

Brighton & Hove City Council

Cabinet

Agenda Item 156

Subject: Procurement Forward Plan

Date of meeting: 13th February 2025

Report of: Cabinet Member for Adult Social Care, Public Health and Service Transformation

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Ward(s) affected: All Wards

Is a Key Decision: Yes

Reason(s) Key: Expenditure which is, or the making of savings which are, significant having regard to the expenditure of the City Council's budget, namely above £1,000,000

For general release

1. Purpose of the report and policy context

- 1.1 On 24 February 2025, the Procurement Act 2023 (the Act) will come into force. It is intended to streamline the way procurement is conducted and benefit prospective suppliers of all sizes, particularly small businesses, start-ups and social enterprises. One of the requirements that is being introduced is the mandatory duty to publish a procurement project pipeline to enable better visibility of upcoming projects.
- 1.2 This report presents a Procurement Forward Plan for approval which sets out all known procurement projects above £1 million spend in 2025/26.
- 1.3 The Procurement Forward Plan aligns with the Council Plan Priority to be a responsive Council with well run services. As a council we are committed to having clear processes in place to support good governance and joined up working and services. By publishing a Procurement Forward Plan this will ensure members have oversight at a formative stage of planned procurement projects and that all stakeholder are informed of procurement activity.

2. Recommendations

- 2.1 That Cabinet agrees the Procurement Forward Plan for 2025/26 as set out in Appendix 1.

2.2 That Cabinet notes the Procurement Flow chart set out at Appendix 2.

3. Context and background information

Context of the legislative changes

- 3.1 On 24 February 2025, the rules that shape how public bodies buy goods and services will change when the Procurement Act 2023 comes into force. This is the biggest change to procurement legislation for many years.
- 3.2 The legislation is intended to improve and streamline the way procurement is done and benefit prospective suppliers of all sizes, particularly small businesses, start-ups and social enterprises. Key benefits for suppliers include more standardisation and streamlining of procurement processes.
- 3.3 The Act is also intended to improve flexibility, making it easier for small businesses and Voluntary, Community and Social Enterprises (VCSEs) to work with the Council, increase transparency and tighten up contract management.
- 3.4 The Brighton & Hove City Council Contract Standing Orders need to change to enable the legislative changes and these constitutional changes have been considered by Audit, Standards & General Purposes Committee and approved by full Council with effect from 24th February 2025.
- 3.5 The new Contract Standing Orders state that to enable the Council to maintain an accurate oversight of procurement activity across the full range of council services, the Director of Procurement is responsible for the development of a Procurement Forward Plan.. This is a 12-month detailed forward plan which identifies, for each directorate, all contracts over £1million which are due for renewal, replacement or a new requirement in the coming financial year.
- 3.6 The Procurement Forward Plan will enable more proactive and strategic decision making and allow for more corporate oversight, by giving earlier sight of projects and the opportunity for the relevant lead Cabinet Member to receive greater levels of input and information about projects as they progress.

Transparency requirements

- 3.7 Transparency requirements are a key feature of the new legislation. Any contracting authority that intends to spend more than £100 million on goods services or works contracts in the coming fiscal year must publish details of all procurements expected to be made in the next 18 months valued at £2 million or more.
- 3.8 The Council is required to include in the published information the details of all individual procurements each year, within 56 days of the first day of the relevant financial year.
- 3.9 For Brighton & Hove City Council, it is proposed to electively publish all contracts over £1 million for a 24-month period to fit with the 'key' decision-making process and financial planning cycle. The information will be published on the Central

Digital Platform, which is a central location provided by central government for this purpose.

- 3.10 This increased visibility benefits small and medium sized enterprises (SMEs) and voluntary, community and social enterprises (VCSEs) as it provides them with time to plan for future work, promoting a competitive and diverse market.

Proposed approach

- 3.11 To support this process, the Procurement Forward Plan has been prepared for the fiscal year 2025/26 which includes all proposed procurement projects that are valued at over £1million.

- 3.12 Projects featured will also have work that starts within the financial year (the contract may start later, but the work on it would be required to start within the financial year).

- 3.13 The Procurement Forward Plan includes projects that are either new projects or re-procurements (contract extensions that have already received delegated authority to proceed via their original Cabinet route are not included).

- 3.14 The following information is included for each project in the Forward Plan:

- Cabinet Portfolio holder
- Directorate
- Service
- Contract Name
- Contract Description
- Funding source
- Anticipated aggregate contract value across duration of the contract
- Indicative contract length (including extensions)
- New service or renewal
- Indicative route to market
- Start date of new contract
- Additional information
- Whether the project information should be omitted from public report
- The relevant council plan outcomes which relate to the project.

3.15 Summary of Procurements with a value over £1m – 2025/26

Directorate	Number of Procurements	Total Value	Summary of Key Areas
City Operations	17	£179,819,150	Leisure Centre, Leisure Services management, street lighting, delivery of new homes, New England House refurbishment, arboricultural

			services, solar farm development
Homes and Adult Social Care	25	£189,850,000	Supported living, day provision for adults with social care need, damp and mould prevention works, repair to high rise, low rise and residential blocks, legionella testing and preventative maintenance.
Families, Children and Wellbeing	2	£27,200,000	Sexual health services, skills services leading to employment
Central Services, People & Innovation	7	£67,769,946	Temporary Agency worker service provider contract, corporate security services, repairs & maintenance of corporate buildings, water monitoring, gas certification
Central Services, Governance & Law	1	£2,300,300	Election printing for poll cards, ballot papers and postal voting packs
Central Services, Property & Finance	1	£7,000,000	Facilities management

- 3.16 Each of the Cabinet Members is briefed in advance by the relevant Directorate on the projects within their respective area of responsibility to allow them a full picture of the year ahead.
- 3.17 Cabinet Members, in consultation with the Corporate Director, indicate how much input they will require during the project. This may be that they propose the approval of the project is reserved to Cabinet for decision or that they request additional oversight before the project proceeds.
- 3.18 For each project on the Procurement Forward Plan there is a choice of four options:
- (i) The project can proceed to market, and the contract can be awarded with no further delegated authority required from either the Cabinet Member or

from Cabinet itself. The Corporate Director will receive regular briefings and will brief the Member as appropriate.

- (ii) The project can proceed to market without any further delegated authority required from the Cabinet Member or Cabinet itself, but the Cabinet Member will receive regular briefings from the service throughout the process.
- (iii) The project to start being prepared for tender, but the relevant Cabinet Member to have the opportunity to review the commissioning and procurement strategy before the project goes out to market. No further delegated authority is required from the Cabinet Member or Cabinet itself.
- (iv) The project is reserved to Cabinet for agreement and will not proceed to market until it has come to Cabinet with a full report.

3.19 These options provide a range of options for ongoing Cabinet Member oversight for projects dependent on factors such as the level of risk or media interest that might be involved in each one. The process is summarized in the flowchart attached at Appendix 2.

3.20 This approach for giving delegated authority through the Procurement Forward Plan is recommended rather than using a case-by-case approach because it will give Cabinet Members a significant amount of oversight into the pipeline of work and also allow proportionate input relative to the project.

New projects throughout the financial year

3.21 Once sign-off for the Procurement Forward Plan has been received, the projects will proceed as outlined above.

3.22 Should any new projects be identified with a value of in excess of £1million after the Procurement Forward Plan has been approved, these will need to come to Cabinet individually for delegated authority to be granted via an Approval to Procure process.

3.23 An example of such a scheme would be the Large Panel Systems programme and subsequent works, which is currently going through a review and options approval phase, The commissioning of the long-term programme and any subsequent works will be brought back to Cabinet once the review has been completed.

4. Analysis and consideration of alternative options

4.1 The requirement to publish a pipeline procurement document is mandatory under the new Procurement Act 2023.

4.2 This present an opportunity for the Council to consider how best to utilise this change to best support the council's strategic outcomes, and apply proportional oversight into the wide-ranging procurement project pipeline. Options for consideration are:

Option 1 – Adopt the proposal for a Procurement Forward Plan as set out in the report

- 4.3 The proposal in this report to seek delegated authority for procurements over £1million through consideration of the Procurement Forward Plan is recommended as it provides Cabinet with oversight of high value procurements at an early stage. This facilitates timely input from members earlier in the process. It also provides flexible alternatives for ongoing input from members throughout the process.

Option 2 – Continue to seek Cabinet approval on a project by project basis for all procurements over £1million

- 4.4 The alternative option would be to continue to require all individual procurements with a value in excess of £1m to be reported to Cabinet on a case-by-case basis for delegated authority to procure. This is not recommended because it is ultimately a less efficient approach and will significantly impact the pace and effectiveness of procurement projects and oversight.

5. Community engagement and consultation

- 5.1 During the collation of the Procurement Forward Plan, significant internal consultation has been undertaken. The rationale for the focus on internal briefings is that this is a corporate approach rather than a public facing change. For this reason, the Community Engagement Framework has not been utilised.
- 5.2 A series of briefings have taken place including CLT, DMTs across the Council and individual briefings about the process with the Cabinet Advisor for Contract Management and Procurement and with each of the relevant Lead Cabinet Members whose projects feature on the procurement forward plan. As this process is new, the consultation will continue across Directorates to enable the change to happen smoothly.

6. Financial implications

- 6.1 The council procures goods and services externally valued at over £300 million per annum and therefore robust decision-making processes and oversight of procurement projects is important to ensure compliance with the law and procurement regulations and avoid anti-competitive behaviour and potential litigation and penalties. It also ensures that the council can demonstrate its Best Value duty by undertaking competitive procurement processes to secure good value for money while giving consideration to other evaluation criteria such as quality, social value and environmental sustainability. Procurement processes are also governed by the council's Contract Standing Orders and Financial Regulations to provide additional internal controls and ensure clarity of officers' responsibilities and delegated limits.

Finance officer consulted: Nigel Manvell Date: 22/01/24

7. Legal implications

- 7.1 The proposed adoption of the Procurement Forward Plan complies with the new transparency requirements in the Procurement Act 2023. All procurements undertaken by the Council must continue to comply with the Council's Contract Standing Orders and the relevant Procurement legislation. The adoption of the Procurement Forward Plan does not replace these requirements for the Council to ensure that, on a case by case basis, each procurement process is conducted in accordance with legislation and our internal Contract Standing Orders.

Lawyer consulted: Elizabeth Culbert

Date consulted: 24/01/25

8. Equalities implications

- 8.1 Whilst the introduction of the Procurement Forward Plan does not directly have equalities implications, the additional visibility of future projects does allow the Council greater opportunity to consider equalities implications of individual projects within the plan due to the early identification of projects. Equalities implications for individual procurement projects will be considered and reflected in the procurement strategy for each project, as appropriate.

9. Sustainability implications

- 9.1 The introduction of the Procurement Forward Plan does not directly have sustainability implications. However, the additional visibility of future projects does allow the authority greater opportunity to consider sustainability implications of individual projects within the plan.

10. Health and Wellbeing Implications:

- 10.1 There are not health and wellbeing implications from the introduction of the Forward Plan process. The health and wellbeing implications for specific procurement projects will be considered and reflected in the procurement strategy for each project, as appropriate.

Other Implications

11. Procurement implications

- 11.1 The Cabinet Adviser for Contract Management and Procurement and the Lead Cabinet Member have been involved in the production of the forward plan.
- 11.2 Social value considerations will be considered as part of the procurement strategy for individual projects on the plan.

12. Conclusion

- 13.1 In conclusion, it is recommended that Cabinet authorises the Procurement Forward Plan for the financial year 2025/26 as detailed in the report and Appendices to enable early oversight of procurement projects by Cabinet and to ensure publication of a procurement pipeline which will increase transparency and comply with Procurement Act 2023 requirements.

13.2 Progress and updates on specific projects will be actioned as set out in the Forward Plan

Supporting Documentation

Appendix 1: Annual Procurement Forward Plan 2025-26

Appendix 2: Procurement Flow Chart