribed content and where they must be published, is set out in the Procurement Regulations 2024. Broadly, contracting authorities must:

- Publish notices or information (including in relation to below-threshold contracts) on the government's online central digital platform. Where certain conditions are met, contracting authorities can use an appropriate alternative online system provided that they follow-up on the central digital platform afterwards.
- Obtain confirmation from suppliers (by the tender submission deadline or before entry into the contract, depending on whether it is a competitive or direct award) that they have registered with the platform, entered up-to-date core supplier information (including their details and information on exclusion grounds and financial standing) and shared this with the contracting authority.
- Ensure that the notice contains the information specified.

2.5 Language and terminology: although many of the concepts and rules from the previous procurement regime remain, these have been extensively rewritten to move away from the language of the EU directives on procurement. Terminology changes need to flow through into the dialogue of contracting authorities and their documentation.

But there is also the possibility that the shift in language may raise issues of interpretation in the courts; how far will judges deviate from established UK case law, or choose not to have regard to ECJ procurement case law? Assessing the procurement risk of challenge may be difficult, at least until there are some early judgments from the courts.

### **3. Recommendation**

That Council

3.1 Acknowledge the changes introduced as part of the Procurement Act 2023 and its impacts on the delivery of future procurement exercises delivered.

3.2 Acknowledges the required changes to the Council's current constitution particularly under:

- F5 Finance and Contract Procedural Rules – Section F5F – Contract Procedure Rules and F5 Finance and Contract Procedural Rules – Section F5H – Glossary

3.3 Notes the ongoing work for the Constitution Working Group by officers for a full constitution review to be brought to Annual Council.

### **4. Reasons**

4.1 To deliver compliance with the Procurement Act 2023,

4.2 To enable the Borough Council to react promptly to secondary legislation and future developments and changes,

4.3 Consideration(s) to the National Procurement Policy Statement Strategy (authorities must consider the NPPS priorities in their procurement decisions and document how they have done so, particularly for significant contracts).

5. **Options Considered**

- 5.1 To move to a centrally managed procurement (rather than a devolved) function introducing additional resources to strengthen, support and deliver the increased administrative requirements and compliance within the Procurement Act, this will however come at an increased cost to the Council.
- 5.2 To collectively work with neighbouring authorities to offer a more collaborative approach and solution to addressing the increased the resourcing needs.
- 5.3 Local Government Reorganisation (LGR) is likely to offer a more robust approach in addressing the resourcing needs under the new act and is likely to result in greater aggregation across the works, goods and services procured by those authorities involved in the consolidation processes.

6. **Legal and Statutory Implications**

- 6.1 The PA 2023 revokes the PCR 2015, UCR 2016, CCR 2016 and Defence and Security Public Contracts Regulations 2011 and consolidates their areas of coverage into one Act of Parliament. Utilities, concessions and defence contracts, as well as ordinary contracts for works, goods and services, are regulated by the same rules, with some sector-specific provisions where appropriate. Contracting authorities will need to refer to supporting secondary legislation and statutory and non-statutory guidance to ensure they fully comply with the PA 2023's requirements.
- 6.2 Treaty state supplier - the UK is party to various international agreements that include obligations on the UK to ensure that contracting authorities extend the rights of access to UK procurement markets to the suppliers of other states. A supplier is a treaty state supplier where it is not a UK supplier and both:
  - It benefits from an international agreement listed in Sch.9 (for example, the WTO Agreement on Government Procurement features, as does the UK-EU trade and cooperation agreement).
  - The individual procurement carried out or being challenged is caught by the relevant international agreement in Schedule 9.
- 6.2.1 Guidance confirms that a supplier may be a treaty state supplier for some procurements, but not others.
- 6.2.2 Contracting authorities must not discriminate against treaty state suppliers in carrying out a procurement (S90, PA 2023). The reference to procurement here, rather than covered procurement, indicates that the requirement extends to below-threshold procurements, where applicable.
- 6.3 Public Contract Regulations 2015 will still apply to procurements started before the Procurement Act 2023 went live (October 28, 2024) and will continue for those existing contracts until they end, even for modifications; however, all new procurements initiated on or after that date fall under the new Procurement Act 2023, replacing PCR 2015 for future activity.
- 6.4 When / where PCR 2015 continues to apply:

- Existing Procurements: Any procurement where a Contract Notice (or similar) was published before October 28, 2024, remains under PCR 2015 rules.
- Existing Contracts: Contracts awarded under PCR 2015 will continue to be governed by those regulations until they expire or are replaced.
- Modifications: Substantial modifications to existing PCR 2015 contracts may trigger application of the new Act, but minor changes continue under PCR 2015.
- Frameworks & DPS: PCR 2015 rules apply to existing Frameworks and Dynamic Purchasing Systems (DPS) until their final call-off or termination.

## 7. Equality Impact Assessment

The Procurement Act 2023 (PA2023) addresses equalities through several mechanisms, primarily by mandating the "equal treatment of suppliers" and requiring public bodies to consider broader social value, which includes equality, diversity, and inclusion Equality, Diversity and Inclusion (EDI) objectives. Core Principles and Objectives within PA2023 relate to:

- Equal Treatment of Suppliers: The Act explicitly requires contracting authorities to treat suppliers equally, unless a justifiable difference between them warrants different treatment. This foundational principle ensures fairness in the bidding process.
- Maximising Public Benefit/Social Value: While the Act does not make express reference to "social value" in the main text, it places the existing National Procurement Policy Statement (NPPS<sup>i</sup>) on a stronger statutory footing, requiring authorities to "have regard to" social value. This includes considering how procurement can promote national priorities, which often encompass EDI and community benefits (e.g., job creation, training opportunities for various resident groups).
- Most Advantageous Tender (MAT): The Act shifts the award criterion from "Most Economically Advantageous Tender" (MEAT) to "Most Advantageous Tender" (MAT). This allows public bodies to consider a wider range of non-financial criteria, making it possible to explicitly include a bidder's plans for EDI and ethical practices as part of the tender assessment.
- Supporting SMEs: The legislation includes specific measures to support small and medium-sized enterprises (SMEs), start-ups, and social enterprises, aiming to reduce barriers and make it easier for a wider range of businesses to compete for contracts.
- Transparency: Enhanced transparency provisions are embedded throughout the procurement lifecycle, which helps ensure openness, accountability, and fairness in decision-making processes.

## 8. Financial and Resource Implications

The Procurement Act 2023 brings significant financial and resource implications, requiring upfront investment in training, new systems, and dedicated time for enhanced transparency (more notices, payment reporting) and strategic contract management (focus on value beyond cost, social value, SME support), but promises long-term savings through better value, reduced supplier risk, quicker issue resolution (feedback, fewer disputes), and innovation, with initial resource drains on legal, procurement, and finance teams to manage new complexities like Freedom of Information Requests (FOIA) requests and Most Advantageous Tender (MAT) evaluations.

### 8.1 **Financial Implications**

- *Increased Administrative Costs*: More notices (e.g., pipeline, payment data), clearer KPIs, and enhanced supplier feedback mechanisms mean more work and potential system upgrades.
- *Investment in Training*: Staff need training in new procedures, MAT (Most Advantageous Tender) evaluation, social value, and managing FOIA requests.
- *Potential for Savings*: Active contract management and focusing on MAT (not just lowest price) can yield significant savings (around 10%) by embedding value and sustainability.

- Supplier Costs: While easing entry for SMEs, larger suppliers face compliance costs, though the Act aims for better prompt payment (30 days), helping cash flow.

## 8.2 Resource Implications

- Staff Time: Budget holders, procurement teams, and legal departments will spend more time on planning, monitoring, and detailed record-keeping initially.
- System & Process Changes: Need to update governance, create new process maps, and potentially implement centralised platforms for managing notices and data.
- Focus on Strategy: Resources shift from purely cost-cutting to strategic sourcing, embedding national priorities (social value, innovation), and proactive risk management.
- Supply Chain: Increased scrutiny and new requirements mean active management of supplier performance and data, with potential for increased disputes as the system matures.

## 9. Major Risks & Mitigation

### 9.1 Major Risks:

- Capability & Skills Gaps: Public bodies & suppliers may lack expertise in new processes, digital tools, & social value requirements.
- Compliance & Transparency: Meeting new mandatory reporting (KPIs, performance), transparency notices, and exclusion grounds (e.g., payment terms) is complex.
- Supplier Management: Ensuring suppliers meet new standards, especially smaller ones (SMEs) for payment terms and performance, presents challenges.
- Data & Systems: Integrating new data requirements (performance, sustainability) into existing systems & ensuring robust cybersecurity.
- Risk Management: Identifying & managing new & existing risks (supplier dependency, quality, cyber, ethical) under the new framework.
- Achieving Social Value: Effectively integrating sustainability & social value criteria from the start, not as an afterthought.

### 9.2 Mitigation Strategies (might include):

- Training & Upskilling: Investing in comprehensive training for staff on new legislation, digital platforms, and strategic procurement.
- Clear Guidance & Documentation: Developing clear, accessible guidance and mandatory tools.
- Technology Adoption: Implementing robust digital systems for spend analysis, supplier management, & performance reporting.
- Proactive Supplier Engagement: Working closely with the supply chain, particularly SMEs, to ensure understanding of new requirements & payment terms.
- Robust Contract Management: Setting clear KPIs, monitoring performance closely, & using the new debarment regime effectively.

## 10. UN Sustainable Development Goals (UNSDG)

10.1 The Procurement Act 2023 will impact on all goods, works and services procured by all services areas throughout the authority the controlled purchases of such will have due regard to all of the following UNSDG.



## 11. One Council

11.1 Please confirm that consideration has been given to the following programmes of work:

- **One Commercial Council**
- **One Digital Council**
- **Sustainable One Council**

The Key Goals & Changes established as part of the Procurement Act 2023 (listed below) will impact on all three of the One Council programmes of work in that:

- Simpler & Flexible System: Consolidates various regulations into one regime, reducing bureaucracy.
- Support for SMEs: Mandates actions to remove barriers and promote participation for small businesses.
- Transparency & Scrutiny: Embeds transparency throughout the lifecycle, allowing better scrutiny of spending.
- Central Digital Platform: An enhanced Find a Tender service (launched Feb 2025) for finding opportunities and storing supplier information.
- New Objectives: Focus on value for money, public benefit, integrity, and information sharing.
- Award Criteria: Shifts from 'most economically advantageous' to 'most advantageous tender,' considering wider value.
- Exclusion & Debarment: Stronger rules against underperforming suppliers.

## 12. Earlier Cabinet/Committee Resolutions

12.1 There are no earlier Cabinet/Committee Resolutions

## 13. List of Appendices

13.1 F5 Finance and Contract Procedural Rules – Section F5F – Contract Procedure Rules and

13.2 F5 Finance and Contract Procedural Rules – Section F5H – Glossary

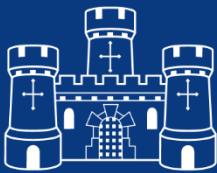
## 14. Background Papers

14.1 Procurement Act 2023 - <https://www.legislation.gov.uk/ukpga/2023/54/contents>

14.2 National Procurement Policy Statement -  
<https://www.gov.uk/government/publications/national-procurement-policy-statement>

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<sup>i</sup> The National Procurement Policy Statement sets out the strategic priorities for public procurement and how contracting authorities can support their delivery.



**Part F – Appendices**

**Section F5:- Finance and Contract Procedure Rules**

**F5F:- Contract Procedure Rules**

**In Part F:-**

**Section F1** contains the Member Code of Conduct

**Section F2** contains the Member Planning Protocol

**Section F3** contains the Officer Code of Conduct

**Section F4** contains the Officer/Member Relations Protocol

**This Section (F5)** contains the Finance and Contract Procedure Rules that govern how the council manages its financial affairs. The Rules are split into the following eight parts:-

- **Part F5A** contains an introduction and overview to the principles of good financial management, the roles and responsibilities of Officers and Members and the various documents and processes that form the council's financial management framework.
- **Part F5B** Financial Management
- **Part F5C** Financial Planning
- **Part F5D** Risk Management and Control of Resources
- **Part F5E** Financial Systems and Procedures
- **This Section (F5F)** Contract Procedure Rules
- **Part F5G** Collaborative Working and ASDVs
- **Part F5H** Glossary

**Part F – Appendices**

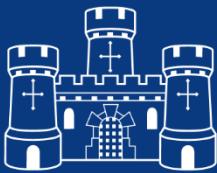


**Section F5:- Finance and Contract Procedure Rules**

**F5F:- Contract Procedure Rules**

**In this Section:-**

F1	Basic Principles
F2	Statute
F3	Compliance
F4	Consequence of Breach
F5	Review
F6	Corporate Contracts
F7	Frameworks
F8	In-house Suppliers
F9	Joint Procurement
F10	Authority to Proceed
F11	Insurance
F12	Form of Contract
F13	Bonds and Security
F14	Procurements of Goods, Services or Works below Threshold Tenders – Procurement Act 2023 (PA2023)
F15	Procurement of Goods, Services or Works above Threshold Tenders – Procurement Act 2023 (PA2023)
F16	Remedies for breach of the Regulations
F17	Timescales
F18	Electronic Tendering
F19	General Rules for Procurements Involving an Element of Competition
F20	Abandonment
F21	Central Digital Platform (CDP)
F22	Signing/Sealing
F23	Waiving the Rules
F24	Payment of Undisputed Invoices
F25	Public Services (Social Value) Act 2012
F26	Additional Matters
F27	Consultancy Procedure



## F1. Basic Principles

F1.1 The aim of the Contract Procedure Rules ("the Rules") is to:

- a) ensure compliance with all legal requirements.
- b) achieve best value.
- c) ensure transparency, openness, non-discrimination and fair competition.
- d) demonstrate probity, consistency, accountability and integrity.
- e) ensure compliance with the council's procurement strategy.

F1.2 The principles of transparency, non-discrimination and equality are obligations that apply to all procurements and must be complied with at all times.

F1.3 These Rules are supplemented by Procurement Procedure Guidance ("PPG") as indicated. The PPGs will be updated as required so Officers must check the intranet site for the latest version.

## F2. Statute

F2.1 The Council is required by s.135 of the Local Government Act 1972 to make standing orders to ensure competition and regulate the procurement process.

F2.2 The Council must also comply with various other statutes when purchasing goods, works or services, including the Procurement Act 2023 (PA2023). The Council must also have regard to the National Procurement Policy Statement (NPPS).<sup>1</sup>

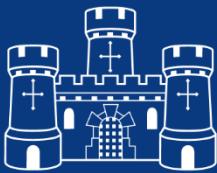
F2.3 The risks of non-compliance are significant and include awards of damages and contracts being set aside.

## F3. Compliance

F3.1 These rules apply to the following undertaken by or on behalf of the council:-

- a) the purchase of all goods, services or works.

<sup>1</sup> The NPPS places a statutory obligation on contracting authorities to have regard to its policy priorities and determine how procurements can contribute to the delivery of these wider policy objectives. This means that a contracting authority must consider whether the procurement can contribute to achieving one or more of the policy objectives stated in the NPPS in a manner that is appropriate, proportionate and relevant; and take steps to address this where possible.



- b) Concessions.
- c) In circumstances where the Council is procuring goods, works or services on behalf of a collaborative working arrangement.
- d) In circumstances where the Council is seeking a commercial partner for the purposes of a joint venture.

F3.2 All references in these Rules apply equally to a) to d) above as appropriate and as advised by the procurement team. All Officers are responsible for ensuring compliance with these Rules.

F3.3 Third parties acting on behalf of the council must also comply with the Rules. Officers instructing third parties to procure contracts must supply the third party with a copy of the Rules.

F3.4 Officers and third parties must ensure that any conflicts of interest are avoided. Any conflicts of interest must be declared to appropriate line managers as set out in the Officer Code of Conduct. Legal advice must be obtained by Officers where any conflict has potential to impact on contractual relationships.

F3.5 Corruption is a criminal offence. All Officers who let, manage or supervise contracts must act in accordance with the highest standards of propriety and ensure adequate records are kept.

F3.6 Differences in the interpretation of these rules will be resolved by the Service Director Legal and Governance in consultation with the Section 151 Officer.

F3.7 These Rules do not apply to the sale, leasing or purchase of land or any interest in land or any contract of employment or loans or the sale, issue or purchase of any shares or other similar financial asset.

F3.8 These Rules do not apply to an award of a contract in the following circumstances:

- a) any contracts between the council and a company that is controlled by it (sometimes referred to as a Teckal company).
- b) any contracts between the council and a company that is jointly controlled by the council with another contracting authority; or



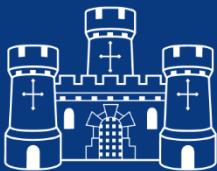
- c) any contract which establishes or implements a co-operation between the council and another contracting authority with the aim of ensuring that public services they have to perform are provided with a view to achieving objectives they have in common and where implementation of the co-operation is governed solely by considerations relating to the public interest and participating contracting authorities perform on the open market less than 20% of the activities concerned by that co-operation.
- d) any service contract awarded by the council to another contracting authority based on an exclusive right that the latter enjoys pursuant to a law, regulation or published administrative provision which is compatible with the PA2023.

F3.9 For contracts falling within the exceptions at F3.8, written advice from the Service Director Legal and Governance must be obtained to ensure that the specific rules relating to the exceptions apply and to ensure that the award does fall outside of the scope of these Rules.

F3.10 Additional goods, services or works within the scope of a contract with a company that is wholly or jointly owned by the Council may be permitted but shall comply with the general provisions for authority to vary as found in paragraphs F12.10 to F12.12. It may be possible to increase the scope of a contract falling within F3.8 a) or b) above, but before seeking to do so, the Officer shall prepare a business case demonstrating value for money. Increasing the scope of such a contract shall comply with the general change principles stated in paragraphs F12.7 and F12.8 below, shall be recorded in writing by ODN and shall be authorised by the relevant Service Director and the Service Director Legal and Governance.

F3.11 In calculating the total value of a contract, the following principles shall apply to determine the total value:

- a) the total amount payable over the term of the contract plus any extension period, net of VAT, including any form of option and any renewal of the contract by all council services utilising the contract.
- b) where the award of a contract involves lots, the total amount payable for all of the lots, net of VAT, including any form of option and any renewal of the contract by all council services utilising the contract.



- c) for joint purchasing arrangements, the contract value shall be the aggregate of both parties spend under the contract.

F3.12 No Officer shall take any steps or omit to do something in order to seek to subdivide procurements or payments to avoid the application of the Rules or any part of the Rules or the PA2023.

F3.13 Rules relating to grants and collaborative working arrangements are dealt with in Sections F5G and F5H of the Rules respectively.

#### **F4. Consequence of Breach**

- F4.1 Failure to comply with any of these rules may be considered a breach of the Officer Code of Conduct and may result in disciplinary action and legal proceedings against the Officer or third parties concerned. No Officer shall take any steps or omit to do something amounting to a knowing or reckless attempt to avoid the Rules.
- F4.2 Any Officer who fails to follow the Rules may lose the protection of the indemnity given to Officers by the Council and therefore may have personal liability for a contract or any losses.
- F4.3 Where it becomes apparent that a service has failed to comply with the Rules the Service Director must immediately notify the Monitoring Officer and Section 151 Officer. The Service Director must complete a Waiver And Record of Non-Adherence (WARN) form outlining the reasons for the non-compliance and the steps taken to prevent a re-occurrence.
- F4.4 The content of WARN forms must be approved by the Section 151 Officer and the Monitoring Officer. The Audit and Standards Committee will receive periodic reports on the WARN process and significant single occurrences will be reported to the next available meeting of the Audit and Standards Committee. Service Directors may be required to attend Audit and Standards Committee to explain the circumstance leading to the WARN.

#### **F5. Review**

- F5.1 The Service Director Legal and Governance will keep the Rules under review and shall have authority to make minor amendments and updates as required. Any significant changes require the consent of full Council.



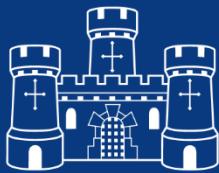
- F5.2 The Service Director Legal and Governance will report to the Audit and Standards Committee who will make recommendations to Council.
- F5.3 The Service Director Legal and Governance and the Section 151 Officer will keep the procurement strategy and procurement procedure guidance under review and have authority to make such amendments and updates as required.

## **F6. Corporate Contracts**

- F6.1 Officers must always check if there is an existing council contract in place before starting a new procurement activity.
- F6.2 If a council contract exists, it must be used unless the contract allows for, and the council's procurement team authorise, another course of action.

## **F7. Frameworks**

- F7.1 A framework contract is an agreement with suppliers which establishes the terms governing contracts from which orders for goods, services or works may be placed or 'called off'.
- F7.2 Frameworks may only be used when: -
  - a) the works, goods or services required are clearly identified within the framework.
  - b) the framework allows the Council to participate.
  - c) the framework adheres to the aims of the Rules.
- F7.3 Officers must ensure that they follow the rules applicable to the framework that set out how individual contracts can be called off. Often this will involve a further procurement activity, referred to as a mini or further competition. Even where not a requirement, a mini/further competition should be considered to adhere to the aims of the Rules. Advice must be sought from the procurement team. Advice must be sought from Legal Services in accordance with rule F13 below concerning contract terms, to ensure contract terms are acceptable.
- F7.4 Authority to establish a new framework agreement must be evidenced in an Officer Decision Notice (ODN) signed by the Service Director Legal and Governance and Section 151 Officer before procurement activity is started and must be supported by a business case. The business case must clearly state the type of framework, the



maximum value of the framework agreement, the range of contracting authorities able to call-off from it and monitoring arrangements, in particular relating to the total spend under the framework and compliance with call-off procedures.

F7.5 The PA2023 allows contract authorities to establish its own framework agreements providing two options:

	Standard Framework	Open-Framework
Is it a public contract:	Yes.	Yes – the frameworks in the scheme are each public contracts, but the open framework is not a contract.
Maximum duration:	4 Years.	Maximum 8 Year term (with minimum reopening periods)  final framework in the scheme to expire 8 years from the day the first framework was awarded, unless single supplier.
Number of Suppliers:	No minimum or maximum of suppliers.	Minimum of two suppliers to take advantage of maximum 8 year term, no maximum.
Can number of suppliers be limited:	Yes.	Yes.
Ability to add additional suppliers throughout the term:	No.	Yes, when the framework is reopened.
Flexibility to operate:	Award with or without further competition.	Award with or without further competition.

F7.6 No contracting authority shall be entitled to call off from a framework agreement established by the council unless the contracting authority has signed an access



agreement with the council. The Service Director Legal and Governance must advise on the most appropriate form of access agreement.

#### **F8. In House Suppliers**

F8.1 Various services may be available internally from within the council or by any council controlled companies that the council has established. The procurement team can provide advice on utilising these services.

#### **F9. Joint Procurement**

F9.1 It is best practice to consider working with others either internally or externally where there may be benefits to a joint procurement with other service areas or public bodies to achieve economies of scale and prevent duplication.

F9.2 Advice from the Service Director Legal and Governance must be sought as to the most appropriate form of agreement for joint procurement activity and the apportionment of risk between the parties.

F9.3 If the Council is responsible for any procurement under such joint arrangements, which result in the Council entering into a contract with a supplier, the Rules must be followed.

#### **F10. Authority to Proceed**

F10.1 Before beginning a procurement, the service Officer is responsible for ensuring that the appropriate authority and budget is in place. The form of the authority will depend on the value, strategic importance of the proposed contract, budget implications and risks.

F10.2 Member authority to commence a procurement process will not normally be required, even where the decision to ultimately let a contract will be a Key Decision. However, Service Directors should ensure that there is sufficient budget in place to undertake the procurement exercise and let a contract and that doing so will not be contrary to the budget and policy framework.

F10.3 It is prudent to ensure that relevant Members are briefed and content with the proposal to procure, particularly if the ultimate letting of a contract will amount to a Key Decision. This is to avoid wasted resource in running a procurement process in circumstances where Cabinet might ultimately decline to award a contract.



F10.4 Notwithstanding the content of rule F10.3 above, Officers must consider whether the decision to procure is in itself a Key Decision because of the likely cost of the procurement process. If so, a Cabinet decision will be required prior to commencing procurement and notice of the same will need to be given in the Forward Plan.

F10.5 Authority to proceed must be evidenced in writing and include confirmation from the budget holder that budget is available to procure and ultimately let a contract. Acceptable forms of authority include:

- a) minutes of the Cabinet.
- b) an Officer Decision Notice.
- c) a relevant extract from the appropriate scheme of delegation.

## F11. Insurance

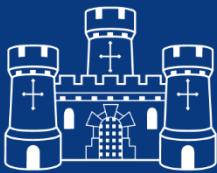
F11.1 Officers are responsible for checking that all chosen contractors provide written evidence of adequate insurance to cover public liability, employers' liability and if necessary professional indemnity for the full duration of the contract.

F11.2 Indemnity levels must reflect the risk to the Council which typically will be for each and every contract: -

- a) £5 million for public liability.
- b) £10 million for employer's liability.
- c) £2 million for professional indemnity.

F11.3 The levels required may be reduced following the written consent of the Service Director Legal and Governance either as a one off in respect of a particular contract or, where other arrangements have been agreed, for particular types of contract(s). The service Officer shall consider insurance risks and issues before commencing a procurement and shall seek any necessary approvals prior to issue of the invitation to tender.

F11.4 In some circumstances, it may be necessary to obtain specialist insurance. Service Officers shall be responsible for making enquiries with Insurance Team.



## F12. Form of Contract

F12.1 The form of contract must be identified in advance. Every request/invitation for a quote (“ITQ”) or invitation to tender (“ITT”) must be accompanied by the appropriate form of contract. The Council’s standard form of contract must be used. In exceptional cases, an alternative form of contract may be used such as the supplier’s form of contract or a varied form of the council’s standard contract, but with the prior written agreement of the Service Director Legal and Governance.

F12.2 F12.1 does not apply to call-off contracts from frameworks. In addition, in appropriate circumstances, industry standards such as PCSA, NEC, JCT, JCLI, ACE, RIBA & ICE may be used with the Council’s additional standard clauses covering freedom of information and other local government specific issues. These additional clauses are available from Legal Services. Officers must ensure that the published ITQ/ITT includes the correct form of contract or refers to the correct industry standard.

F12.3 Letters of Intent will only be used in exceptional circumstances and with the written consent of the Service Director Legal and Governance.

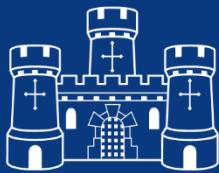
F12.4 Advice need not be taken from legal services on the final draft of a contract with a value of up to £50,000 where the council’s standard form of contract has been used with no amendments, additions or deletions to the council’s standard clauses.

F12.5 The final draft of all contracts over £50,000, contracts that must be executed as a deed (irrespective of value) or any other contract (whether specifically or by type) stipulated by the Service Director Legal and Governance must be approved by legal services (or in some other manner agreed by the Service Director Legal and Governance) before they are executed.

F12.6 When selecting the form of contract, be sure to consider whether it will need to be executed “under hand” (signed) or as a deed. See rule F22 below.

F12.7 A change to a contract, such as an extension of the contract period (in addition to any extension period included in the original contract), or a change to any of the terms or adding in scope to the goods, works or services, is known as a variation to the contract.

F12.8 When drafting the specification for the ITQ or ITT, it is good practice to provide for a variation in clear, precise and unequivocal words that state the scope of the



variation(s) permitted and the conditions under which the variation(s) shall apply, provided that such variation(s) do not alter the overall nature of the contract. For example, the ITQ or ITT may state additional goods, works or services that may be included in the contract in the future, or an extension in time of the contract period.

F12.9 In relation to PA2023 procurements, variations to contracts are covered in Sections 74-77 and Schedule 8 of the Act and regulation 40 regulate contract modifications. Variations to such contracts shall be recorded in writing by Officer Decision Notice and shall be authorised by the Service Director and the Service Director Legal and Governance. The procurement team shall ensure that appropriate notices are issued to comply with Section 75 which provides that before modifying a contract, contracting authorities must publish a contract change notice, unless an exemption applies. The information that must be included in a contract change notice is set out in regulation 40.

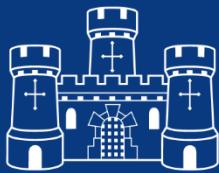
F12.10 For below threshold non PA2023 procurements, Officers shall not enter into variations which would extend the contract beyond the original scope or which would increase the contract price by more than an additional 20% of the original contract price, without the approval of the Section 151 Officer and Service Director Legal and Governance. Such approval shall be evidenced by ODN signed by the Section 151 Officer and Service Director Legal and Governance. A business case will be required to obtain this approval. The procurement team will keep a record of such approvals. Any variation pursuant to this paragraph 12.7 shall comply with the principles in paragraphs F12.7 and F12.8 above.

F12.11 In all cases, any variation shall be agreed between the parties to the contract and as a minimum shall be recorded in writing and signed by the parties.

F12.12 In no circumstances shall a variation be made to a contract which has ended, or which has been terminated. If there is no provision within the contract terms for a variation of the type required, legal advice shall be sought.

F12.13 Contracts must be effectively monitored throughout the period of the contract by the relevant contract manager/client officer and appropriate records kept in accordance with the council's document retention scheme.

F12.14 Contracts shall not permit payment in advance except in respect of software licences, hardware or software support, HP leases, deposits, warranties or new or additional water, electricity and gas connections instigated by a new build or



refurbishment project, unless the Service Director and Section 151 Officer agree otherwise, such agreement to be recorded in writing.

F12.15 Part payments may be made during the contract period after the completion of a stage of work provided that the services, goods or works have been completed or delivered to the satisfaction of the council. The contract shall include a clear payment schedule which identifies milestones and payment dates or shall identify the events and performance indicators which will trigger a part payment. No part payment shall be made unless the contract precisely sets out the payment schedule and the circumstances in which the part payment shall be made.

F12.16 Payments made under a contract shall be made in accordance with the relevant scheme of delegation and these Rules.

### **F13. Bonds and Security**

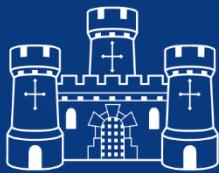
F13.1 A performance bond or adequate security will be required where:

- a) the nature and length of the contract is such that the risk of failure is sufficiently high.
- b) the estimated cost of re-establishing a service if the contract fails is relatively high.
- c) the financial and technical standing of the contractor is such that the risk of the failure is sufficiently high.

F13.2 Contracts with a value of up to £250,000 and which appropriately mitigate risk through staged payments or retentions will not typically require a bond or other security (though security may still be sought if any of F13.1 a) to c) apply). In all cases of contracts with a value of more than £250,000, a decision of the Section 151 Officer should be sought.

F13.3 The amount of the bond will be 10% of the total contract value unless otherwise agreed by the Section 151 Officer.

F13.4 Where the contractor is a limited company which is part of a larger group, the ultimate holding company may be required to provide a parent company indemnity or guarantee in addition to or instead of a performance bond or other security.



**F14. Procurements of Goods, Services or Works below the Procurement Act 2023 (“PA2023”) Thresholds.**

F14.1 Where the estimated costs of any goods, services or works is less than the PA2023 thresholds, quotes shall be invited as outlined below:

Value	Procedure
Under £5k	Awarding to a contractor from the council's approved list of contractors on a rotational basis where applicable. In other cases, direct awards are permissible but there is a requirement to be able to demonstrate compliance with the principles of Rule F1.1 across a period of time/range of awards.
£5k< to £25k	At least two written quotations
£25k< to the PA2023 Thresholds	A minimum of three quotations sought through the appropriate e-tendering portal.

F14.2 The PA2023 threshold is reviewed biennially, and advice must be taken from the procurement team as to the threshold at the time of planning a procurement.

F14.3 The procedure for under threshold procurements is explained in PPGs.

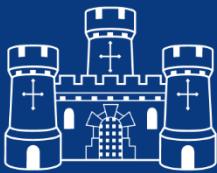
**F15. Procurement of Goods, Services or Works above the PA2023 Threshold**

F15.1 The PA2023 apply to above threshold contracts for the supply of goods, services and works. There is a separate procedure (known as the ‘light touch contracts’) for certain social, health education and other public services contracts specified in Section 9 (Light touch contracts) of the Act.

F15.2 The PA2023 uses only three procedures, not including frameworks and dynamic markets (the new name for dynamic purchasing systems). These are aimed - to create a simpler and more flexible procurement system.

The new procurement procedures are:

A) Open Procedure  
Competitive Flexible procedure



Direct award.

- a) Open Procedure
- b) Competitive Flexible procedure.
- c) Direct award .

F15.3 There is a separate procedure for some types of procurements, known as the light touch contracts, which is explained in the PPGs.

F15.4 Advice shall be taken from the procurement team as to the most appropriate type of procurement procedure. PPGs contain a general guide to the types of procurement procedures.

F15.5 The procedures to be followed for each type of procurement at F15.2 (a) to (c) above are set out in the 2023 regulations and cannot be varied under any circumstances. PPG5 explains the procedure for the Open Procedure. PPGs explain the procedure for the Competitive Flexible procedure. There is a separate procedure for social and health procurements and other contracts specified in Section 9 (Light touch contracts) of the Act. Call-offs under a framework agreement shall follow the procedure set down by the framework authority and in compliance with the PA2023.

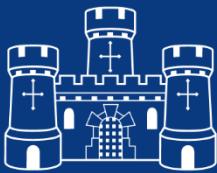
F15.6 Before commencing any above PA2023 threshold procurement, advice must be taken from the procurement team.

## **F16. Remedies for Breach of the Regulations**

F16.1 The consequences for breaches of the Regulations for over threshold procurement are significant and Section 102 empowers the court to make a variety of interim orders which include:

- a) automatic suspension.
- b) Pre-contractual remedies.
- c) post-contractual Remedies

F16.2 Officer compliance with these Rules and the Regulations is therefore essential.



## F17. Timescales

F17.1 Procurements over threshold can take a minimum of 4 months and sometimes over 18 months to complete depending on complexity.

F17.2 Section 54 (Time limits) of the PA2023 provides the minimum time limits to be set by contracting authorities in different circumstances. Section 54(3) provides that in most cases a participation period of at least 25 days must be allowed for suppliers to submit requests.

## F18. Electronic Tendering

F18.1 The Council utilises an e-procurement software solution for competitive procurement activities of £25,000 and over.

F18.2 Officers must use the e-procurement solution for all procurements with a value of £25,000 and over unless the Section 151 Officer has provided written consent for the exception or unless the procurement is being conducted through a framework that has its own e-procurement software, when it is permissible to use the e-procurement facility provided by the framework provider.

## F19. General Rules for Procurements Involving an Element of Competition

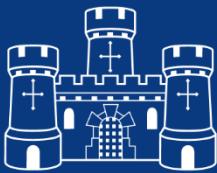
F19.1 For procurements of £25,000 and over, Service Officers must contact the procurement team before the commencement of procurement activities to agree the appropriate process that will ensure value for money and adequate competition.

F19.2 Service Officers are responsible for drafting a clear and robust specification. The specification must set out exactly what the Council requires and timescales for delivery.

F19.3 Where a variant is permitted, the service Officer must set out the minimum requirement(s) of the variant. Lots must be considered where appropriate and the procurement team will advise on the best use of lots.

F19.4 The tender documentation must as a minimum include:

- a) the time, date and internet address for submission of tenders.
- b) information the supplier must provide.



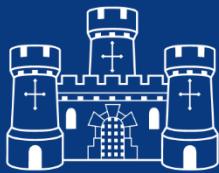
- c) timescales for the project.
- d) the criteria for award and how compliant bids will be assessed.
- e) the contract documents.
- f) method for dealing with queries during the tender period.
- g) where applicable that the council will utilise the supplier 'debarment list' published by the Cabinet Office (a supplier can only be considered for debarment if any of the mandatory or discretionary exclusion grounds, outlined in Schedule 6 and 7 of the PA2023, apply and the circumstances giving rise to the relevant exclusion ground are continuing or are likely to occur again. Following investigation, a supplier might be listed as an "excluded" or an "excludable" supplier.

F19.5 The tender documentation must state that the council is not bound to accept the lowest or any tender.

F19.6 The tender documentation must set out how errors in tenders will be dealt with using one of the following two ways: -

- a) the tenderer shall be given details of the error(s) found during the evaluation and shall be given the opportunity to confirm without amendment or withdraw the tender; or
- b) amending the tender to correct genuine error(s) provided that in this case, apart from these genuine errors, no other adjustment, revision or qualification is permitted.

F19.7 The ITT must state that by submitting a tender the tenderer agrees to the council's contract terms. There shall be no discussion or negotiation about the contract terms prior to the tender close date. Once an award has been made, modifications may exceptionally be necessary, for example to address an error, where an issue with consistency with the specification is identified or exceptionally where a condition is at odds with the approach in that sector of the market. Legal advice shall always be obtained to ensure that any modification is appropriately drafted. Such modifications shall comply with the general principles listed below: -



- a) the modifications shall not render the contract materially different from the one forming part of the ITT.
- b) had the modifications been included originally with the ITT, the modification would not have allowed for the admission of bidders other than those initially selected OR for the acceptance of a tender other than that originally accepted OR have attracted additional bidders.
- c) the modifications do not change the economic balance of the contract in favour of the contractor in a way which was not provided for in the original contract.
- d) The modification does not extend the scope of the contract beyond PA2023 prescribed parameters.

F19.8 Any modifications which do not fall within at least one of the conditions listed in (a) to (d) above shall require approval by ODN from the Service Director Legal and Governance. Advice shall always be taken from the Service Director Legal and Governance before agreeing to any modifications of the Council's contract terms.

F19.9 Evaluation criteria are the basis on which scores are given to assess responses. Tender evaluation criteria are assessed on:

- a) price or quality only.
- b) MAT (Most Advantageous Tender) whilst price remains a consideration the PA2023 allows procuring authorities to prioritise other factors such as environmental impact or social and governance standards when awarding and evaluating contracts.
- c) Life cycle costing
- d) Fixed price with quality criterion only
- e) Community Wealth Building
- f) Social Value

F19.10 Guidance on evaluation criteria is contained in the PPGs.



F19.11 A record of all tenders received shall be kept on the e-procurement solution and shall include:

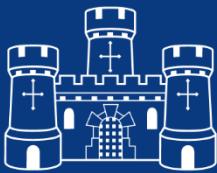
- a) service name
- b) bidder's names
- c) tender value
- d) date
- e) reasons for any disqualifications for late tenders and
- f) name of those who were invited but did not submit a tender

F19.12 Any request for an extension to a tender period must be made no later than the period stated in the ITT and in any event before the tender close date and shall be agreed by the Service Director Legal and Governance or their delegated officer. If an extended date is permitted all tenderers must be advised.

F19.13 Clear written records must be kept of the assessment process. For all PA2023 procurements, a report must be written and retained by the service until the expiry of the contract term. The procurement team shall advise what must be recorded in the procurement report.

F19.14 Negotiation or discussion is generally not permitted except where included as part of a 'Competitive Flexible procedure' where negotiation may be permitted and it is clearly stated in the ITT that negotiation or discussion is part of this tender process. If used, negotiations or discussions must be recorded either contemporaneously or as soon as possible after the negotiation or discussion has concluded.

F19.15 A contract procured under the Regulations cannot be entered into or a framework agreement concluded until the end of the standstill period. Section 51 of the PA2023 (Standstill periods on the award of contracts) provides that the 'mandatory standstill period' is the period of eight (8) working days beginning with the day the contract award notice is published. It also sets out the exemptions to this requirement and makes provision for a voluntary standstill period where these exemptions apply.



F19.16 Where timescales allow, for below threshold PA2023 contracts, a voluntary standstill period of eight (8) working days beginning with the day the contract award notice is published can be implemented. Advice should be taken from the Service Director Legal and Governance on whether or not to apply a voluntary standstill period.

#### **F20. Abandonment**

F20.1 If less than three tenders are received, consideration should be given as to whether continuing with the process will achieve a competitive price, value for money and quality of services. A further advertisement may be required.

F20.2 Before abandonment or recommencement of an above threshold procurement, there shall be consultation with the Service Director Legal and Governance to ensure appropriate procedure and risk management.

#### **F21. Central Digital Platform (CDP)**

F21.1 All relevant procurement opportunities which involve an element of competition over £25,000 shall be advertised on “Central Digital Platform”. An element of competition means where the procurement opportunity is put into the public domain for the attention of suppliers generally. It does not include situations where a tender or quote is sought from a limited number of suppliers such as a call-off from a framework agreement or seeking quotes/tenders from selected suppliers.

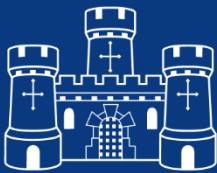
F21.2 An award of a relevant contract shall be notified on “Central Digital Platform”. PPGs explain when an opportunity or award has to be advertised on “Central Digital Platform”.

#### **F22. Signing and Sealing**

F22.1 Contracts with a value of up to £50,000 that are not required to be executed as a deed may be signed by the Service Director in accordance with a service scheme of delegation.

F22.2 Unless otherwise agreed in writing by the Service Director Legal and Governance, contracts with a value of more than £50,000 and contracts that are required to be executed as a deed (irrespective of value) must be executed by:

- a) The Service Director Legal and Governance or the Section 151 Officer or the Chief Executive; and



- b) An authorised Member signatory

F22.3 Contracts will be executed “under hand” (signed) unless required in law or by the Service Director Legal and Governance to be executed as a deed. Contracts required to be executed as a deed in law typically include:-

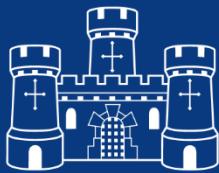
- a) Transfers of land or interests in land.
- b) Some Leases.
- c) Mortgages and Charges.
- d) Certain documents in respect of Trusts.
- e) Agreements made without consideration.
- f) Gifts or tangible goods without delivery.
- g) A release or variation of certain rights.

F22.4 In addition to legal requirements to execute some contracts as a deed, there can be advantages to executing other types of contracts as deeds. This will typically occur in respect of high value/risk transactions and/or where contractual relations will be continuing for some time. In these situations, the council may want to execute the contract as a deed to:

- a) be able to take action for breach of contract over a longer period.
- b) prevent the contracting party (or their successor in title) calling into question, at a later date, the validity or effectiveness of the contract or the accuracy of statement of fact made in the contract.

F22.5 Advice should be taken from Legal Services on execution requirements where there is any doubt.

F22.6 Contracts must be executed and completed before work is started to ensure incorporation of terms. Making payments before the contract is sealed or signed may be a breach of the Rules and may result in disciplinary action.



### F23. Waiving the Rules

F23.1 Where an Officer intends to seek an exemption to these Rules on the grounds set out below the Officer shall obtain the written consent of the Service Director Legal and Governance and the Section 151 Officer by way of a Waiver And Record of Non-Adherence (WARN) form.

F23.2 The Audit and Standards Committee will receive periodic reports on the WARN process and significant single occurrences will be reported to the next available meeting of the Audit and Standards Committee. Service Directors may be required to attend Audit and Standards Committee to explain the circumstance leading to the WARN.

F23.3 Other than in exceptional circumstances, there shall be no retrospective approval of an exemption and the matter will have to be recorded and reported as a Non-adherence instead, in accordance with rules F4.3 and F4.4 above.

F23.4 Requests to waive these rules for under PA2023 threshold contracts may be authorised in the following circumstances, following a robust audit:

- a) goods, services or execution of works are obtainable only from one source or contractor and there is no reasonably satisfactory alternative.
- b) compatibility issues such that procurement from another source would be uneconomic given the investment in previous infrastructure.
- c) in cases of genuine urgency or emergency (which shall not include urgency or emergency arising on account of a failure to comply with the Rules when there has been ample opportunity to do so) where it can be clearly demonstrated that the time required to comply with the Rules would have a significant adverse impact on the council's interests. The Procurement Act 2023 introduces four key sections:
  - section 41 – direct award in special cases (“an absence of competition for technical reasons” - “difference or incompatibility” - “disproportionate technical difficulties”).
  - section 42 – direct award to protect life, etc.
  - section 43 – switching to direct award (permits the use of a direct award where there are no suitable tenders/responses in a competitive tendering procedure, and it is not considered possible to award following a competitive process as a result (this is equivalent to the existing ground where there are no tenders/suitable tenders).



- section 44 – transparency notices – this provision now requires that a transparency notice is required for a direct award.
- d) where a recent, directly analogous and diligently undertaken compliant procurement process evidences a lack of genuine competition.
- e) Other such circumstances as shall be agreed by the Service Director Legal and Governance and the Section 151 Officer.

F23.5 All WARNS signed pursuant to E23.1 shall be held by Legal Services and shall be available for inspection as required.

#### **F24. Payment of Undisputed Invoices**

F24.1 The Council has a duty under the PA2023 for every public contract (whether it is above or below the PA2023 threshold) to pay undisputed invoices within 30 days. PPGs explain the requirements for payment of undisputed invoices.

#### **F25. Public Services (Social Value) Act 2021**

F25.1 The Council must consider the social value of its approach to procurement and whether social or environmental criteria or conditions may be appropriate and permissible. PPGs explain the requirements for social value.

#### **F26. Additional Matters**

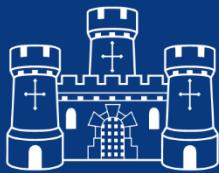
F26.1 PPGs set out additional matters which might be relevant to a procurement and Officers are advised to refer to PPGs before commencing a procurement.

#### **F27. Consultancy Procedure**

F27.1 Officers shall follow the separate consultancy procedure in addition to the Rules.

F27.2 External consultants or advisors may only be appointed to provide professional or consulting services if such services are not available within the council or if the Officers providing them do not have the resources to meet what is required. Where such services are available in-house, the appointing Officer must consult with the Service Director Strategy, People and Performance and the Section 151 Officer before taking any decision to make an external appointment.

F27.3 Consideration should always be given to using approved frameworks, examples include YPO (Yorkshire Purchasing Organisation), ESPO (Eastern Shires Purchasing Organisation), CCS (Crown Commercial Service) and Homes England.



F27.4 External consultants and technical Officers engaged to supervise contracts must follow these Rules as applicable and their contracts for services must state this requirement.

F27.5 Procurement plans and/or tenders prepared by external consultants on behalf of the Council must be referred to the procurement team for approval and advice.

F27.6 All contracts for external consultants and advisors shall explicitly require that the consultants or advisors provide immediately any, or all documents and records maintained by them relating to the services provided at the request of the appointing Officer, and lodge all such documents and records with the appropriate Officer at the end of the contract.

F27.7 The appointing Officer shall ensure that any consultant working for the Council has appropriate indemnity insurance.

F27.8 Any consultant used by the council shall be appointed in accordance with these Rules. Where the council uses consultants to act on its behalf in relation to any procurement, then the appointing Officer shall ensure that the consultants carry out any procurement in accordance with these Rules and using the council's standard terms and conditions of contract in any procurement that the consultant carries out. No consultant shall make any decision on whether to award a contract or whom a contract should be awarded to. The appointing Officer shall ensure that the consultant's performance is monitored.

F27.9 Where the engagement of a consultant is required to support a procurement process or related project, the consultant should sign an appropriately drafted confidentiality agreement.

## **STATEMENT OF THE LEADER OF THE COUNCIL TO FULL COUNCIL – 21<sup>st</sup> JANUARY 2026**

**Submitted by:** Councillor Simon Tagg

**Portfolio:** All

**Wards affected:** All

### **Purpose of the Report**

To provide an update to Members on the activities and decisions of Cabinet, together with the Forward Plan.

### **Recommendation**

**That the statement of the Leader of the Council be received and noted.**

### **Reasons**

To update Council Members on the activities and decisions of the Leader and Cabinet and to allow questions and comments to be made on the Statement.

#### **1. Cabinet Meeting**

Cabinet met on 14<sup>th</sup> October, 4<sup>th</sup> November, 2<sup>nd</sup> December 2025 and 13<sup>th</sup> January 2026, detailed below is a selection of decisions and other actions of the Leader and Cabinet since the last Leader's Statement.

#### **2. Walleys Quarry Landfill Update**

Over the early winter period conditions at Walleys Quarry have remained stable, with a very low level of complaints to both the Council and the Environment Agency (EA), all of which are investigated by officers. The EA and its contractors continue to carry out immediate works needed at the site, including to bring the leachate plant back into use and in the meantime tankering leachate off-site for safe disposal. Officers monitored conditions particularly over the Christmas and New Year period, which was the first in many years where residents were able to enjoy an uninterrupted festive break.

Following a meeting of the Health, Wellbeing and Environment Scrutiny Committee in November 2025, at which concerns were raised that the Council had not received a response from Newcastle's Member of Parliament in respect of Government support and action for the future restoration of the site, a further letter was sent from myself and the Chair of the Scrutiny Committee, repeating our call for the Government to play an active role in the safe restoration and remediation of the site; and supporting this Council's call for a Public Inquiry into the site and failures in its regulation by governmental agencies.

Multi-agency meetings have been convened to continue to develop how to secure the effective management, monitoring and restoration of the site over the long term, together with ensuring effective public engagement and communication. I chaired a political co-ordination meeting on 12th December, attended by the Member of Parliament, interim Leader of Staffordshire County Council and the Deputy Police, Fire & Crime Commissioner, at which calls for a public inquiry, public engagement meeting at an appropriate time and support from Government were made again.

### **3. UK Shared Prosperity Fund**

The UK Shared Prosperity Fund continues to pay dividends in strengthening communities, supporting local businesses, and improving skills across the Borough.

Cabinet received a report detailing that through UKSPF investment, nearly 85,000 people have directly benefited from community-focused projects, local heritage initiatives, programmes tackling social isolation and improving the environment. At the same time, the fund has provided non-financial support to 445 local enterprises and reached 993 individuals through business-focused interventions, helping to boost entrepreneurship, drive economic resilience, and widen opportunities for growth.

The borough continues to make full use of the previous UKSPF funding, but it is disappointing that future funding has been cut by the Government.

### **4. Local Government Reorganisation Update**

The Council has sent a firm and united message to Ministers, setting out its position on the government forced local government reorganisation agenda. Following the special full Council meeting last November, I delivered our detailed 200-page submission in which we made clear that plans to dismantle Staffordshire's successful two-tier system and impose unitary councils are unjustified, unwanted and lack public support.

Standing with residents, many of whom have signed the 10,500 strong Save our Borough petition, we are urging Ministers to rethink, we have also taken responsible steps to prepare for any forced change. Should reorganisation go ahead, the council's preferred option is a single unitary authority based on Newcastle-under-Lyme Borough's existing borough boundaries - an approach that would protect local identity, maintain democratic accountability, and minimise disruption for residents and businesses. The Council remains committed to delivering high-quality, cost-effective services at the most local level, and will continue to champion the best interests of our borough throughout this process.

The Council remains fully committed to holding the all-out Borough elections in May 2026 as planned. We have made it clear to Government that there is no justification for delaying or cancelling these elections, and that maintaining the established democratic timetable is essential for accountability, stability, and public confidence in local decision-making.

### **5. Draft Housing and Homelessness Strategy 2026-30**

The Council's Housing and Homelessness Strategy has been refreshed to provide a forward-looking framework to improve housing quality, prevent homelessness, and support some of the most vulnerable members of our community.

The new Strategy responds to significant changes in the national and local landscape, particularly the cost-of-living pressures, and focuses on three clear priorities: strengthening the link between housing and health, creating a vibrant and prosperous housing market with more affordable homes, and continuing early-intervention work to prevent homelessness and rough sleeping.

The Strategy aims to raise housing standards, improve energy efficiency across the Borough, widen affordable housing options, and ensure people in housing need can access appropriate support.

By issuing the draft Strategy for public consultation, Cabinet are inviting residents and partners to help shape a plan that will guide our approach through to 2030 and ensure that the Borough remains a place where everyone has access to a safe, stable and suitable home.

### **6. Newcastle Town Deal update**

Newcastle-under-Lyme's regeneration is accelerating at pace, with council investment building on Town Deal funding to drive major transformations across key sites in the Borough.

Construction at Astley Place is well underway, turning the former York Place into a vibrant new neighbourhood featuring homes, shops and a community music venue, while the former Midway multi-storey car park and Ryecroft site are being redeveloped into high-quality residential accommodation. Work to unlock the former Zanzibar site will deliver new homes and enterprise units and, in Knutton, new housing and the expansion of the Enterprise Centre and a village hall are progressing. Meanwhile, sustainable travel improvements - from new pedestrian and cycle crossings to real-time passenger information and the introduction of the K-bus route have been delivered, with the next phase including the transformation of Newcastle's bus station into a modern, welcoming gateway.

The council and its partners, along with developer Capital & Centric, are pushing forward confidently, ensuring that this once-in-a-generation regeneration continues to create a thriving community and a more prosperous future for residents, businesses and visitors.

## **7. Kidsgrove Train Station update**

The transformation of Kidsgrove Station is now on track, with a £2.7 million modernisation scheme set to deliver a cleaner, safer and more welcoming gateway for residents, commuters and visitors.

The revised project backed by Cabinet and Kidsgrove Town Deal Board, led by East Midlands Railway and Network Rail, focuses on upgrading the main station building, renovating the Island Building on platform two, and enhancing the wider station environment. Improvements will include refurbished waiting rooms, modern toilet and kitchen facilities, new windows and doors, sustainable features such as solar panels and an air-source heat pump, clearer customer information screens and signage, a new secure cycle store, and a revised car park layout with EV charging and improved accessibility.

These upgrades will not only modernise the station facilities but also strengthen Kidsgrove's role as a connected and accessible town centre, supporting wider regeneration projects across the town.

## **8. Civic Pride In Our Borough**

The Council's Civic Pride programme continues into the new year, with a calendar of Borough-wide events for 2026 building on a successful first year. Civic Pride brings together the Council, Aspire Housing, Staffordshire Police and other partners under the #PrideInNUL banner to create cleaner, safer and more welcoming neighbourhoods. Throughout the year, coordinated activities, from community litter-picks and safety drop-ins to walkabouts, maintenance work and bicycle security marking, will take place across the Borough, starting in Westbury Park and Northwood in January and concluding in Maer and Whitmore in November.

This work reflects the Council's commitment to fostering stronger community cohesion, empowering residents of all ages to get involved, and celebrating the unique character of each local area.

The Council is preparing a first-class bid to become a UK Town of Culture in 2028, showcasing our rich heritage, creativity and longstanding civic pride on a national stage. With award-winning cultural assets like the Brampton Museum, Apedale Heritage Centre and the New Vic Theatre, University and college alongside the legacy of our 850th anniversary celebrations, we are ready to demonstrate why our Borough is uniquely placed to take on this honour.

## **9. Progress of the Council's Sustainable Environment Strategy**

Our commitment to a cleaner, greener Borough continues to gather pace through a series of ambitious environmental initiatives.

Cabinet have endorsed the county-wide Local Nature Recovery Strategy, helping to reverse the decline of wildlife by restoring habitats, improving ecological connectivity and embedding nature recovery across Council policies, building on our long-standing work including 34,000 new trees planted over the past five years. Alongside this, extensive Borough Tree Planting Strategy continues to expand, with a further 3,000 trees being planted across eight new sites this year to boost biodiversity and support carbon capture.

Cabinet have agreed to advancing a three-stage plan to create the new Lyme Countryside Park on the border of Silverdale & Keele, protecting two-thirds of the former golf course as public green space, enhancing access to nature, and supporting our wider habitat, woodland and open-space improvements for years to come.

Through our work with Fields in Trust, more than 80 Council owned parks and green spaces across the borough are now going through the process to gain permanent legal protection, ensuring that cherished community green spaces remain protected for recreation, wellbeing and nature for future generations.

#### **10. Future Delivery of Financial Wellbeing and Debt Advice Service**

The Council's Financial Wellbeing and Debt Advice Service remains a vital lifeline for residents facing increasing financial pressures. Nearly 20 per cent of households in our borough living in fuel poverty and many more showing signs of struggling with priority bills, the need for accessible, expert advice to deal with this new cost-of-living crisis has never been greater.

Delivered currently by Citizens Advice North Staffordshire, the service provides invaluable early intervention through online, telephone, and face-to-face support in the borough helping prevent financial crises and reducing the risk of homelessness.

To ensure uninterrupted assistance, Cabinet approved a six-month contract extension during the procurement period, ahead of a new three-year contract worth £70,000 per year. This decision demonstrates the Council's commitment to supporting residents through cost-of-living challenges and ensuring they have access to trusted, locally delivered financial guidance when they need it most.

#### **11. The APSE Award for Best Performance in Streetscene**

The Borough Council is proud to have been awarded the APSE Award for Best Performance in Streetscene, recognising its position as a top-performing authority for cost-effectiveness, service standards and environmental quality. This accolade follows rigorous external verification and reflects the ongoing improvements made across the service - from embracing new technologies like Bartec for cleansing operations and GIS mapping to target fly-tipping - to investing in staff through enhanced training, leadership apprenticeships and innovative recruitment campaigns.

The Council have also secured external funding, including £28,000 for chewing gum removal in Newcastle town centre,

The APSE award further demonstrates the Council's commitment to delivering cleaner, safer and well-maintained public spaces for residents and visitors.

#### **12. Forward Plan**

The Forward Plan can be found at: -

[Browse plans - Cabinet, 2026 – Newcastle-under-Lyme Borough Council](#)

**Councillor Simon Tagg**  
**Leader of the Council**

## **Scrutiny Committee's Chairs' reports**

### **Economy and Place Scrutiny Committee**

The Committee met last on Monday 15th December and received a report on Planning Enforcement and Performance and received further updates on the Newcastle-Under-Lyme Borough Local Plan 2040 and Town Deal and Future High Street Funds Update.

Members raised questions and all the responses were well received, and the Committee approved all the recommendations to each of the reports.

The Committee will meet again on Thursday 19th March

Cllr Andrew Parker  
Chair

### **Health, Wellbeing and Environment Scrutiny Committee**

The Health, Wellbeing and Environment Committee met on 24th November. An update on district and borough health scrutiny activity was received. An update on the Walleys Quarry situation was heard, and actions agreed to contact the local MP through the leader and Committee chair. The future work programme was discussed.

The Committee will meet again in March.

Cllr Rupert Adcock  
Chair

### **Finance, Assets and Performance Scrutiny Committee**

The Committee met on 4 December, when it scrutinised the Administration's first draft savings plans for 2026/27. The Committee also considered the Financial and Performance Review Report for the second quarter of 2025/26, and received an update on the Town Deals and Future High Streets Fund projects.

The Committee met again on 15 January. Members conducted detailed scrutiny of the Budget for 2026/27 and associated strategies formed by Cabinet. The Scale of Fees and Charges and the charging policy for the forthcoming year were considered, and Members gave comments to the Portfolio Holder.

The Committee will meet again on 26 March.

Cllr Mark Holland  
Chair

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## Regulatory Committee's Chairs' reports

### Audit and Standards Committee

The Committee met on two occasions:

29<sup>th</sup> September 2025.

The first substantive item on the agenda was the Health and Safety Annual report 2024/25, presented to the committee by Georgina Evans-Stadward. It was noted that there had been a slight increase in accidents reported, but this was felt to be as a result of natural fluctuations and the policy of encouraging more rigorous reporting of issues.

Members then turned their attention to the Q1 Internal Audit progress report. Alex explained that it was normal for activity to be lower in the first quarter as IA would be more heavily involved in compliance, relating to the external audits. Progress would catch up later in the year, but based on the work done to date, it was felt that progress to date was in line with expectations.

Anthony Harold then introduced the Q1 Corporate Risk Management Report 2025/26. Members were asked to note that there are currently no risks that are more than 6 months overdue for a review up to end of Q1 2025/26, and that there have been no risk level increases, but there have been 2 new risks added.

Richard Lee and Rob Fenton from KPMG updated members on the progress of the Audit of the 2024/5 accounts, to date. It was noted that the Audit was almost complete and that there had been no issues of significant concern. There were some differences of opinion, for instance, relating to property and pension fund values, which are items of significant value, but this is primarily due to slight differences of opinion on the part of the professional valuers used by the different parties. Overall, the working papers and statements were felt to be of a high standard and the accounts team were thanked for their efforts.

10<sup>th</sup> November 2025.

*Apologies were accepted from Paul Waring, who was unable to attend, due to family commitments, overseas. The Vice Chair, Gill Burnett Faulkner, took the Chair.*

The first substantive item on the agenda related to various 2024/5 year-end reports and the Deputy Leader / Portfolio Holder for Finance, Town Centres and Growth, introduced reports on the final Statement of Accounts, External Audit Annual Report and Audit Findings Report for the financial year 2024-25. A number of questions raised by members, were answered by the S151 and Monitoring Officers.

Members resolved that the reports be received and that it would be in order for the Service Director for Finance (S151 Officer) to issue the letter of representation.

The Deputy Leader / Portfolio Holder for Finance, Town Centres and Growth, then introduced the Treasury Management Half Yearly Report, in line with the Treasury Management Strategy, approved by full Council in February 2025, and as recommended by the CIPFA (Chartered Institute of Public Finance and Accountancy) Code of Practice. The Service Director for Finance (S151 Officer) advised that in the medium term, the Council would need to borrow externally, but that it would also use internal borrowing to mitigate those costs. Members resolved to receive the report.

The Service Director for Legal & Governance (Monitoring Officer) introduced the Corporate Risk Management Report for quarter 2. Members resolved to note: that there are currently no risks more than 6 months overdue for a review up to end of Q2 2025/26, that that there had been no risk level increases, that 5 new risks had been added, the Corporate Risk Register profile, and that whilst the likelihood of a risk materialising may be mitigated, the likely impacts may not change.

The Audit Manager (Staffordshire County Council) presented the update report on the Internal Audit Progress for quarter 2. Members resolved that the progress against the 2025/26 Internal Audit Plan be noted and that the progress on the implementation of audit recommendations be noted.

Paul Waring  
Chair

### **Planning Committee**

The Planning Committee met on 14 January, 2026.

The following items were considered:

- Baldwins Gate Farm, Newcastle Road, Baldwins Gate. 25/00661/FUL
- Vehicle Storage Land, Linley Road, Talke. 25/00799/FUL.
- Farcroft, Manor Road, Baldwins Gate. 25/00751/OUT
- 15,17,19,29,31,35 and 37 Merrial Street, Newcastle. 25/00805/DEEM3.
- Land Rear of 57 High Street, Alsagers Bank. 25/00851/PIP
- 5 Boggs Cottage, Keele 14/00036/207C3.

Cllr Paul Northcott  
Chair

## **Licensing and Public Protection Committee**

The Licensing and Public Protection Committee met on 13<sup>th</sup> January, 2026.

At the meeting Members, received the following Licensing Report:

- Relaxation of Licensing Hours for the 2026 Men's FIFA World Cup

The Committee discussed a number of aspects of the report and agreed to the proposed recommendations that were set out in the report.

The following Public Protection reports were also considered:

- Animal Welfare (Primate Licences) Regulations 2024
- Government Consultations responded to in consultation with the Chair of the Committee and the Portfolio Holder
- Private Hire and Hackney Carriage Fees and Charges 2026/2027

The Committee discussed a number of aspects of the reports and agreed to the proposed recommendations that were set out in those reports.

The Public Protection Sub Committee met on two occasions; 12<sup>th</sup> November and 9<sup>th</sup> December, 2025.

The minutes for the Sub Committees were received and noted as correct records

Cllr Joan Whieldon  
Chair

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## Supporting Our Borough's Town Centres, High Streets and Villages

Our town centres and high streets are at the heart of our community, both urban and rural, but they face challenges. We know that small businesses, both retail and hospitality, are facing difficult economic circumstances. However, we also know that people still want to visit their local town centres and that bricks-and-mortar shops can still be the preferred choice for many over online retail because they form part of a leisure offer.

The Council is supporting businesses and shoppers by delivering once-in-a-lifetime regeneration projects building on the £50 million Town Deal and Future High Street programmes awarded by the last Conservative Government.

- **Newcastle-under-Lyme Town Centre:** Significant investment is transforming key sites in the town centre, creating modern spaces for homes, retail, leisure, and improving connectivity and public realm.<sup>1</sup>
- **Kidsgrove:** The Town Deal is driving improvements to transport, leisure facilities, and public spaces, ensuring Kidsgrove remains an accessible destination for residents and visitors.<sup>2</sup>

### Council believes that:

1. Our town centres and high streets across our Borough are vital community hubs where residents access shops, services, culture, hospitality, and public facilities.
2. Vibrant retail and leisure are essential for the economic health, social wellbeing, and identity of our communities.
3. Hospitality and retail businesses play a central role in shaping the life of our town centres and high streets, attracting footfall, creating jobs, and supporting the wider local economy.
4. Government policies, such as the Employer's National Insurance rise and increases in business rates payable, are destroying local businesses.

### Council further believes that:

1. Through its once-in-a-lifetime regeneration activity, the Council is doing what it can to support the long-term viability of our town centres, help attract footfall, and create the conditions for independent businesses and local employers to succeed.
2. Hospitality and retail sector businesses are vital and that they benefit from stable costs, predictable trading conditions, and good access for customers.

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<sup>1</sup> <https://www.newcastle-staffs.gov.uk/news/article/470/borough-transformation-continues-at-pace-as-key-sites-undergo-town-deal-backed-regeneration>

<sup>2</sup> <https://www.newcastle-staffs.gov.uk/news/article/428/kidsgrove-town-deal-delivery-is-on-right-track>

3. The Government should do more to support our town centres, high streets, and villages, such as offering business rates exemptions or discounts for hospitality and retail sector businesses, without impacting income to local authorities.

**Council resolves:**

1. To continue to act to ensure the long-term viability of our town centres and high streets as part of everything we do, whether that be via regeneration policies, community safety, or civic pride.
2. To continue to work with the police to tackle antisocial behaviour in our town centres by ensuring that necessary PSPOs and other council-implemented actions are kept up to date.
3. To ask the Leader and Chief Executive to write to the Chancellor, Rachel Reeves, requesting:
  - That the package of measures providing relief to pubs<sup>3</sup> from changes announced at the Budget to the business rates regime be extended to all hospitality and high street businesses.
  - A further review of business rates for retail, hospitality and leisure sector businesses, with a view to permanently reducing taxation in line with the Government's stated ambition of stronger economic growth, and building on HM Treasury's October 2024 ambitions for lower tax and greater support for RHL sector businesses.<sup>4</sup>
4. To engage with the three Members of Parliament that represent the Borough to:
  - Seek their active support for ongoing regeneration projects and, crucially, work to secure additional central government funding for the Borough's further regeneration;
  - Encourage them to advocate for fairer business rates and policies that protect hospitality and retail on our high streets;
  - Work collaboratively to promote Newcastle, Kidsgrove and the wider Borough as thriving destinations for investment and leisure.

**Proposed: Simon Tagg**

**Seconded: Mark Holland**

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<sup>3</sup> <https://www.bbc.co.uk/news/articles/c8e57dexly1o>

<sup>4</sup>

[https://assets.publishing.service.gov.uk/media/675197b95692dd4c0c8d1dac/Transforming\\_Business\\_Rates\\_\\_2\\_.pdf](https://assets.publishing.service.gov.uk/media/675197b95692dd4c0c8d1dac/Transforming_Business_Rates__2_.pdf)

## To the Portfolio Holder for Sustainable Environment:

1. Residents tell me there is no longer a facility to renew their brown garden waste subscription by phone and they must have an email address/account to do this. Residents say that the staff, although trying to be helpful, have asked such residents whether they can get help from someone to do it online. One resident in this position was a woman in her 80's who has never had children. Although her neighbours have been helpful in the past, she feels like 'she does not want everyone to know her business'. With so much in the media concerning elderly and other vulnerable people being victim to scams, I could sympathise with her view. I have heard of other cases where non digital customers get a neighbour/relative to set this up for them and then they give them the cash. Could I ask the portfolio holder:

Is there no facility for residents to pay for this service other than online?

If this is so, are staff advising residents to get members of the public to help them?

**Cllr. Jacqueline Brown**

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## To the Portfolio Holder for Strategic Planning:

2. The consultation on the main modifications stage of the Borough's Draft Local Plan ended on 17th December 2025. How many responses were received during the main modification stage and have these responses been forwarded to the planning inspector?

**Cllr. Richard Gorton**

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## To the Portfolio Holder for Finance, Town Centres and Growth:

3. The Cabinet sent a letter to Chancellor Rachel Reeves on August 1<sup>st</sup> 2025 outlining pressures on local authority finance, including business rate deficits, cost-of-living impacts on council income, unexpected cost of local government reorganisation and the rising cost of providing temporary accommodation for individuals and families made homeless.

Has the Portfolio Holder received a response from the Chancellor?

**Cllr. Andrew Parker**

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