



RECORD OF DELEGATED DECISION (OFFICER)

CONTRACT EXEMPTION

1. Decision Reference No.	CEX251	
2. Name/Title of Officer	Michelle Howard Director for Housing and Communities (Deputy Chief Executive)	
3. Email address of Officer	mhoward@melton.gov.uk	
4. Contract Title / Subject Matter:	Interim Support – Revenues and Benefits	
5. Type of Decision:	Part Exempt Para 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)	
6. Key Decision?	The initial term is for 3 months but this is likely to be extended which would result in a cost over £50k	
7. Contract type:	<input type="checkbox"/>	Goods
	<input checked="" type="checkbox"/>	Services
	<input type="checkbox"/>	Works
8. Decision Taken:	<p>1. Authority to use a Contract Exemption as detailed below;</p> <p>2. Authority to award and enter into any necessary agreements with [Supplier].</p>	
9. Contract Details		
Service area	Revenues and Benefits	
Short contract description	Interim Revenues and Benefits Manager to cover absence of current post holder. 3 days per week to be provided.	

Length of Exemption (months)	12 months
Exemption start date	24.10.22
Exemption end date	23.10.23
Total exemption value (£)*	Up to £132,600
Cumulative value of all previous Exemption requests (if applicable)	Nil

* 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 £20,000 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 checked="" type="checkbox"/> To follow a competitive process
Name of Proposed Provider:	
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.
<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>	<input checked="" type="checkbox"/> (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.

	<input type="checkbox"/>	(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.
	<input checked="" type="checkbox"/>	(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.
	<input type="checkbox"/>	(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.
	<input type="checkbox"/>	(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.
	<input type="checkbox"/>	(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.
Details of benchmarking or market testing carried out		The IRRV the professional body was contacted for assistance but they did not respond. Other Leicestershire authorities, city and Rutland CC were contacted to see if assistance could be provided and responses received stated resources were scarce in this area. HBBC was contacted as they provide services to 2 other councils. They initially stated they may be able to provide support through a range of different officers and stated they would submit a proposal but no proposal was received in time to be considered. SOLACE was contacted and provided 3 CVs of interims who would be able to provide the skills required. 1 of these was considered suitable and was interviewed and awarded the work.
How will value for money be secured?		See Section 20 – Exempt/Confidential Information

11. Reasons for Decision:

The provision of Revenues and Benefits is an essential service and there are insufficient skills and capacity within the team to undertake all of the work to an adequate standard. There is already a backlog within the team as a result of the additional burdens placed on councils from a range of covid related reliefs and grant schemes as well as cost of living support required.

There are core returns that need to be provided to the Government and preceptors as well as ensuring payments are collected efficiently and promptly to avoid arrears building up on accounts. There is work to be undertaken in the area of sundry debts to satisfy the scrutiny committee.

There are improvements that need to be made to process and procedures to ensure ongoing efficiency and effectiveness and to contribute to the Council's financial sustainability programme. This resource as well as providing support to business as usual activities will support the progression of these projects.

12. Authority / Legal Power:

MBC Constitution Chapter 2 Part 4 Officer Scheme of Delegation

MBC Constitution Chapter 3 Part 7 Contract Procedure Rules Section 8

MBC Constitution Chapter 3 Part 6 Financial Procedure Rules Section 17.4

13. Background Papers attached?

No

14. Alternative options available / rejected:

1. Do nothing which would lead to service failure
2. Partner with another council which was explored and not available
3. Do a full tender which would mean considerable delay

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.</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 – 7 October 2022</p>
<p>Finance</p>	<p>There are unused new burdens monies available which were set aside to address the backlog created within the revenues team and this will be used to cover the cost of the interim.</p> <p>Finance Approval – 7 October 2022</p>
<p>HR</p>	<p>This role will sit inside of IR35 for tax and NIC purpose. Status determination letter to the agency has been completed, sent and acknowledged. Under the Agency Workers Regulations 2010 agency workers have the right to equal treatment including additional rights after 12 weeks. No other HR implications identified.</p> <p>HR Approval – 14 October 2022</p>
<p>Procurement</p>	<p>The situation complies with the exemptions available under CPRs in particular urgency/situation not of the Council's making, workarounds, such as support from other councils, were not possible and the appointment enables the Council to meet some of its statutory obligations.</p> <p>Procurement Approval – 7 October 2022</p>

16. Signature of relevant Service Director:

Email approval received
Michelle Howard
Director for Housing and Communities (Deputy Chief Executive)

17. Signature of Decision Maker with authority to sign

Signature redacted
Dawn Garton
Director for Corporate Services

18. Consultation with:	Email notification received Kieran Stockley Assistant Director for Governance & Democracy
19. Date:	24 October 2022

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All decisions with exempt information should be referred to MonitoringOfficer@melton.gov.uk