

# TONBRIDGE & MALLING BOROUGH COUNCIL

## CABINET

02 April 2024

### Report of the Management Team

#### Part 1- Public

#### Executive Key Decisions

#### **1 PROCUREMENT SUPPORT**

##### **1.1 Summary**

1.1.1 This report brings forward a proposal to enter into an agreement with the Mid Kent Procurement Partnership to provide procurement support to this authority.

##### **1.2 Background**

1.2.1 The Council has a Procurement Officer Study Group (OSG) bringing together officers from across departments to provide feedback to Management Team on matters relating to procurement.

1.3 The Procurement OSG has identified the need for support with the procurement of contracts within this Council. At the present time there is no support for Officers in developing contract documents and providing advice and support. The Council's Procurement Strategy and documentation are also out of date. Without an up to date Strategy and documents, there is a clear risk that not only will contracts not be compliant or consistent across the Council, but they will not achieve the best value for money. The Council's approach to procurement was identified as a weakness of the Council in the recent external audit report from Grant Thornton.

1.4 Ensuring the Council has the right expertise and resource on procurement delivers against the corporate priorities 'Efficient services for all our residents, maintaining an effective Council' and further moving the borough council forward so its services are delivered innovatively and in the most cost effective and efficient way'. It will also further ensure the Council is protected further against fraud, bribery and corruption.

##### **1.5 Options**

1.5.1 At the last Procurement OSG the Group discussed the potential option of appointing a member of staff to lead and take responsibility for the procurement function of the Council. In addition to this option a potential partnership with the Mid Kent Partnership comprising Maidstone Borough Council, Swale Borough Council and Tunbridge Wells Borough Council was also considered.

- 1.6** With regard to the appointment of a member of staff, and following consideration of similar roles in other Councils, a draft job description was prepared. The draft job description is attached at [**Annex 1**]. Following liaison with Financial Services the cost of the post including on costs is £83,370. There is no existing revenue provision for the post so the appointment would represent growth on the Council's budget.
- 1.7** With regards to a partnership approach, the Partnership works on the basis of sharing resources by the member authorities with each providing equal funding to access the services. With regard to procurement, the partnership is between TWBC and MBC, with TWBC being the lead authority. A proposal has been received from the Partnership which is attached at [**Annex 2**]. The annual cost of the support is £89,000 and the agreement would be a rolling agreement with the ability to terminate with a year's notice. Once again there is no revenue provision for this arrangement and this option would also represent growth on the Council's budget.
- 1.8** The pros and cons of each option are shown at [**Annex 3**]. Members of the OGG and Management Team have considered each option in detail and concluded that they would wish to support the option to enter into a partnership on a 2 year trial. It was felt the inhouse option did not provide adequate resource and represented less value for money. It was noted that a number of the OSG had had experience of working with the partnership and had been impressed. The Audit Service partnership was highlighted as a similar type of Partnership which was proving successful. The need for pre planning procurement plans was acknowledged. The agreement does not include legal support, which the Council would need to continue to provide.
- 1.9 Legal Implications**
- 1.9.1 Representatives from Legal Services sit on the Procurement OSG and have considered the proposed agreement brought forward by the Mid Kent Procurement Partnership.
- 1.10 Financial and Value for Money Considerations**
- 1.10.1 With regard to funding, it is proposed to allocate funding in full from the Transformation reserve. Provision will also need to be made in future years of the MTFS as procurement support will be an ongoing requirement in the future.
- 1.11 Risk Assessment**
- 1.11.1 As identified by Grant Thornton in its external audit report, there is a risk to the Council if it does not address the need for additional support in regard to procurement.

## **1.12 Equality Impact Assessment**

1.12.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **1.13 Policy Considerations**

1.13.1 Procurement

## **1.14 Recommendations**

1.14.1 It is recommended to Cabinet that the Council enters into a 2 year trial agreement with the Mid Kent Procurement Partnership, funded from the Transformation Reserve.

Background papers:

Annex 1 – Job Description  
Annex 2 - Mid Kent Partnership Proposal  
Annex 3 – Options Pros & Cons

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