



Hinckley & Bosworth
Borough Council

Forward timetable of consultation and decision making

Council 30 January 2024

Wards affected: All wards

Proposed amendments to the Constitution

Report of Monitoring Officer

1. Purpose of report

1.1 To seek approval to proposed changes to the Constitution to assist in the delivery of the climate change strategy and to update matters reserved for Council.

2. Recommendation

2.1 That Council agree the changes to the Constitution as set in the report.

3. Background to the report

3.1 The Table below sets out the requested changes to part 3i (contract procedure rules) to improve governance over contract procurement and to require all construction projects to adequately consider social, economic, and environmental factors (e.g. through protecting the natural environment). This is particularly important to support delivery of our Climate Change Strategy. Other minor amendments for corrections are also included.

14. Acceptance of tenders	Replace with
14.1 In accepting a tender, consideration will be given to price and quality. A suitable pre-determined price-quality model (evaluation model) will be devised by the appropriate director in conjunction with the council's procurement officer and will	14. Acceptance and Evaluation of tenders 14.1 For all tenders the evaluation weightings must be based on the minimum % proportion for Technical (Quality) and Commercial (Price). The

be approved by the Head of Finance. Selection of the best tender will be based on this evaluation.

standard minimum weighting applied is 40% Technical and 60% Commercial, an increase to the commercial element is permitted, however deviation from the minimum commercial % to a reduced commercial % element below 60% will require approval from the respective Director or Head of Service. The Commercial weighting cannot be less than 50%. Selection of the best tender will be based on this evaluation.

14.2 For tender evaluation the Technical (Quality) element should include an element of assessment relating to how the provision of the contract will be delivered by the contractor in a way that contributes toward reducing greenhouse gas emissions.

14.3 Procurement will also take into account ethical standards as part of awarding contracts to ensure sourcing from suppliers and contractors is completed in a manner that minimises the risk of social exploitation and rewards good employment practices. Our ethical procurement objectives are to ensure the well-being and protection of work forces throughout the supply chain, that people are treated with respect and their rights are protected.

Add

14.4 The intended use of sub-contractors must be disclosed in the tender response and forms part of the qualification requirements for completion. The Councils reserve the right not to approve the use of any sub-contractor if there are valid reasons and evidence, which conflict with the Procurement Procedure Rules.

Construction Procurement (Works Contracts)

14.5 The generic procurement process applies to construction procurement but

	<p>does not fully cover all requirements; which need to cover a wider set of considerations. In particular, technical and project expertise and capacity will be required commensurate with the project (either in-house or externally). Other considerations include:</p> <ul style="list-style-type: none">• Additional Tendering Requirements – e.g. to comply with industry guidance or procedural codes• Whole-Life Costing before acceptance• Estimating and Cost Control to avoid overspends• Risk Management so that potential risks identified pre-acceptance• Additional Statutory complied with• Sustainability – the Government's National Procurement Strategy requires local authority construction projects to adequately consider social, economic and environmental factors (e.g. through protecting the natural environment).
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<p>15. Contracts to be in writing</p>	<p>Add</p> <p>15.3 Suppliers must provide evidence that they hold the required levels of Insurance cover to undertake business with the Council(s). As standard they must have Employers Liability and Public / Product Liability Insurance cover. In addition, for Consultancy based contracts, Professional Indemnity Insurance will be required. The following levels are required as standard:</p> <ul style="list-style-type: none"> • Employers Liability Insurance £5,000,000 • Public / Product Liability Insurance £10,000,000* • Professional Indemnity Insurance £2,000,000* <p>*The above levels may be changed to reflect the contract nature and should be set proportionate to the nature, delivery and risk of the supplies, services or works being procured. Changes to these levels must be agreed by the S151 officer and the monitoring officer informed.</p> <p>15.4 Single source appointments are subject to the same protocols for obtaining and verifying that suitable / adequate insurance cover is in place. This is the responsibility of the commissioning officer.</p>
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Other Amendments for Correction.

3.2 Control over authorisation of subsidy to correct error in wording in part 3h (financial procedure rules)

<p>Subsidy control</p> <p>25.7 Control over authorisation of subsidy Minimum financial assistance up to £315,000 Cash based subsidies</p> <ul style="list-style-type: none"> • Cash based subsidies of less than £5,000 may be approved by the director of the service must be approved by the Executive. Up to an annual limit of £50,000 	<p>Replace with amendment to remove error in wording.</p> <p>25.7 Control over authorisation of subsidy Minimum financial assistance up to £315,000 Cash based subsidies</p> <ul style="list-style-type: none"> • Cash based subsidies of less than £5,000 may be approved by the director of the service. Up to an annual limit of £50,000
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<ul style="list-style-type: none"> • Cash based subsidies up to £10,000 may be approved by the Director of the service must be approved by the Executive. Up to an annual limit of £250,000 	<ul style="list-style-type: none"> • Cash based subsidies up to £10,000 may be approved by the Senior Leadership Team. Up to an annual limit of £250,000
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3.3 Addition of matters reserved for Council in part 2b (responsibility for functions – council bodies) to enable consideration of additional strategies by Council under paragraph 1.2:

- Tourism Strategy
- Climate Change & Biodiversity Strategy

4. Exemptions in accordance with the Access to Information procedure rules

4.1 Report is to be taken in open session.

5. Financial implications [AW]

5.1 None arising directly from the report.

6. Legal implications

6.1 In order to amend the constitution this report will require approval of two thirds of those members in attendance of a meeting of the Council

7. Corporate Plan implications

7.1 Effective procurement controls are required to ensure that resources are effectively allocated to ensure delivery of all the aims, outcomes and targets included in the Council's Corporate Plan.

8. Consultation

8.1 All members of the Strategic Leadership Team have been consulted in preparing this Strategy.

9. Risk implications

9.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 There are no significant risks associated with these report / decisions were identified from this assessment.

10. Knowing your community – equality and rural implications

10.1 The budget process will impact on all areas of the Borough and all groups within the population.

11. Climate implications

11.1 The stewardship of the financial resources of the council underpins all policy actions to address the council's objectives in ensuring it manages its resources to ensure climate considerations are achieved in accordance with the corporate plan.

12. Corporate implications

12.1 there are no corporate implications arising for this report.

Background papers: None

Contact officer: Ashley Wilson

Executive member: Cllr K Lynch