



OPCC

Office of the Police &
Crime Commissioner
for Gloucestershire

AUTHOR: Chief Finance Officer, Peter Lewis

SPONSOR: Chief Executive, Ruth Greenwood

DECISION NUMBER: 05/2024
(to be completed on approval)

SUBMITTED TO: Police & Crime Commissioner for Gloucestershire

SUBJECT:
Sole Source Amendment to the Scheme of Delegation in Regard of Legal Counsel's Advice

EXECUTIVE SUMMARY:

At the Finance Panel meeting on 11 January 2024, the Panel heard from the Head of Legal Services in regard of the challenges in securing, particularly, King's Counsel advice. A case was made for routine Sole Source permission. This report sets out the rationale and recommends an amendment to the Scheme of Delegation.

RECOMMENDATION:

It is recommended that this amendment to the Scheme of Delegation is approved by the Police and Crime Commissioner's Governance Board, having been considered and agreed by the Finance Panel on 9th February 2024.

OUTCOME/APPROVAL BY:

Signature:

Date: 29.02.24

Police and Crime Commissioner for Gloucestershire

Public Access to Information

Information in this form and associated reports is subject to the Freedom of Information Act 2000 and the Elected Local Policing Bodies (Specified Information) Order 2011. Where it has been indicated that this is a decision of significant public interest, all of this form except Part Two will be made available on the website of the OPCC.

Any information that should not be automatically available on request should not be included in Part One but instead on a separate Part Two form.

Is this a decision of significant public interest?

This includes a decision with any impact on the community, expenditure in excess of £50,000, or any decision that would be of obvious interest to the media or the general public

Yes

Is there a Part Two form?

This section should only include information that, if published:

- a) would, in the view of the chief officer of the police, be against the interests of national security;*
- b) might, in the view of the chief officer of police, jeopardise the safety of any person;*
- c) might, in the view of the chief officer of police, prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice; or*
- d) is prohibited by any enactment.*
- e) breaches commercial sensitivity*

No

ORIGINATOR CHECKLIST (MUST BE COMPLETED)	Comments including who has approved the report if applicable
Has legal advice been sought on this submission if required?	Yes
Has the Chief Finance Officer been consulted, if required?	Yes
Have equality, diversity and human rights implications been considered, as appropriate?	No
How is the recommendation consistent with the objectives of the Police and Crime Plan?	Yes
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	Yes
Has communications advice been sought on areas of likely media, community, staff or partner interest and how they might be managed?	No
Have all relevant implications and risks been considered?	Yes

PART ONE – For publication

1. Purpose of the report

At the Finance Panel meeting on 11 January 2024, the Panel heard from the Head of Legal Services in regard of the challenges in securing, particularly, King’s Counsel advice. A case was made for routine Sole Source permission for the following reasons:

- Swift access to advice is often required.
- Clerks agreed the fees, but will not do so without seeing the papers and often that is not practicable due to the issues of confidentiality. Therefore seeking competitive quotes is not reasonable.
- The chambers operate with regard to the Collaborative Law Enforcement Programme (CLEP), agreed by the Home Office. These rates are agreed between the chambers and the Home Office and typically the chambers abide by these rates when quoting for our work. Therefore, there is little benefit in competitive tendering.

At the conclusion of the discussion on 11 January, it was therefore agreed that there would be a routine exemption to the Sole Source requests allowed for within the Scheme of Delegation. This proposed exemption is set out below – new wording is in italics. This exemption applies to all legal counsel’s advice.

Proposed Amendment to Section 5.2 of the Scheme of Delegation

5.2 Sole Source Exemption

If an application for a Sole Source (to use one supplier without going to market) is made it must be approved in line with the Scheme of Delegation.

A Sole Source Exemption will only be approved if there is a good case that only one supplier can provide these goods or service; it is in the best interest of the Constabulary; *or it is in respect of securing the advice of legal counsel, which has been approved by the Head of Legal Services or, if appropriate, the Assistant Chief Officer.* Shortage of time is not an acceptable reason.

- All Sole Source applications, *except for those in regard of legal counsel’s advice*, must be signed off by the SWPPS.
- Contract values over the EU limit (currently £213k¹) **cannot** be sole sourced.

3. Recommendation(s)

It is recommended that this amendment to the Scheme of Delegation is approved by the Police and Crime Commissioner’s Governance Board, having been considered and agreed by the Finance Panel on 9th February 2024.

4. Financial and resource implications

No additional financial implications are anticipated from this change.

5. Risk assessment

¹ [Microsoft Word - Procurement Policy Note 10:21 - New Thresholds Values and Inclusion of VAT in Contract Estimates.docx \(publishing.service.gov.uk\)](#)

There is a very small risk of challenge from other providers, but that is unlikely given that the CLEP will be used as the basis for any agreement.

6. Equality & Diversity impact assessment

Equality and diversity will be assessed as part of each decision made. There are no issues arising from the change in the Scheme of Delegation proposed.

7. Environmental impact assessment

None undertaken

8. Consultation

Consultation was undertaken through the Finance Panel and with the Head of Legal Services.

9. Discussed with Communications & Engagement

To be undertaken at the PCCGB meeting.


10. Conclusion

It is concluded that the amendment to the Scheme of Delegation, as proposed above, should be approved.

SPONSORING BOARD MEMBER APPROVAL

Name: Peter Lewis

Job title: PCC's Chief Finance Officer

Signature: 

Date: 19 February 2024

CHIEF EXECUTIVE APPROVAL

I am satisfied that relevant advice has been taken into account in the preparation of the report and that this is an appropriate request to be submitted to the PCC.

Signature: 

Date: 19 February 2024