

Report title: Proposal for the Review of Procurement Practices in accordance with the Council Motion resolved on 13 November 2024

Meeting	Corporate Governance and Audit Committee
Date	7th March 2025
Cabinet Member (if applicable)	Cllr Tyler Hawkins
Key Decision Eligible for Call In	No No
<p>Purpose of Report</p> <p>To obtain approval for the scope of the review of procurement practices as resolved in the motion on 13 November 2024.</p>	
<p>Recommendations</p> <p>It is recommended that Corporate Governance and Audit Committee oversee the review of procurement practice to address the motion agreed at Cabinet on 13 November 2024.</p> <p>Reasons for Recommendations</p> <p>The committee has an important role in ensuring the adequacy of the review to ensure that it has appropriate oversight and assurance that procurement practice is undertaken in accordance with applicable legislation, therefore it is felt it is appropriate that the committee has oversight of the work required.</p>	
<p>Resource Implication:</p> <p>There are likely to be some resource implications from the Procurement Team, HD One Shared Services and Legal Services to undertake the review due to the scope of reviewing purchasing and contracts data and all applicable legislation.</p>	
<p>Date signed off by <u>Executive Director</u> & name</p> <p>Is it also signed off by the Service Director for Finance?</p> <p>Is it also signed off by the Service Director for Legal Governance and Commissioning (Monitoring Officer)?</p>	<p>Rachel Spencer-Henshall – Deputy Chief Executive and Executive Director for Public Health and Corporate Resources (18/2/25)</p> <p>Kevin Mulvaney – Service Director Finance (18/2/25)</p> <p>Samantha Lawton – Service Director Legal & Commissioning (18/2/25)</p>

Electoral wards affected: All

Ward councillors consulted: Not applicable

Public or private: Public

Has GDPR been considered? No GDPR considerations

Executive Summary

A motion was carried at Council on 13 November 2024 which requested that the Council commits to conducting a thorough review of its procurement practices to ensure that goods and consumables sourced from companies directly or indirectly involved in the Gaza conflict are not used. The Motion is attached at Appendix A.

The motion also requested that the Council avoids purchases of goods from Israeli companies illegally occupying Palestinian Territories where it is lawful and practical to do so.

It is recommended that Corporate Governance and Audit Committee oversee the review to ensure that it is undertaken with appropriate oversight and in accordance with applicable legislation.

This report sets out the scope of the review and highlights some of the key issues the review will address.

1. Information required to take a decision

A motion was received at Council on 13 November 2024 which requested that the Council commits to conducting a thorough review of its procurement practices to ensure that goods and consumables sourced from companies directly or indirectly involved in the Gaza conflict are not used. The motion requests that the Council avoids purchases of goods from Israeli companies illegally occupying Palestinian Territories where it is lawful and practical to do so.

A review of procurement practices must ensure that the recommendations comply with the Procurement Act 2023, the Public Contracts Regulations 2015, and any other relevant guidance and legislation published by the Cabinet Office, such as (but not limited to) Procurement Policy Notes. There have been recent changes by the introduction of the new Procurement Act 2023 and as such it is felt appropriate to refer the review to Corporate Governance and Audit Committee for oversight.

At this stage, it is proposed that the following steps will be taken to undertake the review:

- Assessment of the United Nations database of business enterprises in relation to the Occupied Palestinian Territory.
- Examine the Council's Contracts Register to identify existing contracts for the supply of goods and consumables which are valued at over £5,000.
- Review expenditure on goods and consumables to identify the current suppliers used by the Council.

- Review of all relevant procurement legislation to ensure compliance and understand the legal framework associated with the motion.
- Review Procurement Policy Notes (PPNs) issued by the Cabinet Office.

2. Implications for the Council

2.1 Council Plan

The Council's capacity to work effectively and to deliver aspects of its corporate outcomes is underpinned by ensuring that its procurement practice operates within a legal framework that promotes free and open competition, adhering to both international and national obligations and regulations.

2.2 Financial Implications

There are likely to be resource implications for the Procurement Team, HD One Shared Services, and Legal Services to carry out the review, given the scope of examining spend and contract information in accordance with applicable procurement legislation and best practices. However, it is difficult to quantify these implications.

2.3 Legal Implications

The Council is required to ensure its procurement practices are undertaken in accordance with the Procurement Act 2023, the Public Contracts Regulations 2015 and any associated guidance that is issued by the Cabinet Office

2.4 Climate Change and Air Quality

None directly

2.5 Other (e.g. Risk, Integrated Impact Assessment or Human Resources)

None directly

4 Consultation

N/A

5 Engagement

The procurement team are engaging with CGAC to ensure oversight and input in relation to scope of the review.

6 Options

6.1 Options Considered

1. Not carry out review (this would not address the motion agreed)
2. Carry out the review

6.2 Reasons for recommended Option

It is recommended that the Corporate Governance and Audit Committee oversee the review of procurement practices to address the motion agreed upon at the Cabinet meeting on 13 November 2024. The Committee's oversight will ensure the review's adequacy and compliance with all applicable legislation.

7 Next steps and timelines

Subject to approval of the scope by the Corporate Governance and Audit Committee the Procurement Team will carry out the review and provide a final report to CGAC in June 2025 on the outcome of the review.

- 8 Contact officer**
Ruth Calladine, Head of Procurement (01484 221000, email – ruth.calladine@kirklees.gov.uk)
- 9 Background Papers and History of Decisions**
Not applicable
- 10 Appendices**
Appendix A – Motion and resolution – 13 November 2024
- 11 Service Director responsible**
Samantha Lawton, Service Director Legal & Commissioning

Appendix A - Council Motion resolved on 13 November 2024

12: Motion submitted in accordance with Council Procedure Rule 14 as to Gaza - a year on, urgent action is needed

To consider the following Motion in the names of Councillors J D Lawson, Arshad, Khan, Safdar, Anwar, Kahut and Bramwell.

“This Council notes that nearly a year on from the start of the latest conflict in Gaza:

- a) 10,000’s of innocent men, women and children have been killed or seriously injured. Many more are missing in the debris of Gaza.
- b) Gaza is being raised to the ground. There has been indiscriminate bombing of refugee camps, medical facilities, schools, places of worship of all denominations and the general infra structure.
- c) Aid is still not getting into Gaza in the quantity needed due to interference by the Israeli Govt this has resulted in widespread malnutrition and the remaining medical facilities running without even the basic of medical supplies.
- d) That the Israeli government is guilty of war crimes and breaching International Humanitarian Law. Creating an Apartheid State within the Palestinian Territories of Gaza and the West Bank.
- e) The International Court of Justice has declared the situation in Gaza to be genocide
- f) That many residents of Kirklees remain gravely concerned about the ongoing situation in Gaza and wish to see an end to the genocide in Gaza.

This Council calls on the Leader of the Council to write to Keir Starmer, the Prime Minister to urge him to revoke licenses which allow the selling of arms and military equipment to Israel until a time the Israeli Government stops the on-going genocide in Gaza, ceases to occupy the Palestinian Territories of the West Bank and Gaza, abides by the IJC rulings and the numerous United Nations resolutions. That the Prime Minister lobbies his Israeli counterpart to immediately allowed in aid to Gaza unfettered by obstructions, in a bid to holt the humanitarian crisis that is occurring within Gaza. And that the Prime Minister uses all diplomatic channels at his disposal to call for a ceasefire and the return of the Israeli hostages.

We ask that the Palestinian Flag be flown at Huddersfield, Batley and Dewsbury Town Halls in an act of remembrance for those who have died. This would be at no expense to local council tax payers as the flags would be purchased by a local group.

We ask that Kirklees Council where at all lawful and practical to avoid purchases of goods from Israeli companies illegally occupying the afore mentioned Palestinian Territories.

That the council commits to conducting a thorough review of its procurement practices to ensure that goods and consumables sourced from companies directly or indirectly involved in the conflict are not used.”

RESOLVED –

1) That this Council notes that nearly a year on from the start of the latest conflict in Gaza:

- a) 10,000’s of innocent men, women and children have been killed or seriously injured. Many more are missing in the debris of Gaza.

- b) Gaza is being raised to the ground. There has been indiscriminate bombing of refugee camps, medical facilities, schools, places of worship of all denominations and the general infra structure.
- c) Aid is still not getting into Gaza in the quantity needed due to interference by the Israeli Govt this has resulted in widespread malnutrition and the remaining medical facilities running without even the basic of medical supplies.
- d) That the Israeli government is guilty of war crimes and breaching International Humanitarian Law. Creating an Apartheid State within the Palestinian Territories of Gaza and the West Bank.
- e) The International Court of Justice has declared the situation in Gaza to be genocide
- f) That many residents of Kirklees remain gravely concerned about the ongoing situation in Gaza and wish to see an end to the genocide in Gaza.

2) That this is Council calls on the Leader of the Council to write to Keir Starmer, the Prime Minister to urge him to;

- revoke licenses which allow the selling of arms and military equipment to Israel until a time the Israeli Government stops the on-going genocide in Gaza, ceases to occupy the Palestinian Territories of the West Bank and Gaza, abides by the IJC rulings and the numerous United Nations resolutions.

- lobby his Israeli counterpart to immediately allowed in aid to Gaza unfettered by obstructions, in a bid to holt the humanitarian crisis that is occurring within Gaza.

- all diplomatic channels at his disposal to call for a ceasefire and the return of the Israeli hostages

3) That we ask that Kirklees Council where at all lawful and practical to avoid purchases of goods from Israeli companies illegally occupying the afore mentioned Palestinian Territories.

4) That this Council commits to conducting a thorough review of its procurement practices to ensure that goods and consumables sourced from companies directly or indirectly involved in the conflict are not used.