

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

<b>Reference Number:</b>	4670
<b>Author:</b>	Malcolm Townroe
<b>Department:</b>	Finance and Resources
<b>Contact:</b>	Malcolm Townroe (Job Title: Director of Legal and Governance, Email: malcolm.townroe@nottinghamcity.gov.uk, Phone: 01158764332)
<b>Subject:</b>	Further Extension of Temporary Additional Legal Support
<b>Total Value:</b>	Up to £100,000 (Type: Revenue)
<b>Decision Being Taken:</b>	<ol style="list-style-type: none"><li>1) To further extend the engagement of the current locum Property Solicitor (previously agreed under Delegated Decisions 4081 and 4270) for a period of up to 12 months, with the cost continuing to be charged to the Asset Rationalisation Programme.</li><li>2) To secure the engagement under a call-off from a compliant framework.</li></ol>
<b>Reasons for the Decision(s)</b>	The work undertaken by the locum Property Solicitor supports a key deliverable for the Council under the Together for Nottingham Plan. There was, and remains, insufficient capacity within the existing permanent staffing establishment to deliver the disposals required under the Asset Rationalisation Programme, which is an ongoing scheme of high value to the Council. The 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, despite a number of fixed-term recruitment attempts, it is now proposed to extend this arrangement for a further period of up to 12 months to enable this work to continue.
<b>Other Options Considered:</b>	<ol style="list-style-type: none"><li>1) To use external legal firms to deliver the required work: this option is discounted due to the higher costs involved, and as the Council would lose the knowledge and expertise of the Asset Rationalisation Programme that current locum solicitor now has.</li><li>2) To make a direct appointment: this option is rejected as attempts for recruitment to a fixed-term post have been made, but have proved unsuccessful due to a lack of applicants. Consequently, further attempts at using this route have been discounted for the time being, due to the current market conditions.</li></ol>
<b>Background Papers:</b>	None

<b>Published Works:</b>	Delegated Decision 4081: Temporary Additional Legal Support ( <a href="https://committee.nottinghamcity.gov.uk/ieDecisionDetails.aspx?ID=5426">https://committee.nottinghamcity.gov.uk/ieDecisionDetails.aspx?ID=5426</a> ). Delegated decision 4270: Extension of Temporary Additional Legal Support ( <a href="https://committee.nottinghamcity.gov.uk/ieDecisionDetails.aspx?ID=7621">https://committee.nottinghamcity.gov.uk/ieDecisionDetails.aspx?ID=7621</a> ).
<b>Affected Wards:</b>	Citywide
<b>Colleague / Councillor Interests:</b>	None
<b>Consultations:</b>	Those not consulted are not directly affected by the decision.
<b>Crime and Disorder Implications:</b>	There are no direct implications, but the timely disposal of vacant properties will help reduce the likelihood of vandalism and security issues.
<b>Equality:</b>	EIA not required. Reasons: The decision does not represent a new or changing policy, service or function.
<b>Social Value Considerations:</b>	Not applicable
<b>Relates to staffing:</b>	Yes
<b>Decision Type:</b>	Portfolio Holder
<b>Subject to Call In:</b>	Yes
<b>Call In Expiry date:</b>	14/07/2022
<b>Advice Sought:</b>	Legal, Finance, Procurement, Human Resources
<b>Legal Advice:</b>	<p>The proposals in this report raise no legal issues. The post is required in order to support the Council's Asset Rationalisation Programme. Recruitment for a fixed-term post has been unsuccessful and so use of a locum is the only route available at this time for securing the necessary support. It is understood that the continued engagement can be made by calling off by way of direct award from a compliant framework arrangement (ESPO 3S_18). Legal colleagues will support as necessary with the Procurement team to ensure a compliant call-off is made and appropriate contractual arrangements are established.</p> <p>Advice provided by Dionne Claire Screatton (Solicitor) on 17/06/2022.</p>

**Finance Advice:**

The decision seeks to spend an additional £100,000 over the next 12 months regarding the continued engagement of a locum solicitor within the Legal and Governance directorate. The work undertaken is specialist and cannot be delivered in-house. Previous decisions relating to this have been covered under Delegated Decisions 4081 and 4270. The additional expenditure is funded through an established mechanism of percentage recharges based on the disposal of properties on an annual basis. This percentage is then allocated to the Legal and Governance directorate based on disposal value in each financial year.

If the capital receipt mechanism does not generate the expected expenditure value, this would create a pressure in the Legal and Governance directorate. This would need to be met within the Legal and Governance directorate. The current 2022/23 and 2023/24 forecast for disposals would be sufficient to cover the proposal assuming pro-rata expenditure over both financial years, however, in 2023/24, this margin is markedly reduced.

Advice provided by Tania Clayton Perez (Commercial Business Partner) on 22/06/2022.

Advice documents: [Legal Locum Financial Advice.docx](#)

**Procurement Advice:**

The proposal involves using a framework to extend 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 Paul Ritchie (Procurement Manager) on 20/06/2022.

**HR Advice:**

The proposal identifies previous attempts to secure an employed resource through the market, however, previous attempts have been unsuccessful and so the use of agency contractors remains the most viable option at the present time. Regulations require an employer to provide comparable core terms to those agency workers engaged beyond an initial 12 week period, however, the employer is the Council and is satisfied that it is complying with the relevant regulations in this area. It is recommended that a review be undertaken in to the new contract, should it be agreed, to determine if a longer-term resourcing solution is needed and whether there is scope to do this through either a longer, fixed contract, or whether a permanent contract could be offered.

Advice provided by Paul Slater (HR Business Lead) on 13/06/2022.

**Signatures**

Adele Williams (Portfolio Holder for Finance)

SIGNED and Dated: 07/07/2022

Clive Heaphy (Interim Corporate Director for Finance & Resources)

SIGNED and Dated: 30/06/2022