



Melton  
Borough  
Council

### Record of Cabinet Portfolio Holder Decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

<b>Decision made by</b>	Portfolio Holder
<b>Key decision?</b>	Yes.
<b>Date of decision (same as date form signed)</b>	
<b>Name and job title of Officer requesting the decision</b>	Pranali Parikh – Director for Growth & Regeneration
<b>Officer contact details</b>	<a href="mailto:pparikh@melton.gov.uk">pparikh@melton.gov.uk</a>
<b>Decision</b>	<ol style="list-style-type: none"><li>1. Authority to directly appoint Jenkins Weir from the Regional Construction Framework (Lot 4) (as procured through the SCAPE contracting authority) up to a value of £250,000;</li><li>2. Authority for the Housing &amp; Commercial Assets Manager to utilise Jenkins Weir for all works in connection with Fire Safety and Fire Risk Assessments up to an aggregate value of £250,000.</li><li>3. Authority for Legal Services to review, prepare and complete any associated contract documentation.</li></ol>
<b>Reason for Decision</b>	<p>The Regional Construction framework is compliant with the Public Contract Regulations 2015 and this route offers the timeliest response to urgent issues arising out of the Fire Risk Assessments.</p> <p>The criticality of fire precautions in purpose</p>

	<p>built flat, requires a supply chain that can deliver timely improvements arising from fire risk assessment. The results of fire risk assessment will invariably result in corrective actions being required. These will need to be implemented in a timely manner in order to maintain minimum this is particularly important in the case of purpose built flats where minimum standards of health and safety for tenant need to be ensured. The SCAPE framework offers the opportunity to respond timely to urgent fire safety matters and those arising out of the fire risk assessments</p> <p>In addition, Melton Borough Council needs to demonstrate that it complies with the Fire Safety Order (2005) to ensure that the regulator of social housing does not take direct action if this is not being fulfilled.</p>
<p><b>Alternative options rejected</b></p>	<p>Not to appoint from a framework and procure the works – this is not the preferred option due to the timeframes involved which would prevent the Council from providing timely responses to any issues arising in respect of Fire Safety and or from the Fire Risk Assessments.</p>
<p><b>Legal implications</b></p>	<p>This is a key decision and as a result will need to be put on the forward plan to provide 28 days notice before the decision can be taken unless there are exceptional circumstances agreed with the Monitoring Officer.</p> <p>The Council has to comply with the Fire Safety Order 2005</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</p>
<p><b>Financial implications</b></p>	<p>The funding of the will be met from the Housing Revenue Account</p>

<b>Other implications</b>	None			
<b>Background papers considered</b>				
<b>Declarations/conflict of interest?</b>	N/A			
<b>List consultees</b>		<b>Name</b>	<b>Outcome</b>	<b>Date</b>
	Ward Councillors			
	Legal	Adele Wylie		
	Finance	Dawn Garton		
	Human Resources	N/A	N/A	N/A
	Equalities	N/A	N/A	N/A
	Communications			
<b>Confidential Decision?</b>	No			
<b>Call In Waived by Scrutiny Committee Chair?</b>				
<b>Has this been discussed by Cabinet Members?</b>				
<b>Cabinet Portfolio Holder Signature</b>	<p style="text-align: center;">REDACTED</p>			Signature
	<p style="text-align: center;">5-9-2019</p>			Date

**ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.**

FOR DEMOCRATIC SERVICES USE ONLY		
Form Received	519119.	
Date published to all Councillors	Published FP 30/8/19	
Call In Deadline	N/A - Exemption	





# Melton Borough Council

## 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**

Portfolio Holder for Housing & Communities

### **Reasons why this is Key Decision**

Authority to appoint from the Regional Construction Framework (Lot 4) as procured through the SCAPE contracting authority for works in respect of Fire Safety and Risk Assessments up to an aggregate value £250,000.

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

Award of the contract is time critical. The Council was served with a notice on 18<sup>th</sup> July 2019 which detailed a number of action required in respect of Fire Safety. The actions required scoping before a contractor could be sourced. Consequently this left little time for notice to be given on the forward plan and/or a protracted procurement process. Appointing from a framework means the procurement criteria has already been satisfied. The actions are required to be completed by the 28<sup>th</sup> October 2019 so appointing a contractor forthwith is imperative.

### **List of documents submitted to the decision-maker**

Completed Portfolio Holder Decision Record

### **Part of the Constitution authorising the decision**

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 address given below. In addition, the public may submit other documents relevant to the decision to the same address.***