

General Exception Notice

Pursuant to the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 Notice of Key Decision

Decision to be taken and by whom

Award of enforcement agent contract by Portfolio Holder for Corporate Finance, Property and Resources, Councillor Sarah Cox.

Reasons why this is Key Decision

The value of the contract is in excess of £50,000.

Why was not included in the Notice of Forthcoming Key Decisions and why it would not be practicable to defer the decision

The procurement of the Enforcement Agent contract is currently being undertaken by 7 authorities across Leicestershire as a joint procurement exercise. As the Council only pays VAT on fees collected by the enforcement agent and given that since 01/04/2021 the Council has paid out £3,233.31 to Enforcement Agents directly. It was originally thought that as this expense was under the £10,000 threshold across the 4-year contract (2 year initial plus 2 extension) a decision notice was not required. Alongside this the YPO framework we have procured from was set up a services contract which would be in line with the original thought.

However after recently seeking advice from Legal it has been concluded that this is a concessions contract and section 4.2 of the Contract procedure rules states as follows:

“For Concessions contracts (where the supplier makes money from the right given by the Council to provide), contract values are based on what it is worth to the supplier or the cost the Council would incur to provide the contract.”

The value of the contract to the supplier is predominantly made up of fees of which are charged to the debtor depending on whether the debt is at compliance or enforcement stage. As we have now established it to be a concessions contract the value of these need to be considered meaning the overall value of the contract will be more than the public procurement threshold for service contracts which is currently set at £213,477. We are therefore seeking this general exception to allow the award of the contract.

It is worth noting in terms of the maximum value of the contract which takes into consideration all possible fees that could be applied to all cases, the reality is a large proportion of debts will be paid at compliance stage and therefore attracting a lower fee.

The existing contract ends on 29/11/2023, and therefore it is not possible to defer the decision. As if the decision was deferred there would be a period where no contract was in place for enforcement agents to act on behalf of the Council. This is likely to have an adverse impact on both in year and prior year collection of both Council Tax & Non-Domestic Rates.

List of documents submitted to the decision-maker

None

Part of the Constitution authorising the decision

The Portfolio Holder is authorised to make the decision under the Scheme of Delegation.

Rule 2.4 (General Exception) of the Access to Information Procedure Rules (Chapter Three –Procedure Rules)

In accordance with those rules it is confirmed that:

- Notice in writing has been provided to the Chair of Scrutiny Committee.
- Copies of this notice have been made available to the public at the Council Offices and on the Council's website; and
- The decision will not be made until at least 5 clear days have elapsed since the above bullet points were complied with.

Notice must be given in the first instance to the Chair of the Scrutiny Committee.

The General Exception procedure allows a Key Decision which has been omitted from the Notice of Forthcoming Key Decisions to be taken, provided 5 clear days has elapsed between informing the Chair of the Scrutiny Committee and making a copy of this notice available to the public (on the website and displayed in the Council Offices and the decision being taken.

Subject to any prohibition or restriction on their disclosure, copies of, or extracts from, documents submitted to the decision-maker in relation to the decision may be requested from the email address given below. In addition, the public may submit other documents relevant to the decision to the same email address.

Democracy@melton.gov.uk