

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

**Reference Number:**

4512

**Author:**

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**Department:**

Finance and Resources

**Contact:**

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**Subject:**

Enviro Energy Capital Works

**Key Decision (decision valued at more than £1million):**

Yes

**Key Decision (decision affects 2 or more wards):**

Yes

**Total Value:**

£1.3m (Type: Capital)

**Decision Being Taken:**

To approve the use of the approved scheme (rolling programme for maintenance of the district heating network) for the essential health and safety works on the heat station.

To authorise the procurement of contracts necessary to undertake the health and safety works and to delegate such authority to the Director Carbon Reduction, Energy & Sustainability.

**Reasons for the Decision(s)**

To ensure that essential health and safety works can be commissioned and delivered in line with requirements. To note that formal approval of the EE capital programme 2021/22 onwards will be included in the recommendations for the Council's Capital Programme in March 2022.

**Other Options Considered:**

The Council could wait for formal approval of the EE capital programme as part of the 2022/23 budget setting process. The delay would however mean that the work will not be commissioned in time for it to take place in the Summer months when the station is closed for this purpose. Any delay would impact on the deliverability of the work and the health and safety requirements would not be met. For these reasons this option was rejected

**Background Papers:**

None

**Published Works:**

None

**Affected Wards:**

Citywide

**Colleague / Councillor Interests:**

None

**Consultations:**

Date: 22/12/2021

Other: Cllr Sally Longford Cllr Sam Webster

Agreed to the proposal

<b>Date: 22/12/2021</b>
<b>Chief Finance Officer: Clive Heaphy</b>
<b>Agreed to the proposal</b>

**Those not consulted are not directly affected by the decision.**

**Crime and Disorder Implications:**

**none**

**Equality:**

**EIA not required. Reasons: The recommendation is for health and safety works to proceed.**

**Decision Type:**

**Leader's Key Decision**

**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: Cllr Anne Peach**  
**Consultation Date: 07/01/2022**  
  
**The decision needs to be made urgently so that the statutory health and safety obligations can be met in the required timescales. A call-in period would mean a delay in making the decision and would mean the statutory work would miss the required timescales**

**Advice Sought:**

**Legal, Finance**

**Legal Advice:**

On 1 December 2021 the district heating business formerly operated by Enviroenergy Limited was transferred in house. Accordingly, the Council is now fully responsible for the operation of the business and the network. This includes the safe operation of the heat station located at London Road. The Council is subject to its statutory obligations in respect of any health and safety requirements for the heat station. The proposed decision is to broaden the remit of the approved rolling scheme for maintenance to allow the budget to be used for any necessary health and safety works to the heat station. There are no legal concerns arising from this element of the proposal and legal advice is that such works, if necessary, must be carried out in order for the Council to meet its statutory requirements as both an operator and also an employer.

Authority is also being sought to allow for the procurement of any necessary works and again this raises no legal concerns and is supported. Any procurement will need to be in accordance with the Council's Contract Procedure Rules with appropriate support from the Corporate Procurement Team. Due to the specialised nature of the heat station and any regulatory requirements for its operation, consideration should be given to the use of existing frameworks or any contracts which may have been novated or assigned to the Council on the transfer of the business.

Advice provided by Naomi Vass (Senior Solicitor) on 31/12/2021. Advice provided by Nancy Barnard (Governance Manager) on 06/01/2022.

**Finance Advice:**

The capital programme contains an annual allowance for the maintenance of the district heating network. This decision is to expand the scope of this project for these essential health and safety works, until the capital costs for the annual maintenance of the heat station is ratified as part of the Capital Budget at Full Council March 2022.

As this decision does not amend the approved capital programme or the key control totals it does not require endorsement by the Capital Board prior to the Council contractually committing to these work.

Advice provided by Tom Straw (Senior Accountant - Capital Programmes) on 23/12/2021.

**Signatures:**

David Mellen (Leader/ PH Strategic Regeneration Communications)
SIGNED and Dated: 25/01/2022
Clive Heaphy (Interim Corporate Director for Finance & Resources)
SIGNED and Dated: 20/01/2022