

# Agenda Item 14

## TRAFFORD COUNCIL

**Report to:** Council  
**Date:** 11<sup>th</sup> June 2014  
**Report for:** Decision  
**Report of:** Director of Legal and Democratic Services

### Report Title

**STaR Joint Committee – set up and terms of reference**

### Summary

At its meeting on the 23<sup>rd</sup> September 2013 the Executive agreed to set up a joint committee in collaboration with the Executives of Stockport and Rochdale to deal with most of the procurement activities of each council. Staff from all three councils came together within a jointly-funded organisation hosted by Trafford Council and known as STaR.

The three councils have agreed the basis on which the joint committee will operate and this is set out in an inter-authority agreement (IAA). STaR will operate within a budget set by the participating councils. The IAA includes the terms of reference of the joint committee. These now need to be incorporated into the constitution of each participating council. Also the council needs to decide whether to delegate to the joint committee any non-executive powers which will facilitate its procurement activities.

### Recommendation(s)

**1. That the following are included in the council's constitution as the terms of reference of the STaR joint committee:**

- **To manage the procurement operations of the Councils except for any procurement activity carried on by each Council that is specifically excluded by each Council from being dealt with by the STaR on its behalf.**
- **To agree any changes to the cost and income sharing arrangements set out in the inter-authority agreement**
- **To agree the organisational structure of the STaR to carry out those operations.**
- **To recommend to Trafford Council the person to be appointed as Director of STaR and the salary for the post.**
- **To consider the policies and procedures for procurement activities carried out by the STaR recommended to it by its Board including the contract procedure rules under which it will operate for each of the Councils.**
- **To recommend the business plans and budgets of the STaR for approval by the Councils.**
- **To monitor the budget and performance of the STaR**
- **To approve major changes to standard tender documentation and procedures**
- **Such other matters as the Councils (for non-executive matters) and/or the Executive Leaders jointly agree**

**2. To the extent that the activities of the STaR joint committee are not executive functions the council delegates to the joint committee the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the procurement functions delegated to it – in particular the power to make staffing appointments and the power to make standing orders as to contracts but not the power to set budgets.**

Contact person for access to background papers and further information:

Name: Mark Jones – Interim Head of Legal Services  
Extension: 4879

Background Papers: None

### **Background Information**

*Implications:*

Relationship to Corporate Priorities	<i>This project aims to deliver value for money and low council tax by bringing together the majority of procurement activities from three councils thereby achieving lower administrative costs and economies of scale for procurement activities.</i>
Financial	<i>There are no financial implications arising from this report.</i>
Legal Implications	<i>The joint committee is established by the three participating councils in exercise of their powers under sections 101(5) and 102 of the Local Government Act 1972, section 9EB of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2012/1019</i>
Equality/Diversity Implications	<i>None directly associated with this report</i>
Sustainability Implications	<i>None directly associated with this report but the STaR will be able to ensure that its procurement activities are conducted with an eye to best practise.</i>
Staffing/E-Government/Asset Management Implications	<i>The unit is hosted by the council which is providing all equipment and accommodation as well as, initially, all support services.</i>
Risk Management Implications	<i>If the STaR does not prove its worth quickly it is unlikely to continue in existence so there is a risk that it may cause damage to the reputation of the council if this happens.</i>
Health and Safety Implications	<i>None directly associated with this report.</i>

## **1.0 Background**

**1.1.** At its meeting on the 23rd September 2013 the Executive agreed to set up a joint committee in collaboration with the Executives of Stockport and Rochdale to deal with most of the procurement activities of each council. Subsequently staff from all three councils were brought together within a jointly-funded unit hosted by Trafford Council and known as STaR. All staff are employed by Trafford and the unit is headed by a recently appointed Director. Trafford also provides all equipment and accommodation. While the unit is finding its feet Trafford is also providing all the support services it needs although it is planned that this will be reviewed after a suitable period in accordance with Best Value principles.

- 1.2. STaR will operate within a budget set by the participating councils. This will be agreed each year. Each council contributes a third of the cost of the new unit. This provides a considerable cost-saving to Trafford for its procurement functions. If other councils choose to join the arrangement they will pay an appropriate proportion of the running costs and, similarly, if a council leaves the proportion for each remaining council increases.
- 1.3. Officers of the three councils have agreed the basis on which the joint committee will operate and this is set out in an inter-authority agreement (IAA) a copy of which can be made available to members on request.
- 1.4. The IAA includes the terms of reference of the joint committee. These are set out at the beginning of Schedule 1 to the IAA. The existence of the joint committee and its terms of reference now need to be incorporated into the constitution of each participating council. Also the council needs to decide whether to delegate to the joint committee any non-executive powers which will facilitate its procurement activities such as the power to make staffing appointments and the power to make standing orders as to contracts. Clearly it would facilitate the operation of the unit to have those powers. However, it is not anticipated that the joint committee would set the budget for the STaR as each council has indicated a wish to retain control over the funding arrangements for the unit. Therefore it is not recommended that the delegation of council functions would include this aspect of its powers.