

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	4270
Author:	Malcolm Townroe
Department:	Finance and Resources
Contact:	Malcolm Townroe (Job Title: Director of Legal and Governance, Email: malcolm.townroe@nottinghamcity.gov.uk, Phone: 01158764332)
Subject:	Extension of Temporary Additional Legal Support
Total Value:	Up to £100,000 (Type: Revenue)
Decision Being Taken:	1) To extend the engagement of the current locum solicitor (previously agreed under Decision 4081) for a further period of up to 12 months, with the cost continuing to be charged to the Asset Rationalisation Programme. 2) To approve a dispensation from Contract Procedure Rule 4.1.2, in accordance with Financial Regulation 3.29 (Operational Issues), for the extension of the temporary engagement without a formal tender process.
Reasons for the Decision(s)	This piece of work forms part of the Improvement Board workstream and so is a key agenda item for the Council. There was insufficient capacity within the existing permanent staffing establishment to deliver the disposals required under the Asset Rationalisation Programme, which is an ongoing programme of high value to the Council. A temporary locum solicitor was engaged through an agency provider in January 2021 and has contributed positively to this agenda. As there remains to be insufficient resource internally to deliver this work, it is now proposed to extend this arrangement for a further period of up to 12 months to enable this work to continue. Future requirements to delivery this support on a temporary but fixed-term basis are being considered in conjunction with finance colleagues.
Other Options Considered:	1) To engage private sector lawyers: this option is discounted due to the higher costs involved. 2) To undertake a direct recruitment on a short-term temporary contract: this option is discounted due to the length of time it would take to recruit, and there would be a gap in the legal support that is required to support the Asset Rationalisation Programme. Temporary, fixed-term arrangements will be considered in conjunction with this locum arrangement.
Background Papers:	None

Published Works:	Delegated Decision 4081 - Temporary additional legal support (https://committee.nottinghamcity.gov.uk/ieDecisionDetails.aspx?ID=5426)
Affected Wards:	Citywide
Colleague / Councillor Interests:	None
Dispensation from Financial Regulations:	Yes
Use of Consultants	Number of Days:250
	Rate per Day:400
	Total value:100000
	Start date:28/06/2021
	End date:10/06/2022
Reason for using a consultant:	The continued engagement of the same consultant ensures continuity of delivery.
Other options considered:	1) To engage private sector lawyers: this option is discounted due to the higher costs involved. 2) To undertake a direct recruitment on a short-term temporary contract: this option is discounted due to the length of time it would take to recruit, and there would be a gap in the legal support that is required to support the Asset Rationalisation Programme. Temporary, fixed-term arrangements will be considered in conjunction with this locum arrangement.
Name of consultant:	George Georgiou
Reason for selection?	The consultant was engaged following a review of CVs previously submitted, and an interview conducted by the Director of Legal and Governance and the Team Leader for Conveyancing.
Has the consultant previously completed work for the City Council?	Yes. The current decision seeks to continue this existing work.
Specific activities to be undertaken by the consultant are:	Legal work in connection with property transactions.
Period of engagement:	Up to a further 12 months
By what process was the consultant selected?	By interview and through an assessment of his current workload.
Consultations:	Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

None

Equality:

EIA not required. Reasons: The decision does not involve a new or changing policy, service or function.

Social Value Considerations:

Not applicable

Relates to staffing:

Yes

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

13/07/2021

Advice Sought:

Legal, Finance, Procurement, Human Resources

Legal Advice:

It is understood that this role supports the Council's Asset Rationalisation Programme under the Improvement Board workstream and so it is paramount to ensure it continues without a gap in provision.

It is not possible at this time to deliver the work internally and the potential for more fixed-term temporary arrangements have not yet been established. The use of a locum to support the department whilst future requirements are considered will ensure continued delivery under the Programme.

For the reasons given in the report, Dispensation from Contract Procedure Rule 4.1.2 in accordance with Financial Regulation 3.29 (Operational Issues) is therefore supported.

Advice provided by Dionne Claire Scream (Solicitor) on 28/06/2021.

Finance Advice:

This decision seeks approval to extend the engagement of the current locum solicitor, previously agreed under Decision 4081, for a further period of up to a year at a cost of £100,000. The full cost of this decision is to be met from the Asset Rationalisation Programme via capital receipts that the post will help generate.

Advice provided by Philip Gretton (Finance Analyst) on 24/06/2021 and confirmed Susan Tytherleigh (Strategic Business Partner) on 29/06/2021.

Procurement Advice:

Dispensation from Contract Procedure Rule 4.1.2 in accordance with Financial Regulation 3.29 is supported as the Council does not intend to re-tender the requirement with the potential appointment of a new locum solicitor for operational reasons.

Advice provided by Paul Ritchie (Procurement Manager) on 28/06/2021.

HR Advice:

There is clear rationale for continuing this arrangement and funding available has been confirmed above from Finance. The extension poses no risk to the Council in terms of employment rights, and due to the specialist nature of the skills/knowledge required, it is unlikely that an alternative means of engagement (i.e., a fixed-term contract) would be feasible, as it would impact on the asset programme delivery.

Advice provided by Marie Read (HR Consultant) on 25/06/2021.

Signatures:

David Mellen (Leader/ PH Strategic Regeneration Communications)
SIGNED and Dated: 06/07/2021
Sam Webster (PH Finance and Resources)
SIGNED and Dated: 06/07/2021
Clive Heaphy (Corporate Director for Finance & Resources)
SIGNED and Dated: 01/07/2021
Clive Heaphy as Chief Finance Officer (Chief Finance Officer) - Dispensation from Financial Regulations
SIGNED and Dated: 01/07/2021
Chief Finance Officer's Comments: