

## **REPORT TO EXECUTIVE**

Date of Meeting: 9 January 2024

## **REPORT TO COUNCIL**

Date of Meeting: 20 February 2024

Report of: Director Finance

Title: Approval of Devon Districts Procurement Strategy (DDPS)

### **Is this a Key Decision?**

No

### **Is this an Executive or Council Function?**

Council

#### **1. What is the report about?**

1.1 This report seeks approval for the Council to adopt the proposed Procurement Strategy.

#### **2. Recommendations:**

2.1 It is recommended that the Executive Committee recommends that Council approves the themes and outcomes set out in the Devon Districts Procurement Strategy 2023-2027.

#### **3. Reasons for the recommendation:**

3.1 The strategy will continue to underpin the corporate approach to Procurement which has been embedded over the last five years.

3.2 It will also strengthen collaboration opportunities available to the Council through this joint approach to procurement at a strategic level.

#### **4. What are the resource implications including non financial resources**

4.1 The strategy largely sets out work that is already being undertaken as part of routine operational arrangements. There are no specific resource implications.

#### **5. Section 151 Officer comments:**

5.1 Adopting a consistent strategy across most of the Devon Districts will support closer working and enhance the opportunities for collaborative procurement.

#### **6. What are the legal aspects?**

6.1 All procurement activity must be compliant with the Public Contracts Regulations 2015 and the Council's own Procurement and Contract Procedures.

## **7. Monitoring Officer's comments:**

7.1 The Monitoring Officer has nothing further to add beyond the legal aspects set out in paragraph 6 above.

## **8. Report details:**

8.1 The Devon District Procurement Authorities (DDPA) of Exeter City Council, North Devon District Council, South Hams District Council, Teignbridge District Council, Torridge District Council and West Devon Borough Council have worked collaboratively to draft this fourth iteration of a joint DDPS.

8.2 In June 2021 the Cabinet Office published a Procurement Policy Note regarding the National Procurement Policy Statement (NPPS) which required contracting authorities to have regard for national strategic priorities for public procurement.

8.3 The policy instructed councils to consider the national priorities alongside any additional local priorities in their procurement activities.

8.4 In 2022 the Local Government Association (LGA) published a refresh of the National Procurement Strategy for Local Government in England (NPS) which takes into account both the NPPS and the pivotal role that Procurement can play in maximising opportunities through supply chains and managing the challenges faced by the sector and our communities.

8.5 Councils have assessed their own priorities against those of the NPS and resolved that the DDPS will align with the identified themes of the NPS 2022

## **9. Themes**

9.1 The three key themes contained within the DDPS are:

- Showing leadership
- Behaving commercially
- Achieving community benefits

9.2 Each Council will develop an action plan, which will break down each of the headings into actions and outcomes to be achieved in the period 2023-2025 based on their priority setting for the Council.

9.3 Each council is responsible for identifying, implementing and monitoring their own outcomes. Progress against the action plan will be reviewed biannually by the DDPA. It is the intention that as new actions and outcomes are identified, they will be added to the action plan as part of the review.

## **10. DDPS 2019-2022**

10.1 Key outcomes which were the result of the previous DDPS 2019-2022 are as follows:

- SMB agreement of Council-wide contract management training roll out;
- KPIs now considered for all tenders and included where applicable;
- All tenders include a minimum 5% weighting on Social Value;
- All tenders include a minimum 5% weighting on Sustainability;

- Ongoing support of local supplier engagement event;
- All new tender activity is signed off at appropriate level; and
- Pre-procurement engagement used more widely prior to tendering

## 11. How does the decision contribute to the Council’s Corporate Plan?

11.1 This DDPS supports the achievement of all the council’s corporate objectives 2022-2026 through the delivery of contracts which support them and more specifically within the following pillars:

- Good governance
- Value for money services

## 12. What risks are there and how can they be reduced?

| Risk Description  | Mitigating Actions  | What is required   |
|---|---|--|
| Insufficient resource to deliver the outcomes set out within the strategy   | The Service Lead Procurement & Commercial will manage resources to ensure an optimum delivery of operational and strategic outcomes.  | Support from SMB and Members and understanding of the need to balance priorities and that some things will have to wait. Sharing of templates and approaches across the districts will mean that the same work is not being duplicated by all. |
| Purchasing Departments continue to avoid compliance with procurement and contract management guidance provided in strategy roll out | Training will be provided in the roll out of Contract Management model toolkit. All relevant Officers to be trained to ensure their understanding of the importance of compliance | An appropriate training package.<br>Support from SMB and OMB in encouraging relevant staff to attend training.   |

## 13. Equality Act 2010 (The Act)

13.1 Under the Act’s Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people’s needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

13.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

13.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

13.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because: because the public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this decision relates to improving internal processes, we do not believe that it will have an impact on our equality duty.

#### **14. Carbon Footprint (Environmental) Implications:**

14.1 The council provides and purchases a wide range of services for the people of Exeter. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Exeter's outstanding natural environment. Whilst this is a strategic update and will have minimal environmental impacts, a key strand within 'Creating Social Value' is 'Tackling climate change and reducing waste', something which will be further embedded through the forthcoming action plan.

#### **15. Are there any other options?**

15.1 Exeter City Council could develop their own individual Procurement Strategy; however, it is felt that not only would this lead to more work for all Procurement teams involved but would also fail to support and enhance the benefits of collaboration and shared working across the County.

**Director Finance, David Hodgson**

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#### **Local Government (Access to Information) Act 1972 (as amended)**

Background papers used in compiling this report:-

Appendix A – Devon Districts Procurement Strategy 2023-2027

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