

Brighton & Hove City Council

Strategy, Finance & City Regeneration Committee

Agenda Item 38

Subject: Requirement to consult on certain procurement decisions

Date of meeting: 13 July 2023

Report of: Executive Director Governance, People & Resources

Contact Officer: Name: Alice Rowland, Head of Law (Commercial)
Email: alice.rowland@brighton-hove.gov.uk

Ward(s) affected: All

For general release

Note: The special circumstances for non-compliance with Council Procedure Rule 7, Access to Information Rule 5 and Section 100B (4) of the Local Government Act as amended (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the issue came to light in relation to a specific contract that requires urgent implementation and this then identified the wider implications for other contracts. These are time sensitive and require a decision in order to enable agreed procurement processes to proceed.

Note: Reasons for urgency

The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the issue came to light in relation to a specific contract that requires urgent implementation and this then identified the wider implications for other contracts. These are time sensitive and require a decision in order to enable agreed procurement processes to proceed.

1. Purpose of the report and policy context

- 1.1 Under the previous administration, the Procurement Advisory Board (PAB) advised the Policy & Resources Committee and other relevant Policy Committees on procurement matters.
- 1.2 On several occasions, Committees made decisions which included a requirement to consult with PAB. As PAB no longer exists this is not possible, and this report therefore proposes that where a previous decision required consultation with PAB, that consultation now takes place with the Lead Members for Procurement.

2. Recommendations

- 2.1 That Committee agrees that previous committee decisions requiring consultation with the Procurement Advisory Board should be interpreted as requiring consultation with the Lead Members for Procurement.

3. Context and background information

- 3.1 The following are examples of decisions previously take which required consultation with PAB:
- On 8 November 2022, the Adult Social Care & Public Health Sub-Committee decided in relation to a contract for Supported Living services for adults with learning disabilities to grant delegated authority to the Executive Director Health & Adult Social Care to issue a Prior Information Notice provided that a report had first gone to PAB.
 - On 6 October 2022, the Policy & Resources Committee decided in relation to the Environmentally Sustainable Procurement Policy that officers should update PAB within 18 months as to what had been achieved.
 - On 17 January 2023, the Environment, Transport & Sustainability Committee decided in relation to a report on Electric Vehicle Charging to delegate authority to the Executive Director Economy, Environment & Culture to procure and award a concession contract following a briefing to PAB in relation to the specification and award criteria.
 - On 16 March 2023, the Policy & Resources Committee granted delegated authority to the Executive Director Governance, People & Resources to procure contracts, in consultation with PAB, for the supply of services in support of the Digital Data and Technology Strategy.
- 3.2 Please note that this list is not exhaustive.

4. Analysis and consideration of alternative options

- 4.1 The alternative option would be for each previous decision to return to committee, but this will impact on timetables for procurements and is unnecessarily bureaucratic. It is therefore not recommended.

5. Community engagement and consultation

- 5.1 There has not been any engagement or consultation in relation to this decision which is of an administrative nature.

6. Conclusion

- 6.1 The reasons for the recommendation are set out in the report.

7. Financial implications

- 7.1 There are no financial implications arising from the recommendation of this report.

Name of finance officer consulted: James Hengeveld Date consulted (07/07/23):

8. Legal implications

- 8.1 The proposed course is in line with the Council's constitution.

Name of lawyer consulted: Elizabeth Culbert Date consulted: 7/7/23

9. Equalities implications

- 9.1 There are no equalities implications of this decision.

10. Sustainability implications

- 10.1 There are no sustainability implications of this decision.

