

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:	
Author:	Michael Gallagher
Department:	Growth and City Development
Contact:	Michael Gallagher (Job Title: Regional Energy Project Manager, Email: michael.gallagher@nottinghamcity.gov.uk, Phone: 07864 969755)
Subject:	Direct Award of funding to Planet Mark - COP26 activity
Total Value:	£40,000 (Type: Revenue)
Decision Being Taken:	To dispense with Contract Procedure Rule 4.1.1 under Finance Procedure Rule 3.29 in order to make a direct award of £40,000 of funding given to the Midlands Energy Hub from the department of Business Energy and Industrial Strategy (BEIS) to Planet Mark who are running an electric bus tour in with events across the country in advance of COP26, by dispensation from . There is no cost to Nottingham City Council
Reasons for the Decision(s)	Planet Mark have, with support from BEIS, organised a tour of the country with an electric bus to promote action on climate to businesses and communities. BEIS are providing the Midlands Energy Hub with £195,000 in funding to support COP26 activity; £40,000 of which is to support Planet Mark's electric bus tour in the Midlands, including the Nottinghamshire area. Therefore there is no alternate provider to award the funding to.
Briefing notes documents:	COP26 Domestic Campaign - Briefing Note.docx
Other Options Considered:	Not to direct award. This would mean we would not be able to support this funded activity and the promote Nottingham and the wider region in the lead up to COP26.
Background Papers:	NA

<b>Published Works:</b>	NA
<b>Affected Wards:</b>	Citywide
<b>Colleague / Councillor Interests:</b>	None
<b>Dispensation from Financial Regulations:</b>	Yes
<b>Consultations:</b>	Those not consulted are not directly affected by the decision.
<b>Crime and Disorder Implications:</b>	No impact or implication to crime and disorder.
<b>Equality:</b>	EIA not required. Reasons: This decision does not relate to a new policy or service of Nottingham City Council.
<b>Decision Type:</b>	Portfolio Holder
<b>Subject to Call In:</b>	Yes
<b>Advice Sought:</b>	Legal, Finance, Procurement
<b>Legal Advice:</b>	<p>Financial Regulation 3.29 permits a dispensation to be granted for operational reasons. In respect of this report the specific dispensation is to be able to award a contract without the need to conduct a quotation process in accordance with Contract Procedure Rule 4.1.1. The report author has set out in the report the reason as to why it is only possible to award the contract to Planet Mark. If this is the only possible supplier for this event then the decision can be supported legally.</p> <p>Advice provided by Naomi Vass (Senior Solicitor) on 27/07/2021.</p>

**Finance Advice:**

The decision seeks to direct award £0.040m to the sole supplier Planet Mark through dispensation to Contract Procedure Rule 4.1.1 as per Financial Regulation 3.29 (Operational Reasons), and is supported as per the reasons stated by the author.

The expenditure for this decision will be met as part of additional BEIS funding of £0.195m earmarked for specific COP26 events. The Midlands Energy Hub will need to ensure internal systems are put in place to match expenditure to the specific COP26 funding in order to reduce any potential clawback.

The decision aligns with the Councils objective to reduce carbon through CN28 by promoting climate action to businesses and the community throughout the Midlands area, including Notts.

Advice provided by Tania Clayton Perez (Commercial Business Partner) on 23/07/2021.

**Procurement Advice:**

A direct award by dispensation to Finance Procedure Rules is a compliant route to appoint a supplier. As this appears to be a sole-supplier situation, there are no procurement issue with the decision being sought. Advice provided by Jonathan Whitmarsh (Lead Procurement Officer) on 20/07/2021.

**Signatures**

<b>Sally Longford (PH for Energy, Environment and Waste Services)</b>
<b>SIGNED and Dated: 12/08/2021</b>
<b>Michael Wayne Bexton (Interim CD for Growth &amp; City Development)</b>
<b>SIGNED and Dated: 04/08/2021</b>
<b>Clive Heaphy as Chief Finance Officer (Chief Finance Officer) - Dispensation from Financial Regulations</b>
<b>SIGNED and Dated: 04/08/2021</b>
<b>Chief Finance Officer's Comments: Approved - this is not really a dispensation in the true sense as it is a sole supplier</b>