

Local Members Interest
N/A

Audit and Standards Committee – Tuesday 05 July 2022

Procurement Regulations – Proposed Addition.

Purpose

To seek Members' approval to a proposed addition to the Procurement Regulations to exempt from their standard tendering/quotation process the engagement of an HR adviser in very specific circumstances; and should approval be given, to recommend to Full Council that the Procurement Regulations be amended accordingly.

Report of the Director for Corporate Services (Monitoring Officer)

Background

1. The Procurement Regulations are included in the County Council's Constitution (Section 14 of the Constitution) and therefore any significant change to those Regulations requires this Committee to make a recommendation to Full Council.
2. The Procurement Regulations set out clear guidance on the processes to be followed when buying Works, Supplies or Services for the Council. They stipulate when quotations or tenders are required, spending thresholds and approval levels. Those Regulations require that contracts entered into by the County Council comply with the Public Contract Regulations. The following types of Contracts are currently exempt from that requirement:
 - a. Contracts of employment.
 - b. Contracts relating to interest in land (also known as property) (Procurement Advisor to be consulted)
 - c. Contracts entered into by schools using delegated budgets as they have their own Regulations to follow.
 - d. Investment transactions placed by the Director for Corporate Services for treasury management activities.
 - e. Contracts placed by the Director for Corporate Services investing money or assets of the Staffordshire County Pension Fund.
 - f. Grants which the Council make Grants should not be used as a Contract for Services.
 - g. When buying from within the Council.
 - h. In instances where Officers are buying works of art, museum artefacts, manuscripts, or archive collection items.
 - i. Where instructing external legal advisers in accordance with Regulation 10 of the Public Contract Regulations 2015 and as authorised by the Director of Corporate Services

Proposed Additional Exemption

3. I am requesting an update to the Exemptions list to cover circumstances when, for reasons of potential conflict and confidence, external professional/technical support and advice is required in relation to an employment disciplinary matter.
4. This exemption is needed to enable me to follow due process when dealing with any employment disciplinary matter involving HR personnel. To date I have needed to call on the support of Senior officers from service areas sufficiently distanced from the HR function however in some circumstances they have, understandably, not possessed the depth of knowledge and expertise required.

Legal/Risk Implications

5. This report serves to ensure that Staffordshire County Council has access to the necessary advice and expertise the deal with complex employment matters at, sometimes, relatively short notice.

Resource and Value for Money Implications

6. The proposal would involve costs on an as and when basis which are predicted to be infrequent.

Climate Change Implications

7. There are no climate change implications arising as a result of this report.

Contact Details

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