

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

14 July 2011

Report of the Chief Executive

Part 1- Public

Matters For Information

1 OVERVIEW AND SCRUTINY PROCEDURE RULE 15

The constitution requires the Chief Executive to submit a report to Council whenever the urgency provisions under Overview and Scrutiny Procedure Rule 15(i) are invoked. This report outlines where these provisions have been invoked in respect of the flexible procurement of utilities 2012 – 2016.

1.1 Background

- 1.1.1 At the meeting of the Cabinet on 22 June 2011 consideration was given to a recommendation that the Council enter a new four year flexible procurement agreement with LASER for the supply of electricity and gas for the period 1 October 2012 to 30 September 2016. It was noted that the recommendation was based on the financial savings under the current flexible procurement contract in place since 1 October 2008.
- 1.1.2 In view of the fact that the Council had until 30 June 2011 to advise LASER of its commitment to enter the new framework agreement, it was decided to invoke the urgency provisions under Overview and Scrutiny Procedure Rule 15(i). This provides that the call-in procedure shall not apply where the delay would seriously prejudice the Council's or the public's interest.
- 1.1.3 In order that the decision could be implemented immediately it was resolved, with the concurrence of the Chairman of the Overview and Scrutiny Committee and the Leader of the Opposition, that the decision was an urgent one and therefore not subject to call-in (Decision No D110092CAB).

1.2 Legal Implications

- 1.2.1 Under the Council's Constitution Overview and Scrutiny Procedure Rule 15(i) provides that executive decisions taken as a matter of urgency must be reported to the next appropriate meeting of the Council together with the reasons for urgency.

1.3 Financial and Value for Money Considerations

1.3.1 The flexible arrangement has brought significant savings to the Council over the term of the current contract.

1.4 Risk Assessment

1.4.1 Flexible procurement managed by a Public Sector Buying Organisation provides lower risk to the Council.

Background papers:

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Cabinet decision notice.

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Chief Executive