

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	4759
Author:	Matt Gregory
Department:	Growth and City Development
Contact:	Matt Gregory (Job Title: Planning Policy and Research Manager, Email: matt.gregory@nottinghamcity.gov.uk, Phone: 0115 876 3981)
Subject:	Agency support for Building Control (extension of contract to decision 4673)
Total Value:	£130,000 (Type: Revenue)
Decision Being Taken:	1 To approve expenditure of £130,000 to allow the extension of the contract period of two agency workers for an additional 6 months.2 To note the previous approvals under delegated decisions 4602 and 4673 which allowed the procurement of two agency workers for a period of six months
Reasons for the Decision(s)	The Building Control service has two Principal Building Control Surveyor posts, both of which are vacant. Recruitment has been unsuccessful, even with a £5,000 Market Supplement. These posts undertake the more complex Building Control duties for larger residential and non residential buildings and are critical to service delivery and continuity. The roles are currently being undertaken by agency staff, pending a remuneration review by HR. Building Control is a statutory duty, and the service is unviable without urgent support. The structural integrity and fire safety of new buildings are a key part of the service provision. Two agency posts are required, to ensure service continuity prior to further recruitment. Support is required for up to a further 6 months (to June 2023), to allow sufficient time for the HR remuneration review, and then to move to permanent recruitment and appointment. It is proposed that the agency support will be funded from projected underspend from elsewhere within the service area, with any additional cost of above this being met from planning fees. This re-allocation of spend from other budgets requires Portfolio Holder approval.
Other Options Considered:	None. There is no expertise within NCC to cover the duties, which are of a specialist statutory nature and fee earning.
Background Papers:	N/A

Unpublished background papers:	DelegatedDecision 4673.pdf, Delegated Decision 4602.pdf
Published Works:	Previous decisions 4602 and 4673.
Affected Wards:	Citywide
Colleague / Councillor Interests:	None
Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	N/A
Equality:	EIA not required. Reasons: EIA not required. Reasons: No change in policy proposed.
Social Value Considerations:	N/A
Relates to staffing:	Yes
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	16/11/2022
Advice Sought:	Legal, Finance, Procurement, Human Resources
Legal Advice:	An awareness needs to be maintained of the requirements and protections of the Agency Worker Regulations 2010. Consideration is also required of the agency staff's employment status and the rights and protections that may afford. Advice provided by Alexa McFadyen (Senior Solicitor) on 30/09/2022.

Finance Advice:

The service generates sufficient fees to fund the gap between the salary budget available from vacancies and the cost of this agency staff and the need for these staff is recognised.

The proposal will not add financial pressure to the MTFP and can be contained within the Planning service and is supported. This will be monitored by the service for any variance and reflected in the monthly forecast for the service.

Advice provided by Paul Rogers (Commercial Finance Business Partner (G&D)) on 29/09/2022.

Procurement Advice:

Quotations were originally sought by the Author in compliance with Contract Procedure Rules and that this procurement falls under the Light Touch Regime, then the decision to be taken raises no significant procurement concerns. Advice provided by Paul Ritchie (Procurement Manager) on 31/10/2022.

HR Advice:

As detailed in the report, HR have attempted to support management with a number of initiatives to secure contracted employment, however these have not yet proved successful owing to market conditions around pay and the limited resources available. The Council is undertaking a review of pay and conditions and this work may provide a more sustainable long term solution. The decision maker should note that agency worker regulations have been factored in to the contract to ensure that comparable terms are offered. Advice provided by Paul Slater (HR Business Lead) on 26/09/2022.

Signatures

Pavlos Kotsonis (Portfolio Holder for Leisure, Culture and Planning)
SIGNED and Dated: 08/11/2022
Sajeeda Rose (Corporate Director of Growth & City Development)
SIGNED and Dated: 02/11/2022