

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

<b>Reference Number:</b>	4188
<b>Author:</b>	Theresa Channell
<b>Department:</b>	Strategy and Resources
<b>Contact:</b>	Theresa Channell (Job Title: Head of Corporate and Strategic Finance, Email: <a href="mailto:theresa.channell@nottinghamcity.gov.uk">theresa.channell@nottinghamcity.gov.uk</a> , Phone: 01158763649)
<b>Subject:</b>	Shareholder Unit Analyst
<b>Total Value:</b>	£65,000 (Type: Revenue)
<b>Decision Being Taken:</b>	1) To approve expenditure for the appointment of business analyst resources to provide financial expertise in response to issues raised in the Non-Statutory Review report.2) To approve dispensation from Contract Procedure Rule 4.1.2 in accordance with Financial Regulations 3.29 to make a direct award of the contract.3) To delegate authority to the Corporate Director for Finance and Resources to award the contract to the chosen consultant.
<b>Reasons for the Decision(s)</b>	To support the requirements of the RHE and NSR reviews and the establishment of a Shareholder Executive Unit, providing both capacity and capability to review, monitor and report on the performance of Group Companies.
<b>Other Options Considered:</b>	Resource this work internally - rejected because the work will require additional capacity that is not available within the Council.
<b>Background Papers:</b>	None.
<b>Published Works:</b>	None.
<b>Affected Wards:</b>	Citywide

<b>Colleague / Councillor Interests:</b>	None.
<b>Dispensation from Financial Regulations:</b>	Yes
<b>Use of Consultants</b>	<b>Number of Days:120</b> <b>Rate per Day:511.70</b> <b>Total value:61404</b> <b>Start date:29/03/2021</b> <b>End date:17/09/2021</b>
<b>Reason for using a consultant:</b>	To provide capacity for the new Shareholder Unit to support monitoring and reporting on the NCC Group Companies
<b>Other options considered:</b>	None.
<b>Name of consultant:</b>	Bola Olatunji
<b>Reason for selection?</b>	Candidates from Green Park, and CIPFA Penna were interviewed following a review of CVs provided by both agencies. The preferred candidate (provided through CIPFA Penna) has the strongest alignment of CV against the project scope and demonstrated a high level of capability to navigate between companies and Council stakeholders & a key factor in driving change for the recovery and improvement plan.
<b>Has the consultant previously completed work for the City Council?</b>	No
<b>Specific activities to be undertaken by the consultant are:</b>	The role will support the Shareholder Executive (Shareholder Representatives) unit to manage its interests in the subsidiary companies, specifically developing an improved financial reporting regime with each company, developing ad-hoc financial analysis to assist in Council decision making, and supporting the development of improved risk monitoring and management
<b>Period of engagement:</b>	24 weeks
<b>By what process was the consultant selected?</b>	CV's provided and interviews undertaken.
<b>Consultations:</b>	Those not consulted are not directly affected by the decision.
<b>Crime and Disorder Implications:</b>	None arising from this decision.
<b>Equality:</b>	EIA not required. Reasons: Not required as the decision does not involve new or changing policies.
<b>Relates to staffing:</b>	Yes

<b>Decision Type:</b>	Portfolio Holder
<b>Subject to Call In:</b>	Yes
<b>Call In Expiry date:</b>	26/04/2021
<b>Advice Sought:</b>	Legal, Finance, Procurement, Human Resources, Other: gary robbins(gary.robbins@nottinghamcity.gov.uk)
<b>Legal Advice:</b>	<p>This report does not raise any significant legal issues based on the information provided. The value is below the relevant financial threshold for the purposes of the Public Contracts Regulations 2015 and a direct award can be made to the Consultant. The dispensation from the City Council's financial regulations can be supported and a contract should be put in place with the Consultant. It is noted that an IR35 assessment has been undertaken.</p> <p>Advice provided by Andrew James (Team Leader Contracts and Commercial) on 25/03/2021.</p>
<b>Finance Advice:</b>	<p>This decision seeks approval:</p> <ol style="list-style-type: none"> <li>1) To approve expenditure for the appointment of business analyst resources to provide financial expertise in response to issues raised in the Non-Statutory Review report.</li> <li>2) To approve dispensation from Contract Procedure Rule 4.1.2 in accordance with Financial Regulations 3.29 to make a direct award of the contract.</li> <li>3) To delegate authority to the Corporate Director for Finance and Resources to award the contract to the chosen consultant.</li> </ol> <p>This decision seeks approval for the appointment of business analyst resource via a consultancy to provide financial expertise in response to the multiple issues raised in respect of companies within the RHE/NSR report and for ongoing monitoring and reporting of the performance of group companies over a 6 month period. The total cost over the 6 month period is £0.065m. The cost of this decision will be funded from the Resilience &amp; Transformation reserve in full up to the amount outlined in this decision. Any extension to the contract length and financial value above what is included in this decision will require further approval through the relevant process.</p> <p>The role and criteria sits inside of IR35 legislation and should therefore be treated as such in payroll terms. The use of a consultant requires the additional approval process and is contained within this decision.</p> <p>Alternative options were explored including resourcing internally but were deemed unviable at the present time due to the lack of capacity available within the council.</p> <p>Dispensation from Contract Procedure Rule 4.1.2 in accordance with Financial Regulations 3.29 to make a direct award of the contract via is sought.</p> <p>Advice provided by Philip Gretton (Finance Analyst) on 16/03/2021.</p>

**Procurement Advice:**

**A dispensation from Contract Procedure Rule 4.1.2 in accordance with Financial Regulations 3.29 to make a direct award of the contract is required for this decision.**

**Advice provided by Paul Ritchie (Lead Procurement Officer) on 16/03/2021.**

**HR Advice:**

**This decision relates to the Management proposal to seek the use of external consultants, due to the current lack of in house expertise and capacity.**

**Management should carefully consider the use of external consultants in light of current processes underway. However, an exploration of internal resources have been considered and at present, the Council does not have the current skills , expertise and capacity to support the requirements of business analysis.**

**The Council's policy and procedures on sourcing consultants through the E-Tips and GTI framework should be reviewed if not already done so. However, due to the level of expertise required, the manager should liaise with procurement to source appropriate resources.**

**The proposal to engage a Consultant due to the specialist nature of the work is therefore supported.**

**Advice provided by Labeeb Aslam (HR Consultant) on 17/03/2021.**

**Other Advice:**

**The engagement of a worker on an off payroll basis requires the Council to determine the employment status of the worker for tax purposes. As the worker is being engaged via an intermediary the Council is required to advise the intermediary of the employment status so that if required appropriate deductions for tax and National Insurance can be made.**

**The Council has determined that a worker engaged to fulfil this role is employed for tax purposes so is within scope of the Off Payroll Working Regulations (IR35); therefore the intermediary is required to deduct tax and National Insurance from payments to the worker. The Council has procedures in place to ensure compliance with IR35 regulations in its supply chain, these should be followed in regard to this engagement.**

**Advice provided by Gary Robbins (Finance Analyst) on 29/03/2021.**

**Signatures:**

<b>David Mellen (Leader/ PH Regeneration, Schools, Communications)</b>
<b>SIGNED and Dated: 16/04/2021</b>
<b>Sam Webster (PH Finance, Growth and City Centre)</b>
<b>SIGNED and Dated: 16/04/2021</b>
<b>Clive Heaphy (Chief Finance Officer/CD for Finance &amp; Resources)</b>
<b>SIGNED and Dated: 15/04/2021</b>
<b>Clive Heaphy (Chief Finance Officer/CD for Finance &amp; Resources) - Dispensation from Financial Regulations</b>
<b>SIGNED and Dated: 15/04/2021</b>
<b>Chief Finance Officer's Comments:</b>