



RECORD OF DELEGATED DECISION (OFFICER)

CONTRACT EXEMPTION

1. Decision Reference No.	CEX186
2. Name/Title of Officer	Pranali Parikh Director for Growth and Regeneration Dawn Garton Director for Corporate Services and S151 Officer
3. Email address of Officer	pparikh@melton.gov.uk
4. Contract Title / Subject Matter:	Award of Contract for the Appointment of an Interim Assistant Director for Planning and Delivery
5. Type of Decision:	Public
6. Key Decision?	Yes
7. Contract type:	<input type="checkbox"/> Goods <input checked="" type="checkbox"/> Services <input type="checkbox"/> Works
8. Decision Taken:	<p>1. To use a Contract Exemption as detailed below to enable the Director for Growth and Regeneration to award a contract to Vivid Recruitment Agency for the appointment of an interim consultant to cover the post of Assistant Director for Planning and Delivery and enter into any necessary paperwork for the appointment</p> <p>2. Authority from the Director for Corporate Services to the Director of Growth & Regeneration to access the Local Plan Reserve to contribute towards the funding of this post as identified in the financial implications</p>
9. Contract Details	
Service area	Planning
Short contract description	Contract for the Appointment of an Interim Assistant Director for Planning and Delivery

Length of Exemption (months)	6 months
Exemption start date	01 February 2022
Exemption end date	31 July 2022
Total exemption value (£)*	£90,000
Cumulative value of all previous Exemption requests (if applicable)	N/A

* Where the total value of the contract is £5,000 or more, the resultant contract must be added to the Contract Register to ensure compliance with Transparency Regulations.

An award notice is required on Contracts Finder for all Contracts with a total value of £25,000 or above. Welland Procurement is responsible for such award notices. Officers must formally advise Welland of the award details, so that they can publish the award notice.

10. Exemption Details

Type of Exemption:	<input checked="" type="checkbox"/> New Requirement <input type="checkbox"/> Change to Existing Requirement <input type="checkbox"/> Replacement to Existing Requirement <input type="checkbox"/> Other
Which rule are you seeking an exemption from?	<input checked="" type="checkbox"/> To advertise <input type="checkbox"/> To follow a competitive process
Name of Proposed Provider:	Vivid Recruitment Agency
Has the requirement been subject to a previous Exemption?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes [If yes give details below]
Applicable Exemption:	<input type="checkbox"/> (1) No genuine competition: proprietary or patented goods or services; requirement of such a specialist nature that it can genuinely only be fulfilled by one person or organisation; compatibility with existing goods or services is required and where those existing goods or services can only be sourced from the same supplier.

<p><i>If the justification being relied upon is as detailed in here, the relevant Service Director will need to approve the exemption prior to it being submitted to the Director for Corporate Resources and the Director of Governance and Regulatory Services for approval.</i></p>	<input type="checkbox"/>	<p>(2) There is a sound business case and/or an independent review that there is no value for money in running a full procurement process. Supporting evidence will need to demonstrate market testing and enquiries to other suppliers. This should not be used to avoid competition or where decisions to procure have been postponed and there are insufficient timelines to procure.</p>
	<input type="checkbox"/>	<p>(3) Genuine emergencies: critical preventative or remedial work where there is a real and imminent risk to the safety of people or property arising from hitherto unforeseen 'catastrophic' events or incidents, for example fire, bombing, landslide etc.</p>
	<input checked="" type="checkbox"/>	<p>(4) Urgent Situations not of the Council's own making: the urgency must have been reasonably unforeseeable (e.g. existing supplier going into liquidation) and genuinely be a case of time is of the essence. Urgency arising from the Council's own making (e.g. lack of planning) shall not justify an exemption. Where this exemption is used, a compliant procurement must be implemented as soon as possible.</p>
	<input type="checkbox"/>	<p>(5) Collaborative/Joint Procurement: where another authority/public body is acting as the 'lead buyer' and provided that the Officer can demonstrate those arrangements comply with relevant Regulations and best practice.</p>
	<input type="checkbox"/>	<p>(6) Grants which the Council may receive or make: except where the grant is the form of payment for a contract for services where the Council specifies the output or outcomes to be delivered. The awarding of grants by the Council or on behalf of the Council must be carried out under the principles of openness, fairness, non-discrimination and value for money. Officers cannot choose to treat procurement as a grant in order to avoid conducting a competitive process.</p>
	<input type="checkbox"/>	<p>(7) Contracts for the execution of either mandatory works or provision of goods or services which must be provided by Statutory Provider other than the Council. This includes but is not limited to public utility companies and other legal authorities.</p>

<p>Details of benchmarking or market testing carried out</p>		<p>CVs were sought from four recruitment agencies for this role. Four CVs were shortlisted with the same level of day rates for interview by Director for Growth and Regeneration and Director for Housing and Communities.</p> <p>The Director of Growth and Regeneration and the Director for Housing and Communities have interviewed four candidates and selected the preferred candidate who has accepted the offer of a fixed term 6 months contract to provide the interim cover. One reference from a previous employer has been sought for the preferred candidate.</p> <p>This candidate is deemed value for money based on their expertise and ability to provide continuity to the Council's planning service</p>
<p>How will value for money be secured?</p>		<p>Appointing a contractor through this process represents value for money as it has helped finding a high calibre candidate in a short space of time without financial disadvantage to the Council.</p>

11. Reasons for Decision:

(Briefly summarise why you think this is the right decision. Again, do not include any exempt or other information in your decision that you would not want to be published. Please ensure all background papers are attached to this decision)

The Assistant Director for Planning and Delivery is retiring after 18 years of dedicated service to the Council. The last day of service for the current Assistant Director is 5th April, but considering the outstanding holidays, the last working day is agreed to be 25th February.

Planning is a key statutory service for the Council where continuity of leadership and service delivery is important. Appointing a contractor through an interview process represents value for money as the Council requires a high calibre candidate at short notice to provide continuity to the Council's planning service. Having interviewed four potential candidates and given the nature of the role, it can only be fulfilled by the preferred candidate.

Appointment of interim role will enable the Director for Growth and Regeneration to explore long term options for leadership in this area.

12. Authority / Legal Power:

(Please detail where your authority comes from e.g. Committee Minute, Constitution or Legal power i.e. what enables you to take this course of action)

Officers can take key decisions

Chapter 3 Part 7 MBC Constitution Contract Procedure Rules – Section 8

Chapter 3 Part 6 MBC Constitution Financial Procedure Rules – Section 6

Legal – see comments below

13. Background Papers attached?

(Background papers are to be attached (unless exempt))

Yes

14. Alternative options available / rejected:

(Briefly summarise what other options, if any, are available or considered and why they were rejected.)

1. Do not recruit an interim position and commence recruitment of full-time, permanent role for this position as it currently stands. This option is not considered suitable. The recruitment for permanent role could take time and the next person may not start for a few months due to longer notice period. This could leave the team without leadership for a long period of time which is not advisable considering the current issues faced by the team. Also, having the interim in place, provides an opportunity to consider a range of options for future leadership in planning.

15. Implications:

<p>Legal</p>	<p>The Council has the power to enter into contracts in order discharge its functions (Local Government Act 1972, s111 and the Local Government (contract) Act 1997, s1).</p> <p>The Local Government Act 1972 requires the Council to have regulations for how it enters into contracts. In addition to complying with all relevant UK and EU legislation every contract entered into on behalf of the Council must also comply with the Council's Contract Procedure Rules and the Council's Financial Regulations. The Contract Procedure Rules provide exemptions but the exemptions listed do not apply to procurements valued above the relevant EU Threshold. This does not exceed the EU threshold.</p> <p>Exemptions must be approved by the Director for Corporate Services and the Assistant Director for Governance & Democracy and are subject to one of more of the criteria being fulfilled.</p> <p>[Legal Approval 27th January 2022]</p>
<p>Finance</p>	<p>The cost for 6 months cover on day rate consultancy basis (including recruitment agency cost) is estimated at £90,000.</p> <p>This will be funded through existing budgets and use of the local plans reserve for any shortfall.</p> <p>[Finance Approval 27.1.22]</p>
<p>HR</p>	<p>This position is considered to be inside of IR35 and the candidate and Agency have been made aware. There are no other HR implications as a result of this appointment</p> <p>[HR and Communications Manager 26th Jan 2022]</p>
<p>Procurement</p>	<p>At the value of £90,000, this would be above the tender threshold and hence an exemption will be signed off</p> <p>[Procurement Approval 27th January 2022]</p>

16. Signature of relevant Service Director:

Signature Redacted

Pranali Parikh
Director for Growth & Regeneration
Date: 27 January 2022

17. Signature of Decision Maker with authority to sign (See Section 9):

Signature Redacted

Dawn Garton
Director for Corporate Services
Date: 27 January 2022

18. Consultation with:	<p>Signature Redacted</p> <p>Kieran Stockley Assistant Director for Governance & Democracy Date: 27 January 2022</p> <p>And with</p> <p>Cllr Bindloss on 27 January 2022</p>
19. Date:	27 January 2022

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20. Exempt or Confidential Background Information:

The decision will be published in its entirety unless it contains exempt information as described in Section 1.4 of the [Council's Access to Information Rules](#)

Use this section to include any exempt or confidential information that should not be published or placed on the Council's website but is needed to support the decision. The information in this section will only be shared within the Authority as appropriate.