

Portfolio Holder decision record sheet

Name of decision maker: Cllr Neil Harden

Portfolio: Community and Regulatory Services

Date of Portfolio Holder decision: 16 August 2018

Title of decision:

To approve an exemption to comply with the Council's commissioning & procurement standing orders and award a contract directly without the need to carry out a competitive tendering process

Part II:

Part II reason:

Decision:

1. To retrospectively approve the suspension of the Council's commissioning & procurement standing orders to enable the direct appointment of Shield Safety and Douglas Stuart for the provision of Agency Staff in Environmental and Community Protection without undertaking a tendering process.
2. To approve the awarding of a contract to Shield Safety for a total of £180k. The Council have already incurred expenditure of £38,558 with Shield Safety.
3. To approve the awarding of a contract to Douglas Stuart for a total of £180k. The Council have already incurred expenditure of £46,705 with Douglas Stuart, with a further £5,778 commitment.

Reason

To maintain the statutory services in Environmental and Community Protection, it has been necessary to make a range of agency appointments to cover key vacancies.

The Council have a corporate contract for Agency Staff with Pertemps and all Agency staff requirements should be commissioned through this arrangement.

If for any reason Pertemps are unable to provide the appropriate calibre of Agency Staff, then the Client Officer is able to commission outside of this arrangement, but must comply with the commissioning and procurement standing orders.

The Council will not exceed the current OJEU threshold for this which is currently £181,302 on either contract.

Reports considered: (here reference can be made to specific documents)

N/A

Officers/Councillors/Ward Councillors/Stakeholders consulted:

David Austin, Assistant Director, Neighbourhood Delivery
Andrew Linden, Team Leader of Commissioning, Procurement and Compliance
Emma Walker, Group Manager Environmental and Community Protection
Paul O'Day Team Leader, Environmental Health

Financial comments:

There are currently three vacant posts in the service and one long term sickness being covered

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by agency while permanent recruitment takes place.

The forecasted pressure on the staffing budget at quarter 1, assuming all posts are recruited to, is £26,000. Should these posts not be recruited to further use of agency could push this pressure to £44,000 (vacancy provision for the service is £52,790).

The additional agency spend required would be £67,400 bringing the total spend in this financial year to £158,500.

Deputy Monitoring Officer comments:

An exemption from the requirement to comply with Standing Orders may be made by the Portfolio Holder responsible for the service affected by the contract subject to the following requirements:

- The special circumstances requiring the suspension must be reported to the Council or the Cabinet or the appropriate Cabinet Portfolio Holder and the Group Manager Commissioning, Procurement & Compliance together with a detailed justification for the proposed action; and
- The suspension and the special circumstances justifying the exemption must be noted and recorded in the Portfolio Holder decision record.

This Portfolio Holder Decision records the decision and the special circumstances explaining the reasons for the award of contract without complying with the usual tendering rules.

Deputy S151 Officer Comments

The council is unlikely at current rates and usage to exceed the OJEU threshold of £180k. The service need to ensure the spend is monitored as part of the budget monitoring process.

Implications:

Risk:

To not appoint into vacant roles would lead to a decline in Environmental Health Team performance and put the Council at risk of standards intervention by governing bodies. Slow performance may also affect living and working conditions within the borough. This amounts to special circumstances justifying the exemption.

Value for money:

The hourly and daily rates put forward are understood to be competitive.

Options considered and reasons for rejection:

Appointment into vacant in-house roles.

Recruitment into Environmental Health Officer roles has been unsuccessful throughout 2016. Two roles were downgraded to Trainee Environmental Health Officer role in 2016.

There are currently 3 vacant roles in Environmental Health Team .

- There are two Environmental Health Officer roles (Food and Health and Safety)
- Lead Environmental Health Officer role in Environmental Protection.
- Sickness cover is also being provided by Douglas Stuart for the Scientific Officer. This is likely to need cover until March 2019.

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Portfolio Holder's signature:

Date:

Details of any interests declared and any dispensations given by the Standards Committee:

For Member Support Officer use only

Date decision record sheet received from portfolio holder:

Date decision published:

Decision no:

Date of expiry of call-in period:

Date any call-in received or decision implemented:

Background

Over the last three years, the service suffered a high and unusual degree of turnover including staff leaving for new posts and retirement of significant officer posts.

There was, after considering and deploying other options, the need to fill vacant posts swiftly. This was done with Shield Safety and Douglas Stuart as well as Pertemps, Comensura and Ranstad, as the pool of suitably qualified Environmental Health Officers is shrinking

Any future requirements for Agency Staff in Environmental and Community Protection will be provided through the Council's corporate contract for Agency Staff, or in accordance with Commissioning and Procurement Standing Orders if possible.