

Notice to the Chair of the Community and Wellbeing Scrutiny Committee



Urgent Key Decision form

DECISION DETAILS

Decision Maker: Strategic Director, Community Wellbeing

Decision Title: Extension of the Integrated Asset Management, Planned and Cyclical Maintenance Works, and Responsive Repairs Maintenance Works Contract

Description of Decision: This report seeks the authority to extend the contract with Wates Construction Limited for Integrated Asset Management, Planned and Cyclical Maintenance Works and Responsive Repairs Maintenance Works.

When will the Decision be made? 30/09/19

Will the accompanying report be: Open ☒ Part Exempt ☐ Fully Exempt ☐

Reasons for exemption (if applicable)

The report will contain the following category of Information exempt from publication under the Schedule 12A of the Local Government Act 1972, namely paragraph:

TYPE OF URGENCY

Please tick all that apply:

- ☐ A. The decision is urgent and 28 clear days' notice of the decision cannot be given but at least 5 clear days' notice can
- ☒ B. The decision is extremely urgent and even 5 clear days' notice of the decision cannot be given
- ☐ C. The decision will be made by members at a meeting and 28 clear days' notice that the proposed decision may be discussed in private (i.e. the report will contain information exempt from publication) cannot be given
- ☒ D. The decision must be implemented urgently and the 5 day call-in period must be dis-applied to allow the decision to take immediate effect.

REASONS FOR URGENCY

If you have selected options A, B or C please explain:

- **Why it was not possible to provide the required notice (i.e. why the decision or exemption was not anticipated)**

The current contract with Wates Construction Limited ("Wates") for the provision of Integrated Asset Management, Planned and Cyclical Maintenance Works and Responsive

Repairs Maintenance Works ("the Contract") commenced on the 1 October 2014 for a period of five years with the option to extend the contract by a further period of five years.

A review was commissioned with external consultancy support. Officers have been working to deliver the review by the required contractual renewal date, and were until the last week expecting this to be achieved. However, it is now clear that this is not achievable, and further work is required to complete the review.

Therefore, Officers wish to extend the Contract for a period of three months. As this extension period is not in accordance with the terms and conditions of Contract, a variation to the contract is also sought. Wates have been consulted regarding the proposed extension and variation and have accepted this approach.

▪ **Why it is impractical to defer the decision to a later date to allow the appropriate notice to be provided.**

The initial 5-year term of the Contract expires on 30 September 2019. It is imperative that the contract term is extended in order that the Contract between The Council and Wates Construction Limited continues or service delivery will be affected.

If you have selected Option D please explain why the council's interest or the public interest would be seriously prejudiced by the decision not taking immediate effect.

If the decision does not take immediate effect then service delivery to the public will be at risk of being changed or being terminated. Service changes are likely to involve additional costs to the Council and a reduction in the standard of service currently provided. Service termination would require the Council to procure suitable replacement contractor(s) to provide the full range of services. This is likely to be more expensive in the short to medium term and will also create major service upheaval whilst the temporary arrangements are put in place. Most of the current housing responsive repairs, planned maintenance and capital works contracts would be affected by the decision not taking immediate effect.

SIGN-OFF

Strategic Director, Community Wellbeing

Chief Executive

Printed Name: Phil Porter

Printed Name: Carolyn Downs

Signature: Phil Porter

Signature: Carolyn Downs

THE FOLLOWING SECTION IS TO BE COMPLETED BY GOVERNANCE SERVICES

CHAIR OF SCRUTINY

Notice to: Councillor Ketan Sheth, Chair of the Community and Wellbeing Scrutiny Committee

The Chair is asked to:

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Note that an urgent decision will be taken as detailed in the form above.

The decision is deemed urgent because insufficient (less than 28 days) notice of the intention to take the decision was provided on the Forward Plan. However, at least 5 clear days' notice has been provided and therefore the Scrutiny Chair is only required to note that the decision will be taken.

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Permit the extremely urgent decision to be taken as detailed in the form above.

The decision is deemed extremely urgent as less than 5 clear days' notice of the intention to take the decision has been provided. The Scrutiny Chair is asked to agree that the decision is urgent and cannot be reasonably deferred for the reasons detailed in the form above.

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Permit discussion of exempt information in private relying on Schedule 12A of the Local Government Act 1972

If a report is likely to contain information exempt from publication under schedule 12A of the Local Government Act 1972, then 28 days' notice of this must be provided on the Forward Plan. Where this requirement has not been met, the agreement of the Scrutiny Chair is required before proceeding.

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Permit the dis-application of the 5 day call-in period, allowing the decision detailed in the form above to take immediate effect.

A Cabinet decision or a Key Decision cannot be implemented until the 5 day call in period has elapsed and no valid call-in has been received. The call-in protocol can be dis-applied if the council's or the public interest would be seriously prejudiced by the decision not taking immediate effect. The Chief Executive must determine whether a decision is urgent in this regard. The consent of the Scrutiny Chair to the matter being treated as urgent is also required.

SIGN-OFF

Notice sent to Councillor Ketan Sheth, Chair of the Community and Wellbeing Scrutiny Committee on 30/09/19

Chair's approval: Required ☒ Not Required ☐

Date approval granted (if applicable): 30/09/19