

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:

4381

Author:

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Department:

Growth and City Development

Contact:

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Subject:

Future Development of SCATTER

Total Value:

£136,825 (Type: Revenue)

Decision Being Taken:

- 1) To accept funding of £136,825 from BEIS (Department of Business, Energy and Industrial Strategy) for the further development (phase 3) of the Setting City Area Targets and Trajectories for Emissions Reduction (SCATTER) tool;
- 2) Approve financial dispensation from Contract Procedure Rule 4.1.2 in accordance with Financial Regulation 3.29 (operational issues) to award a contract for phase 3 to Anthesis Group (consultant);
- 3) Delegate authority to the Director of Carbon Reduction, Energy and Sustainability to extend and sign the contract with Anthesis Group.

**Reasons for the Decision(s)**

**BEIS is providing funding to NCC, via the Midlands Energy Hub, to work with Anthesis Group to enable the continue development of SCATTER (phase 3). The development of the tool has been funded by BEIS since 2019, when Greater Manchester Combined Authority (GMCA) commissioned Anthesis Group. From 2019 BEIS had been granting funding to NCC to evaluate the tool and maximise its usability and impact.**

**This project is in line with government carbon reduction objectives as it provides local authorities and city regions across the UK with standardised methods to set carbon reduction targets, and measure and reports greenhouse emissions in line with international frameworks.**

**NCC's involvement in the development of the tool offers the opportunity to generate a management fee to the CRES Division and shape the tool to support the delivery of the Council's 2028 carbon neutrality ambitions. The further development of the tool will be also key to continue to support the work of the Midlands Energy Hub in the region.**

**Other Options Considered:**

**Alternative options would be to:**

1) not continue to develop the tool and not accept the funding. This has been rejected as the tool will not be updated with the additional functionalities requested by the Local Authorities based upon the survey feedback run in 2020. This could have an impact on the usability of the tool and on the long term reduce the effectiveness of the tool in supporting the delivery of the government's carbon reduction ambitions. From the NCC perspective, not continuing with the development of the fund will also jeopardize the work done over the previous 2 years and deny the Council's the ability to benefit from the full potential of the tool and opportunity to shape it to the Council's needs.

2) go out to tender. This has been rejected as Anthesis Group have IP rights over the development and usage of SCATTER, therefore other consultants will not be permitted to take over the further development of the tool and the funding has been provided by BEIS for the contract with Anthesis, the provider previously identified.

**Background Papers:**

**Published Works:**

**Affected Wards:**

Citywide
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**Colleague / Councillor Interests:**

**Dispensation from Financial Regulations:**

Yes
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<b>Use of Consultants</b>	<b>Number of Days:153</b>
	<b>Rate per Day:894.30</b>
	<b>Total value:136825</b>
	<b>Start date:19/07/2021</b>
	<b>End date:31/03/2022</b>
<b>Reason for using a consultant:</b>	<b>Nottingham City Council has partnered with Anthesis Group for the development of SCATTER since 2019. The delivery of phase 3 of SCATTER development will be fully funded by BEIS who have indicated preference for Anthesis Group. The most effective way to ensure seamless continuity of the work, it is to extend the existing arrangements with the same consultant.</b>
<b>Other options considered:</b>	<b>Not to accept the funding from BEIS and not to progress with further development of the tool.</b>
<b>Name of consultant:</b>	<b>Anthesis Group</b>
<b>Reason for selection?</b>	<b>This work is fully funded by BEIS who has indicated Anthesis Group as the preferred supplier, given they have developed the tool and demonstrated an effective working partnership with NCC over the past two years. Furthermore, Anthesis Group has retained rights over the development and usage of the tool.</b>
<b>Has the consultant previously completed work for the City Council?</b>	<b>The consultant has already developed phase 1 and phase 2 of the SCATTER tool.</b>
<b>Specific activities to be undertaken by the consultant are:</b>	<b>Phase 3 of the SCATTER development aims to update the emissions inventory with 2019 emissions data and increase the functionality of the pathways section to better support local climate action planning.</b>
<b>Period of engagement:</b>	<b>July 2021 - March 2022</b>
<b>By what process was the consultant selected?</b>	<b>The consultant has already developed phase 1 and 2 of the tools and it has been indicated as preferred supplier by the funder of the programme, BEIS.</b>
<b>Consultations:</b>	<b>Those not consulted are not directly affected by the decision.</b>
<b>Crime and Disorder Implications:</b>	<b>Not applicable.</b>
<b>Equality:</b>	<b>EIA not required. Reasons: This work is a continuation of existing arrangements.</b>
<b>Social Value Considerations:</b>	<b>Direct award is sought for this service to enable continuation of existing work.</b>
<b>Relates to staffing:</b>	<b>Yes</b>
<b>Decision Type:</b>	<b>Portfolio Holder</b>

**Subject to Call In:**

Yes

**Call In Expiry date:**

01/10/2021

**Advice Sought:**

Legal, Finance, Procurement, Human Resources

**Legal Advice:**

The decision seeks authority to award a contract to Anthesis by way of a contract extension for the further development and maintenance of the SCATTER Tool.

NCC were requested to continue the development of the Tool as funded by BEIS and this additional funding is being provided to enable further development and continued application of the Tool. NCC and participating local authorities are able to access the Tool in furtherance of their carbon neutral agendas in compiling and assessing associated data.

It is understood that this additional element of work is a variation and extension of the existing contract that is in place with Anthesis. The initial contract for the development of the Tool ended at the point of completion and so a new contract was entered into for the maintenance and further update of the Tool. These proposals seek to extend the current contract in place. The combined contract value of the proposed extension along with the existing contract remains below the Public Contracts Regulations (PCR) threshold.

In the event that the initial contract value were to also to be taken into account, on the basis that the money has only been provided by BEIS for Anthesis to further update the Tool as already established under Phase 3 and that Anthesis hold the intellectual property rights with respect to the Tool and associated software, the contract award is deemed permissible in accordance with regulation 32(2)(b)(iii) of the PCR.

For these reasons and as further detailed within the report, dispensation is therefore supported. Legal services will assist as necessary to ensure the proposed contract variation and extension are appropriately captured in accordance with the funding provided by BEIS for this purpose. Advice provided by Dionne Claire Screamon (Solicitor) on 03/09/2021.

**Finance Advice:**

The decision seeks to accept additional Phase3 BEIS SCATTER grant funding to extend further development of the SCATTER greenhouse gas reporting tool. This aligns with the Council's CN28 objective.

Dispensation from Contract Procedure Rule 4.1.2 in accordance with Financial Regulation 3.29 (Operational Reasons) is sought to direct award to Antithesis as they have retained rights over SCATTER and are the sole supplier wrt this reporting tool.

The CRES director will need to ensure that financial systems are put in place to meet the grant conditions so that potential clawback is minimised.

Advice provided by Tania Clayton Perez (Commercial Business Partner) on 05/08/2021.

**Procurement Advice:**

Funding for this scheme has been provided by BEIS for this bespoke tool, and as the company owns the IP it is considered that there are no reasonable substitutes. The aggregated value of the contract plus this extension is currently below the threshold at which Part 2 of the Public Contracts Regulations would require a formal tender, but even if they were to apply then given the constraints the only appropriate route for an award in this instance would be the negotiated procedure without prior publication in accordance with Regulation 32(b)(iii). A dispensation from Contract Procedure Rule 4.1.2 using Finance Procedure Rule 3.29 is required to make the award without having sought other tenders for the reasons outlined above, and if this dispensation is granted then there are no adverse procurement implications to the decision being sought. Advice provided by Jonathan Whitmarsh (Lead Procurement Officer) on 03/09/2021.

**HR Advice:**

As outlined in the delegated decision, Nottingham City Council seeks authorisation for further development of the Setting City Area Targets and Trajectories for Emissions Reduction (SCATTER) tool, through funding from the Department of Business, Energy and Industrial Strategy (BEIS).

NCC were commissioned to evaluate Phase 1 and 2 of the tool's development in partnership with the Consultancy, who have retained the rights over the development and usage of the tool which would restrict any other consultant from being used to further its development.

As part of Phase 3 of its development, NCC have been given additional funding from BEIS to further develop and shape the SCATTER tool, that will support the delivery of the Council's 2028 carbon neutrality ambitions and is key in continuing to support the work of the Midlands Energy Hub in the region. This phase of development relies on its continued partnership with the consultancy, in order to report on and improve the functionality of the tool taking on board feedback from other Local Authorities following extensive testing.

The decision, if approved, will allow continued work to develop Phase 3 of the project on behalf of BEIS and for the benefit of local authorities, LEPS and other public sector bodies looking to address carbon mitigation.

There are no staffing implications associated with this and is therefore supported.

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HR Consultant  
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0115 87 62951  
Advice provided by Sheena Yadav-Staples (HR Consultant) on 02/08/2021. Advice provided by Sheena Yadav-Staples (HR Consultant) on 02/08/2021.

**Signatures:**

David Mellen (Leader/ PH Strategic Regeneration Communications)
SIGNED and Dated: 23/09/2021
Sally Longford (PH for Energy, Environment and Waste Services)
SIGNED and Dated: 22/09/2021
Clive Heaphy as Chief Finance Officer (Chief Finance Officer)
SIGNED and Dated: 21/09/2021

<b>Clive Heaphy as Chief Finance Officer (Chief Finance Officer) - Dispensation from Financial Regulations</b>
<b>SIGNED and Dated: 21/09/2021</b>
<b>Chief Finance Officer's Comments:</b>