

## HOW – the Legislative Basis

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# Effects Of Compulsory Competitive Tendering And European Law On Local Authorities

**RC Schank**



## **Effects Of Compulsory Competitive Tendering And European Law On Local Authorities:**

### **The Effects of Compulsory Competitive Tendering and European Law on Local Authorities Philip**

Gosling, 2001-03-12 Between 1980 and 2000 local authorities in the UK were required by the Local Government Planning and Land Act 1980 and later by the Local Government Acts of 1988 and 1992 to demonstrate competitiveness in procurement through a statutory Compulsory Competitive Tendering CCT procedure regulated by the Secretary of State Although CCT was abolished in January 2000 its intensive application over a 20 year period has left a lasting legacy in the conduct of local public procurement in the UK In addition the interaction of CCT and European law in particular that relating to public procurement and the transfer of undertakings continues to have significance for local authorities throughout the EU This book is the outcome of research into the effects of CCT on two English local authorities Its remarkably clear and detailed analysis examines the CCT legislation the principal legal and practical issues that it raised both in the UK and for the EU its effects on the two local authorities selected for study and the broader implications for local public procurement in general Among the legal issues addressed are the following Policy differences between the various types of services procured e g construction and maintenance other manual managerial professional The impingement of CCT on local authority discretion in contract tendering processes and The interaction of CCT and the European Acquired Rights Directive as implemented in the UK by the Transfer of Undertakings Protection of Employment Regulations TUPE The results of CCT are considered through case studies of the local authorities that examine the lasting effect on each authority s approach to service provision organisational structure and general culture In the last part of the book the author summarizes his findings and offers conclusions that will be of value to public procurement authorities and their counsel everywhere

Fighting Corruption in Public Procurement Sope Williams-Elegbe, 2012-11-06 Anti corruption measures have firmly taken centre stage in the development agenda of international organisations as well as in developed and developing countries One area in which corruption manifests itself is in public procurement and as a result States have adopted various measures to prevent and curb corruption in public procurement One such mechanism for dealing with procurement corruption is to debar or disqualify corrupt suppliers from bidding for or otherwise obtaining government contracts This book examines the issues and challenges raised by the debarment or disqualification of corrupt suppliers from public contracts Implementing a disqualification mechanism in public procurement raises serious practical and conceptual difficulties which are not always considered by legislative provisions on disqualification Some of the problems that may arise from the use of disqualifications include determining whether a conviction for corruption ought to be a pre requisite to disqualification bearing in mind that corruption thrives in secret resulting in a dearth of convictions Another issue is determining how to balance the tension between granting adequate procedural safeguards to a supplier in disqualification proceedings and not delaying the procurement process A further issue is determining the scope of the disqualification in the sense of determining whether it

applies to firms natural persons subcontractors subsidiaries or other persons related to the corrupt firm and whether disqualification will lead to the termination of existing contracts The book compares and contrasts the legal practical and institutional approaches to the implementation of the disqualification mechanism in the European Union the United Kingdom the United States the Republic of South Africa and the World Bank      **Compulsory Competitive Tendering in Local Government** Austin McCarthy,1992      **Labour Law in the Courts** Silvana Sciarra,2001-03-12 The research underpinning this book was designed to support and further develop ideas already described in broader and more theoretical studies about the dialogues happening among national courts and the ECJ as a key factor of European integration The role played by the courts as part of the interplay of institutions within the European Union has been recognised as crucial and this research which was conducted at the European University Institute homes in upon some specific examples It deals with six Member States of the European Union Denmark France Germany Italy Spain and the UK analysing two select but significant areas of substantive law transfer of undertakings and equality legislation The analysis dwells on these key areas although some other fields of social law were selected in order to prove the main theory underlying the whole research While on the one hand offering a comparative assessment of developments in the six member states chosen for study the research also highlights national peculiarities as well as the factors perceived to be driving national actors towards the preliminary ruling procedures This work will be of interest to all scholars of EU law and labour law      **Torkildsen's Sport and Leisure Management** George Torkildsen,2005-05-06 For this new edition the book has been completely revised bringing the subject up to date in line with recent developments Key changes address issues surrounding government policy and public sector leisure provision the National Lottery global conditions such as the world economic climate and the European Union and communication and travel advances New content also covers play recreation leisure and the needs of people leisure trends planning and government the legacy of CCT and the introduction of Best Value management training and operational aspect of Leisure Recreation management Leisure and Recreation Management deals with the theory of leisure studies as well as the day to day practicalities of managing sport leisure and recreation facilities ensuring this book s continued success as a student textbook and a guide for the practitioner      **Legality and Locality** Martin Loughlin,1996 This book seeks to trace the main dimensions of recent conflicts between central departments of governments and local authorities and to reveal something of their significance It does so by focusing on the role of law in shaping the central local government relations which is neglected in many contemporary studies and yet is of vital importance in identifying the character of that relationship Precisely why they should be so is not self evident The main objective of this introduction therefore is to highlight the importance of this dimension to the study of central local relations and then to explain the way in which the key themes of the study are to be addressed One highly significant aspect of the study is the identification of a process of juridification which is only gradually becoming clear This has not only been a major undertaking it has also been a highly complex

ambiguous confusing and frustrating activity This has caused problems for government and for the judiciary and not surprisingly there have been expressions of discomfort on all sides This book helps to explain where the process may have gone wrong and why ultimately it may be an objective which cannot be realised Ultimately what the book seeks to demonstrate is that the issues raised by the government of central local relations transcend the institution of local government and are directly linked to our system of parliamentary democracy Furthermore the author argues that the system of central local government relations has evolved in such a way that it reveals a great deal about our tradition of public law An examination of these issues through an explication of the themes of legality and locality therefore requires the reader to address basic questions about the nature of contemporary British government

Leisure and Recreation Management George Torkildsen, 2005 Leisure and Recreation Management is essential reading for anyone interested in exploring both the theory and the practicalities of managing leisure and recreational facilities

**Public Procurement and the EU Competition Rules** Albert Sánchez Graells, 2011-01-29 Shortlisted for the 2012 Prix Vogel in Economic Law Public procurement and competition law are both important fields of EU law and policy intimately intertwined in the creation of the internal market Hitherto their close connection has been noted but not closely examined This new work is the most comprehensive attempt to date to explain the many ways in which these fields often considered independent of one another interact and overlap in the creation of the internal market In this process of convergence between competition and public procurement law the need for this joint study is clearly apparent As such the book asks whether competition law principles inform or condition public procurement rules and whether they are adequate to ensure that competition is not distorted in markets where public procurement is particularly significant The book moves away from the classical focus of public procurement on the activities of private actors developing instead an analytical framework for the appraisal of the market behaviour of the public buyer from a competition perspective The analysis is both legal and economic Proceeding through a careful assessment of the general rules of competition and public procurement the book constantly tests the efficacy of the rules in competition and public procurement against a standard of the proper functioning of undistorted competition in the market for public procurement

*Comparing Public Sector Reform in Britain and Germany* Hellmut Wollmann, Eckhard Schroter, 2019-06-04 This title was first published in 2000 This text collects a set of specially commissioned chapters by British and German political scientists as well as experts in public administration and management designed to present and grapple with the range of the subject in an accessible but sophisticated form In doing so the volume seeks to fill the gap perceived to have opened up between the conventional comparative government literature and the new public management literature While the first part of the book explores the historical political and cultural context of public sector reform the second part deals more specifically with institutional developments and recent reform trends in the fields of social policy and social service delivery The volume analyzes the degree of convergence or divergence between the two countries with regard

to public sector change      **English Administrative Law from 1550** Paul Craig, 2024 English Administrative Law from 1550 systematically elaborates and contextualizes the origins of administrative law It upends conventional thinking charting the development of administrative law from the mid 16th century with an in depth examination of primary legal materials statute and case law      *The Political Economy of Privatization* Thomas Clarke, Christos Pitelis, 2005-08-17 This book considers the many facets of the privatization process in advanced industrialised countries along with the marketization of Eastern Europe and the pressures on developing countries to adopt privatization as the route to growth      Deakin and Morris' Labour Law Zoe Adams, Catherine Barnard, Simon Deakin, Sarah Fraser Butlin, 2021-07-15 Deakin and Morris Labour Law a work cited as authoritative in the higher appellate courts of several jurisdictions provides a comprehensive analysis of current British labour law which explains the role of different legal and extra legal sources in its evolution including collective bargaining international labour standards and human rights The new edition while following the broad pattern of previous ones highlights important new developments in the content of the law and in its wider social economic and policy context Thus the consequences of Brexit are considered along with the emerging effects of the Covid 19 crisis the increasing digitisation of work and the implications for policy of debates over the role of the law in constituting and regulating the labour market The book examines in detail the law governing individual employment relations with chapters covering the definition of the employment relationship the sources and regulation of terms and conditions of employment discipline and termination of employment and equality of treatment This is followed by an analysis of the elements of collective labour law including the forms of collective organisation freedom of association employee representation internal trade union government and the law relating to industrial action The seventh edition of Deakin and Morris Labour Law is an essential text for students of law and of disciplines related to management and industrial relations for barristers and solicitors working in the field of labour law and for all those with a serious interest in the subject This title is included in Bloomsbury Professional s Employment Law online service      *European Legal Book Index* , 2001      Municipal Waste Management in Europe N. Buclet, 2013-06-29 Nicolas Buclet Waste management issues can be approached in several ways The question of which treatment technique to adopt is essentially a downstream problem In our view the issue needed to be tackled further upstream Waste management is not only a technical problem it is also an area which involves various actors throughout society In this book as in the previous volume Buclet Godard 2000 the organisation of waste management is seen in terms of regimes A regime is an entire form of institutional technical economic and social organisation relating to a specific field no matter how complex that field is Regime formation is generally a long drawn out process rooted in the multiple interactions of the actors involved Legislation plays a crucial role but would not of itself lead to the formation of a regime There is always the old question of causality and which element occurs first the behaviour of actors who constitute the reality or the legislation that models their behaviour Besides legislation other formal or informal conventions influence the behaviour of

actors approaching a common path making co ordination easier between them In this book we have insisted on conventional principles They are the real guides for actors within each national regime     Regulation Public Procurement - National and International Perspectives Sue Arrowsmith,John Linarelli,Don Wallace,2000-04-17 Three international leaders in public procurement law fully explain how the procurement award process must be managed to achieve its goals in global market economy     **European Access** ,2002     **The Effects of Compulsory Competitive Tendering on Local Authorities** Philip Geoffrey Gosling,King's College London. Department of Law,1999     Outsourcing in the UK Janice Morphet,2021-04-15 In this comprehensive account Janice Morphet analyses the role and use of outsourcing within the UK public sector since the mid 1970s Morphet examines the many drivers for the use of outsourcing in the public sector including international agreements new public management performativity and austerity She also takes in to account the role and failures of the private sector and its response to the opening up of public sector competition By investigating the way that outsourcing has been used in different service sectors and across scales the book illustrates the impact it has had on ideology policy narratives and public expectations in the present     APAIS 1999: Australian public affairs information service ,     *Industrial Relations* Trevor Colling,Mike Terry,2010-09-07 This revised edition of Industrial Relations Theory and Practice follows the approach established successfully in preceding volumes edited by Paul Edwards The focus is on Britain after a decade of public policy which has once again altered the terrain on which employment relations develop Government has attempted to balance flexibility with fairness preserving light touch regulation whilst introducing rights to minimum wages and to employee representation in the workplace Yet this is an open economy conditioned significantly by developing patterns of international trade and by European Union policy initiatives This interaction of domestic and cross national influences in analysis of changes in employment relations runs throughout the volume

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