

**REPORT TITLE:** Proposed Revisions to Contract Procedure Rules March 2026

<b>Meeting:</b>	Council
<b>Date:</b>	11 March 2026
<b>Cabinet Member</b> (if applicable)	Not applicable
<b>Key Decision Eligible for Call In</b>	No No
<b>Purpose of Report</b>  To provide information for discussion on proposed changes to Contract Procedure Rules for the municipal year 2026/27.	
<b>Recommendations</b> <ul style="list-style-type: none"> <li>Council is asked to approve the proposed changes to Contract Procedure Rules for the municipal year 2026/27.</li> </ul> <b>Reasons for Recommendations</b> <ul style="list-style-type: none"> <li>These changes were considered, and recommended, by Corporate Governance and Audit Committee on 20 February 2026.</li> <li>The Contract Procedure Rules ensure that the Council is acting in line with current legislation and other development in public law when conducting procurement processes</li> </ul>	
<b>Resource Implications:</b> There are no direct resource implications. Contract Procedure Rules (CPRs) cover all aspect of the Councils operations. The legal obligation to have CPR's is to comply with Section 135 Local Government Act 1972. The council is a public authority and a contracting authority for the purpose of, and is therefore subject to, the procurement regulations (the Procurement Act 2023 and the Public Contracts Regulations 2015).	
<b>Date signed off by <u>Executive Director</u> &amp; name</b>  <b>Is it also signed off by the Service Director for Finance?</b>  <b>Is it also signed off by the Service Director for Legal Governance and Commissioning (Monitoring Officer)?</b>	<b>Rachel Spencer-Henshall</b> – Deputy Chief Executive and Executive Director for Public Health and Corporate Resources (22/01/2026)  <b>Kevin Mulvaney</b> – Service Director Finance (22/01/2026)  <b>Samantha Lawton</b> – Service Director Legal & Commissioning (15/01/2026)

**Electoral wards affected:** All

**Ward councillors consulted:** Not applicable

**Public or private:** Public

**Has GDPR been considered?** Yes, not applicable

## **1. Executive Summary**

- 1.1 This report sets out information on proposed changes to Contract Procedure Rules for the year 2026/27.
- 1.2 Contract Procedure Rules ensure that the Council is acting in line with current legislation and other developments in public law when conducting procurements.
- 1.3 The proposed changes include minor updates to terminology to ensure consistency throughout the document, clarification of the process to be followed if a breach of the Contract Procedure Rules is identified, revisions to Data Sharing and Processing to align with current practice, inviting suppliers from within the Kirklees (and/or West Yorkshire) area to bid for lower-value contracts and updates to reinforce the requirement that all contracts are actively managed.

## **2. Information required to take a decision**

- 2.1 The detail relating to all proposed changes is detailed in the table below;

<b>Section of the Contract Procedure Rules</b>	<b>Proposed changes</b>
RULE 1 – Conduct and Compliance and Waiver	1.3 Rule updated to include reference to exemptions in accordance with CPR 6 to confirm that failure to comply with rule 6 may result in disciplinary action against the officers concerned and may in some cases constitute a criminal offence.
	1.8.1 Rule updated to ensure that all procurements are commenced and awarded in compliance with the Procurement Regulations as well as the CPRs and Financial Procedure Rules (FPRs).
	1.13.1 (Conflicts of Interest and Integrity) New rule added to confirm that a Conflicts Assessment must be completed throughout the procurement lifecycle for all above threshold procurements that are procured under the Procurement Act 2023 (PA23).
	1.17 – 1.23 (Breaches) New rules added to set out the process to be followed should a potential breach of CPRs be identified.
RULE 2 – Preparation and Process	2.3.5 Rule updated to refer to the new requirements for contract management at Rule 11.
	2.3.6 a) (Compliance) Rule amended to refer to an officer with the appropriate seniority and relevant authority, rather than specifically to a Senior Manager as this definition is not reference elsewhere in the document.

	<p>2.3.6 c) (Compliance) The rule has been revised to require that all procurements align to the Ethical Procurement Policy as well as the Councils Procurement Strategy.</p> <p>2.3.8 f) (Estimated Value) The rule has been amended to require consideration of the estimated contract value both inclusive and exclusive of VAT when carrying out procurement under PA23.</p> <p>2.11 – 2.12.8 (Data Sharing and Processing) Rules have been updated and broadened to align with current practices in data sharing and processing, ensuring that data is managed effectively throughout every stage of the contract.</p>
<p>RULE 3 – Procurement Process</p>	<p>Table has been updated as follows:</p> <ul style="list-style-type: none"> <li>• Confirmation that the contract value reflects the full term of the contract</li> <li>• All below-threshold procurement processes have been updated to promote engagement with suppliers based in Kirklees and/or the wider West Yorkshire region, including Small and Medium Sized Enterprises (SMEs) and Voluntary, Community and Social Enterprises (VCSEs). Local authorities in England will now have the discretion to reserve below-threshold contracts specifically for local suppliers, SMEs, and VCSEs. This forthcoming legislative change, effective from 2026, aims to boost local economies and widen opportunities for smaller organisations.</li> <li>• The procedure for awarding contracts up to £24,999.99 has been revised to clarify that procurement may be conducted outside the eProcurement portal (via telephone, email, or online).</li> <li>• The process for awarding contracts up to the Supplies and Services threshold has been clarified, confirming that such contracts may be executed by the service responsible under the relevant Scheme of Delegation. It has also been confirmed that where risks are identified, corporate enablers must be consulted.</li> <li>• Approximate threshold values in monetary terms have been added to the table to help officers identify the correct procurement process based on the contract value.</li> <li>• More detailed information on the procurement process required for any service that falls under the Health Care Services (Provider Selection Regime) Regulations 2023.</li> </ul>
<p>RULE 4 – Tender Receipt and Evaluation</p>	<p>4.11 Rule updated to confirm that the Head of Risk must be satisfied regarding the financial standing of a proposed Supplier for any type of contract exceeding the UK supplies and services Threshold.</p>
<p>RULE 5 – Standing Lists, Dynamic</p>	<p>5.3 Rule updated to include Dynamic Markets.</p>

Purchasing Systems, Dynamic Markets and Frameworks	5.10.1 (Council Frameworks, Dynamic Purchasing Systems and Dynamic Markets) New rule added to clarify the process for non-competitive call-offs under Frameworks that have been established by the Council.
	5.16.5 (Use of Third Party Procurement Facilities) A new rule has been introduced to clarify the process for calling off an approved third-party framework on a non-competitive basis. Previously, this was treated as an exemption from competition at 6.1.8, but as all frameworks are competitively established at the outset, it is not correct to classify it as such. Approval from the Head of Procurement is still required when using an external framework in this way through submitting a robust business case which demonstrates that the award will deliver value for money without reopening competition based on Council specific requirements.
RULE 6 – Exemptions from Competition	6.1.8 The rule has been broadened to incorporate the provision on trial purchases that was previously set out at rule 6.3.
	6.1.10 New rule to allow for exemptions for any other permitted reason by the Procurement Rules e.g. user choice contracts and advantageous terms on insolvency, which are recognised as valid Direct Award Justifications in Schedule 5 of PA23.
	The footnote has been updated to remove the reference to the Provider Selection Regime, as this is now addressed in the new rule at section 6.12.
	6.7 The rule has been amended to state that any negotiations concerning land must follow the procedure outlined in Rule 9.
	6.12 (Provider Selection Regime) A new rule has been added to clarify that the Provider Selection Regime permits direct awards in certain circumstances.
RULE 8 – Income Contracts and Concessions	8.6 (The sale of a right to exploit a business opportunity) The example has been deleted due to lack of relevance, and references have been revised to subsidy controls, which have replaced state aid.
RULE 9 - Land	9.1 Rule updated to refer to Land transactions and to confirm that the Executive Director of Place can authorise other nominated officers in respect of Right to Buy transactions or the granting of a tenancy under the Housing Act 1985.
	9.2 The rule has been updated to clarify that the Head of Corporate Landlord is responsible for arranging the acquisition or disposal of land, in line with the constitution or authority delegated by an authorised decision maker. The rule has also been updated to make specific reference to the Executive Director of Place as no other directors have this authority nor would they have the skills/knowledge to arrange a land transaction independently of Estates.
	9.4 The rule has been refined to reflect current practice around the bidding process for land sold at public auction.

<p>RULE 10 – Executing Contracts</p>	<p>10.11 (Land) Rule previously included at 10.10 moved and updated to confirm that the Service Director Legal and Commissioning may authorise an external property auctioneer to sign as agent for the Council, a memorandum of sale to record the property price and terms of conditions of sale.</p> <p>10.12 (General) Rule updated to confirm that the Service Director Legal and Commissioning is entitled to sign any agreement.</p>																														
<p>RULE 11 – Contract Management</p>	<p>11.1 and 11.2 New Rules added to confirm that all contracts entered will have a Contract Manager who is responsible for managing the contract throughout its lifecycle.</p>																														
<p>RULE 12 – Modification and Termination of Contracts and Release of Bonds</p>	<p>12.2 Rule updated to confirm that contracts may be terminated by mutual agreement with the supplier.</p> <p>12.6 Rule updated to confirm that the Head of Procurement must be consulted when modifying contracts.</p> <p>12.7 Rule updated to include reference to the Provider Selection Regime.</p>																														
<p>Terminology update</p>	<p>To ensure consistency, the term ‘Solicitor to the Council’ has been updated across the document to ‘Service Director Legal and Commissioning’.</p>																														
<p>DEFINITIONS</p>	<p>The following updates have been made to the definitions:</p> <table border="1" data-bbox="448 1086 1465 2022"> <thead> <tr> <th data-bbox="448 1086 778 1126">Definition</th> <th data-bbox="778 1086 1465 1126">Reason for update</th> </tr> </thead> <tbody> <tr> <td data-bbox="448 1126 778 1167">Breach</td> <td data-bbox="778 1126 1465 1167">New definition proposed</td> </tr> <tr> <td data-bbox="448 1167 778 1238">Conflicts Assessment</td> <td data-bbox="778 1167 1465 1238">New definition proposed</td> </tr> <tr> <td data-bbox="448 1238 778 1350">Contract Management Framework</td> <td data-bbox="778 1238 1465 1350">New definition proposed</td> </tr> <tr> <td data-bbox="448 1350 778 1422">Contract Management Toolkit</td> <td data-bbox="778 1350 1465 1422">New definition proposed</td> </tr> <tr> <td data-bbox="448 1422 778 1462">Contract Manager</td> <td data-bbox="778 1422 1465 1462">New definition proposed</td> </tr> <tr> <td data-bbox="448 1462 778 1534">Covered Procurement</td> <td data-bbox="778 1462 1465 1534">New definition proposed</td> </tr> <tr> <td data-bbox="448 1534 778 1606">Head of Corporate Landlord</td> <td data-bbox="778 1534 1465 1606">Definition updated to include reference to the officers to whom they delegate.</td> </tr> <tr> <td data-bbox="448 1606 778 1677">Land</td> <td data-bbox="778 1606 1465 1677">Definition updated to include any estate including any easement over land</td> </tr> <tr> <td data-bbox="448 1677 778 1718">Legal Officer</td> <td data-bbox="778 1677 1465 1718">New definition proposed</td> </tr> <tr> <td data-bbox="448 1718 778 1789">Light Touch Threshold</td> <td data-bbox="778 1718 1465 1789">New definition proposed</td> </tr> <tr> <td data-bbox="448 1789 778 1861">Procurement Rules</td> <td data-bbox="778 1789 1465 1861">Definition updated to include the National Procurement Policy Statement</td> </tr> <tr> <td data-bbox="448 1861 778 1933">Senior Manager</td> <td data-bbox="778 1861 1465 1933">Definition removed as no longer included in the document</td> </tr> <tr> <td data-bbox="448 1933 778 1973">SME</td> <td data-bbox="778 1933 1465 1973">New definition proposed</td> </tr> <tr> <td data-bbox="448 1973 778 2022">VCSE</td> <td data-bbox="778 1973 1465 2022">New definition proposed</td> </tr> </tbody> </table>	Definition	Reason for update	Breach	New definition proposed	Conflicts Assessment	New definition proposed	Contract Management Framework	New definition proposed	Contract Management Toolkit	New definition proposed	Contract Manager	New definition proposed	Covered Procurement	New definition proposed	Head of Corporate Landlord	Definition updated to include reference to the officers to whom they delegate.	Land	Definition updated to include any estate including any easement over land	Legal Officer	New definition proposed	Light Touch Threshold	New definition proposed	Procurement Rules	Definition updated to include the National Procurement Policy Statement	Senior Manager	Definition removed as no longer included in the document	SME	New definition proposed	VCSE	New definition proposed
Definition	Reason for update																														
Breach	New definition proposed																														
Conflicts Assessment	New definition proposed																														
Contract Management Framework	New definition proposed																														
Contract Management Toolkit	New definition proposed																														
Contract Manager	New definition proposed																														
Covered Procurement	New definition proposed																														
Head of Corporate Landlord	Definition updated to include reference to the officers to whom they delegate.																														
Land	Definition updated to include any estate including any easement over land																														
Legal Officer	New definition proposed																														
Light Touch Threshold	New definition proposed																														
Procurement Rules	Definition updated to include the National Procurement Policy Statement																														
Senior Manager	Definition removed as no longer included in the document																														
SME	New definition proposed																														
VCSE	New definition proposed																														

- 3. Implications for the Council**
  - 3.1 Council Plan**

The updated CPRs reflect good governance and procurement practice which in turn supports the Council Plan by using procurement activity to help achieve the Council's wider objectives and outcomes.
  - 3.2 Financial Implications**

None directly
  - 3.3 Legal Implications**

The legal obligation to have CPR's is to comply with Section 135 Local Government Act 1972. The Public Contracts Regulations 2015, the Healthcare Services (Provider Section Regime) Regulations 2023 and the Procurement Act 2023 provide the legal framework for procuring goods, works and services which the council must comply with.
  - 3.4 Climate Change and Air Quality**

None directly
  - 3.5 Risk, Integrated Impact Assessment (IIA) or Human Resources**

None directly
- 4. Consultation**

Consultation has been carried out with the Head of Risk, the Head of Corporate-Legal, the Head of Technology, the Information Governance Manager and Data Protection Officer and officers in the Procurement Team, Legal Services, IT and the Information Governance Team. The Portfolio Holder has been briefed and consulted on the proposals.
- 5. Engagement**

Changes will be communicated to stakeholders via the intranet with appropriate training and guidance offered by the Procurement Team.
- 6. Options**
  - 6.1 Options considered**

No other options - the council is required to comply with the legislation accordingly. The document is compliant with all UK Procurement legislation and the proposal represent minor updates.
  - 6.2 Reasons for recommended option**

The Council is required to comply with all UK Procurement legislation.
- 7. Next steps and timelines**

If approved, these changes will be implemented from 1 April 2026
- 8. Contact officer**

Ruth Calladine, Head of Procurement (01484 221000, email – [ruth.calladine@kirklees.gov.uk](mailto:ruth.calladine@kirklees.gov.uk))
- 9. Background Papers and History of Decisions**

[Contract Procedure Rules 2025](#)  
[CPR Proposed Changes to CPRs 2025 - Corporate Gov and Audit v2.pdf](#)

**10. Appendices**

Appendix A – Contract Procedure Rules 2026 with tracked changes

**11. Service Director responsible**

Samantha Lawton, Service Director Legal & Commissioning

Kevin Mulvaney, Service Director Finance