

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	4271
Author:	Clive Heaphy
Department:	Finance and Resources
Contact:	Ceri Walters (Job Title: Head of Commercial Finance, Email: ceri.walters@nottinghamcity.gov.uk , Phone: 01158764128)
Subject:	Improvement and Transformation: Programme Management Office Interim Director - Appointment of Consultant
Total Value:	£181,000 (Type: Revenue)
Decision Being Taken:	<p>1) To approve the appointment of an Interim Director for Transformation and Improvement for 9 months, commencing as soon as approval is gained;</p> <p>2) To approve the award of a contract through the NEPRO3 framework for the appointment;</p> <p>3) To approve the funding of this spend from the Transformation and Improvement Fund.</p> <p>This decision is in two parts: the funding is being approved by the Portfolio Holder as an executive Decision, and the establishment of the post is being approved by the Chief Executive as a non-executive decision under Delegation 16.</p>
Reasons for the Decision(s)	<p>This post is required to provide specialist advice relating to the Transformation and Improvement Programme Management Office (PMO), to ensure delivery of the requirements associated with the Non-Statutory Review, and to ensure the delivery of transformation activity through the appropriate processes, procedures and scrutiny, ensuring that the Council delivers on its Medium Term Financial Strategy (MTFS). The capacity, expertise and skillset at this level is not currently available within the Council. However, part of the role of this consultant is to develop the skillset within the organisation for the future. This is a key element of this role, to embed the sustainability of this approach.</p>
Other Options Considered:	<p>To fill the role internally: additional capacity, expertise and skillset is required to lead the Improvement and Transformation activity, so external recruitment is the most appropriate source to secure these skills.</p>
Background Papers:	<p>Non-Statutory Review of Nottingham City Council (https://www.gov.uk/government/collections/non-statutory-review-of-nottingham-city-council)</p>

Published Works:	None
Affected Wards:	Citywide
Colleague / Councillor Interests:	None
Use of Consultants	Number of Days:179 Rate per Day:1012 Total value:181148 Start date:01/07/2021 End date:15/04/2022
Reason for using a consultant:	To provide additional support, skills and expertise for the Council to undertake the Transformation and Improvement PMO Interim Director role.
Other options considered:	To fill internally: however, due to a lack of capacity and skills, this is not possible.
Name of consultant:	Richard Grice
Reason for selection?	An interview process was undertaken to ensure appropriate skills and expertise.
Has the consultant previously completed work for the City Council?	No.
Specific activities to be undertaken by the consultant are:	To provide specialist advice relating to the Transformation and Improvement PMO, to ensure delivery of the requirements associated with the Non-Statutory Review, and to ensure the delivery of transformation activity through the appropriate processes, procedures and scrutiny, ensuring that the Council delivers on its MTFS.
Period of engagement:	9 months
By what process was the consultant selected?	A formal interview process.
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	None
Equality:	EIA not required. Reasons: An EIA is not required because this decision does not represent proposals for a new or changing policy, service of function.
Social Value Considerations:	Not applicable.

Relates to staffing:

Yes

Decision Type:

Portfolio Holder

Subject to Call In:

No

The call-in procedure does not apply to the proposed decision because the delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The Chair of the Overview and Scrutiny Committee (or Vice-Chair) in his/her absence has been consulted and agreed both that the decision proposed is reasonable in all circumstances and that it should be treated as a matter of urgency.

Person Consulted: Chair of the Overview and Scrutiny Committee

Consultation Date: 08/07/2021

The Council is working at significant pace in responding to the Non-Statutory Review and delivering the Recovery and Improvement Plan. In order to provide specialist advice relating to Transformation, the Council urgently needs to delivery capacity, expertise and skills that are currently not available within the Council as part of this agenda. The Council has the opportunity to engage additional expertise which will not only begin to deliver transformation through appropriate processes, but also develop the skillset within the Council for the future in a sustainable way. The Council is now at a critical point in delivering its Transformation agenda, and the call-in period would considerably disadvantage the Council in engaging an available external transformation expert to ensure the delivery of sustainable transformation activity.

Advice Sought:

Legal, Finance, Procurement, Human Resources

Legal Advice:

It is understood that this Interim Director role will be a temporary appointment through an agency rather than a fixed-term employment contract directly with the Council. In this regard, therefore, the agency will need to be procured in line with the Council's Contract Procedure Rules, as set out currently in Part 5 of the Council's Constitution.

The proposal as set out in the decisions is to use a framework for the appointment. This is an established framework to which the Council has access. Accordingly, there are are no significant legal issues arising from this decision.

Advice provided by Naomi Vass (Senior Solicitor) on 08/07/2021.

Finance Advice:

This decision seeks to:

- 1. Approve the appointment of a consultant Interim Director for the Programme Management Office of the Transformation and Improvement activity for a period of 9 months;**
- 2. Approve the spend of £181,000 associated with this; and**
- 3. Approve the use of the Transformation and Improvement reserve to fund this role.**

The cost of this appointment includes agency fees and will not exceed the value of this decision. The appointment will cease on the 15 April 2022 at the latest and £15,000 of costs will be incurred in 2022/23.

Any extension to the length of contract or value will require a further decision, however, any procurement regulations will need to be considered as the value may exceed thresholds.

The role and criteria sit outside IR35 legislation and, therefore, is classed as a use of consultant under the terms of the contract; payment will only be made on the achievement of milestones as set out in the Statement of Works, therefore there is no risk of incurring additional costs due to any project slippage. No payments for holidays, pensions or sickness will be made either.

As per the HR advice, there is no capacity nor expertise to undertake this role within the organisation. It is a key deliverable that the upskilling of the organisation is achieved to prevent further external costs.

Advice provided by Ceri Walters (Head of Commercial Finance) on 24/06/2021.

Procurement Advice:

The proposal involves using a framework to make an appointment. The framework has specific call-off terms for awarding contracts. Provided the framework process is followed, the award of contract would be compliant with procurement law and therefore there would be no significant Procurement concerns.

Advice provided by Steve Oakley (Head of Contracting and Procurement) on 08/07/2021.

HR Advice:

The proposals submitted include the engagement of a consultant to support the programme management for the organisations response to the non-statutory review. Management have identified that required capacity is not held within the organisation and additional resource is needed. IR-35 regulations will need to be assessed to ensure the organisation is compliant, as per 2017 regulations requiring public authorities to be responsible for determining if rules are applicable to contractors.

Advice provided by Paul Slater (HR Business Lead) on 23/06/2021.

Signatures:

David Mellen (Leader/ PH Strategic Regeneration Communications)
SIGNED and Dated: 09/07/2021
Sam Webster (PH Finance and Resources)
SIGNED and Dated: 09/07/2021
Mel Barrett (Chief Executive)
SIGNED and Dated: 08/07/2021