

BRIDGEND COUNTY BOROUGH COUNCIL

CATALOGUE SUPPLIES SERVICE JOINT COMMITTEE

REPORT OF THE ASSISTANT CHIEF EXECUTIVE – LEGAL AND REGULATORY SERVICES

25 SEPTEMBER 2014

REPORT REGARDING THE REVISED CONSTITUTION FOR THE JOINT SUPPLIES SERVICE

1. Purpose of Report

The purpose of this report is to advise Members of progress made in respect of revisions required to the Constitution of the Joint Supplies Service.

2. Connection to Corporate Objectives / Other Corporate Priorities.

- 2.1 The Joint Supplies Service (JSS) provides a one stop purchasing and warehouse facility for each of the partnering Authorities, for common and repetitive spend commodities mainly associated with Schools and corporate business.

3. Background

- 3.1 At the Management Committee held on 26th June 2014, Members requested that revisions be made to the Joint Supplies Service Constitution, recognising that the current version no longer reflects the requirements of the Service.
- 3.2 The Chair of the Committee asked Officers to prepare and present a draft version for presentation to the JSS meeting on 25th September 2014.

4 Current Situation and Proposals

- 4.1 The existing Constitution dates back to the inception of the Service in its current form in April 1996, and the copy agreed and sealed by the four partners, dated 4th April 1996 is included as Appendix 1.
- 4.2 This document covered the initial formation and governance of the Service related and included issues such as host roles, composition of the Committee and Officer Groups, frequency of meetings, staff secondment, termination rights etc.
- 4.3 A revised version of this document is also in existence which appears to have been drafted in 1997. There is however, no evidence that this was either approved or sealed by the four Member Authorities. A copy is included as Appendix 2.
- 4.4 Procurement and Legal Officers have reviewed the 1996 document and set out the following key principles under which the new Constitution will be re-drafted. These have been endorsed by Officers in each of the four member Authorities
- 4.4.1 Fine tuning and Deed of Variation is not an option. A new version is required as the 1996 one is completely out of date.
- 4.4.2 Bridgend County Borough Council will continue to act as the host organisation.
- 4.4.3 It is proposed that the new agreement is effective for a 3 year period with 12 month extension options to link in with Local Government Re-organisation.
- 4.4.4 Termination will be amended to a provision for any party giving a minimum of 12 months notice, which will allow sufficient time for other members to consider its future. Where there is just one partnering Authority which decides to terminate and the organisation continues to trade, a compensatory payment

based on stock valuation less any liabilities incurred (staff costs) will be made to that partnering Authority.

- 4.4.5 In the event of closure, the value of reserves less any liabilities due (staff costs, creditors etc.) will be re-imbursed on a percentage of population basis. (the baseline for the population measure will be defined in the agreement)
- 4.4.6 Reference to seconded staff will be removed from new document as all staff are now employed by BCBC on behalf of the Joint Committee.
- 4.4.7 A schedule of Officer Group posts will be included in the document together with those of staff employed by the JSS.
- 4.4.8 A mechanism for appointing new posts will be stated. The proposal is that all posts below Principal Officer will be managed by BCBC with reference back to the Officer Group and JSS Committee after the appointment has been made. The Officer Group will be consulted regarding the appointment of all Principal Officer posts.
- 4.4.9 The responsibilities of the Management Committee and Officer Group will be made clear in the document, together with the frequency of meetings. Reporting lines will be made clear via flowcharts.
- 4.4.10 In order to make provision for control of capital expenditure, it is proposed that the Committee has delegated powers conferred on it by the partnering Authorities to spend up to £100,000. Any expenditure above this limit will require each individual Authority to seek permission for the JSS to incur.

5.0. Equalities Impact Assessment

- 5.1 An Equalities Impact Assessment is not required at this time

6. Financial Implications

6.1 There are no financial implications associated directly with this report.

7. Recommendation

7.1 The Committee is requested to endorse principles 4.4.1 to 4.4.10 inclusive and the recommendation that the Legal Officers prepare and agree a draft and final version for approval by Members at the meeting to be held on 29th January 2015

Andrew Jolley

Assistant Chief Executive - Legal and Regulatory Services

Contact Officers:

James Ferris

Corporate Procurement Manager

Telephone: (01656) 664506

E-mail: James.Ferris@bridgend.gov.uk

Background Documents

Appendix 1 – JSS Constitution Dated 4th April 1996

Appendix 2 – JSS Constitution Dated 1997