

**TYNE AND WEAR FIRE AND RESCUE AUTHORITY**

**Item No 5**

**MEETING: 13 SEPTEMBER 2021**

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**SUBJECT: REVIEW OF THE STANDING ORDERS OF THE AUTHORITY**

**JOINT REPORT OF THE CHIEF FIRE OFFICER/CHIEF EXECUTIVE (THE CLERK TO THE AUTHORITY), THE FINANCE DIRECTOR AND THE PERSONNEL ADVISOR TO THE AUTHORITY**

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**1 INTRODUCTION**

- 1.1 Following a review of Part 1 of the Authority's Constitution in respect of its Standing Orders, this report requests Members to consider the following amendments to the Standing Orders of the Authority:
  - 1.1.1 To remove references to European Union (EU) Procurement regulations now that the UK is no longer a member of the EU.
  - 1.1.2 To amend some references to individual roles to remove gender specific vocabulary, and replace with gender neutral language.
- 1.2 This report sets out the changes to the Authority's Standing Orders that will be necessary should the Authority agree to the suggested amendments.

**2 BACKGROUND**

- 2.1 The UK officially left the EU on 31 January 2020, with the final agreement on the terms of the new trade deal reached on 24 December 2020, coming into effect on 1 January 2021. From that point, TWFR, in common with all UK Local Government organisations no longer had a legal requirement to comply with EU Procurement Regulations.
- 2.2 Determination and approval of the Contract Rules within the Standing Orders (Section E of Part 1 of the Authority's Standing Orders) is a matter for the Authority. Presently, the Authority's Standing Orders make reference to EU Directives as well as the UK Public Contract Regulations.
- 2.3 The Authority therefore can remove reference to the EU Directives and Procurement Regulations from its Standing Orders as they relate to Contracts.
- 2.4 The Authority has a duty to ensure that the processes that it uses to procure goods, services and works are in line with current professional best practice. The options available to UK businesses have been reviewed and those suitable for use in a Fire and Rescue Service context have been added to the options described in the Standing Orders.

- 2.5 The Authority has responsibility for the requirements of the Public Sector Equality Duty (PSED), and as part of the review of the Contract Rules section of Part 1 of the Standing Orders, the document has been reviewed and updated to reflect a more inclusive approach to language use, specifically the replacement of any gendered pronouns, which have been replaced with gender neutral language.

### **3 AUTHORITY STANDING ORDERS**

- 3.1 Members are asked to approve the changes made throughout Section E of Part 1 of the Standing Orders to remove all references to EU Procurement Directives and Regulations, leaving the UK Public Contract Regulations as the key legal requirement for the Authority to demonstrate compliance.
- 3.2 The list of options for tender processes shown in Section E4.2.3 (and detailed at Section E6.2) has been reviewed and subject to Members' approval updated to include all suitable procurement procedures that are currently available under procurement best practice. This will ensure that the Authority has the option to use the most appropriate process when procuring any of the goods, services and works required to ensure the efficient running of the service.
- 3.3 Should all of the above amendments be approved, the Revised Standing Orders are attached as Appendix A to this report.

### **4 RISK MANAGEMENT**

- 4.1 Any potential risks associated with making the above changes to Part 1 of the Standing orders as highlighted above. All purchases of goods, services and works made on behalf of the Authority are subject to the principles outlined in the Procurement Policy and governed by the standing orders irrespective of value, and all budget managers have a responsibility to secure and demonstrate best value.
- 4.2 These processes are subject to regular Internal Audit and Procurement Services are available to provide advice and guidance whenever it is required.

### **5 FINANCIAL IMPLICATIONS**

- 5.1 There are no direct financial implications in respect of this report.

### **6 EQUALITY AND FAIRNESS IMPLICATIONS**

- 6.1 The changes to Part 1 of the Standing Orders have been subject to an Equality Impact Assessment.

## **7 HEALTH AND SAFETY IMPLICATIONS**

- 7.1 There are no health and safety implications in respect of this report.

## **8 RECOMMENDATIONS**

- 8.1 The Authority is recommended to agree the amendment of Part 1 of the Standing Orders as described in Section 3 of the report, with the resulting updated Standing Orders attached at Appendix A.

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## **BACKGROUND PAPERS**

The under mentioned Background Papers refer to the subject matter of the above report:

- Tyne and Wear Fire and Rescue Authority Standing Orders – Part 1.

