

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	4955
Author:	Michael Gallagher
Department:	Communities, Environment and Resident Services
Contact:	Michael Gallagher (Job Title: Regional Energy Project Manager, Email: michael.gallagher@nottinghamcity.gov.uk, Phone: 07864 969755)
Subject:	Co-County Carbon Co-ordination; a co-ordinated approach to achieving Net Zero at scale
Total Value:	£295,395 (Type: Revenue)
Decision Being Taken:	To delegate authority to the Head of Midlands Net Zero Hub, in consultation with the Director for Environment and Sustainability to (i) enter into an agreement with Innovate UK to accept and spend £295,395 of grant funding through the Fast Followers competition. (ii) enter into a collaboration agreement with other project partners including: Nottingham City Council (acting as lead partner) with; Rushcliffe Borough Council, Derby City Council, Derbyshire County Council, Broxtowe Borough Council, Nottinghamshire County Council, Gedling Borough Council. [Nottingham City council to act as lead](iii) recruit a Manager (I Grade) 2 year fixed term post to deliver the Fast Followers programme across Derby, Derbyshire and Nottingham, Nottinghamshire
Reasons for the Decision(s)	There is a strong history of collaboration across the two Counties on Net Zero. There is an existing governance structure flowing down from the D2N2 LEP Low Carbon Growth Board, to the N2 Environmental Strategy Working Group and D2 Energy Group. These groups have representation from all the Local Authorities, LEP and Universities. Derby, Nottingham, Derbyshire and Nottinghamshire are also working on a Devolution deal, with a strong Net Zero theme. This funding will provide the opportunity to recruit a designated resource to work across D2N2 to co-ordinate Net Zero activity and engagement. This is expected to include co-ordination of Energy Planning, business and citizen engagement and development of "Net Zero technology guides". There will be a remaining £105,000 after staff costs which will be utilised for specialist consultancy, where there is a knowledge / skills gap on the employed project lead. Whilst the grant conditions require the Local Authority to undertake an assessment in compliance of the Subsidy Control act, all indications are that the funding would not comprise a subsidy as the Local Authority is not acting as an economic actor in this context.
Briefing notes documents:	Finance Summary FF Bid.docx

Other Options Considered: Not to accept the funding, this would be a missed opportunity to build capacity in Nottingham and the two Counties to continue leading on the Net Zero theme and maximising opportunities through collaborative working practices.

Background Papers:

Published Works:

Affected Wards: Citywide

Colleague / Councillor Interests:

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: This decision does not represent proposals for a new or changing policy, service or function.

Social Value Considerations: There is budget of circa £105,000 for procuring additional resources that compliment the programme. The need will be determined once a person is recruited to deliver the programme. Social Value will be embedded in line with procurement guidance.

Relates to staffing: Yes

Decision Type: Portfolio Holder

Subject to Call In: Yes

Call In Expiry date: 07/06/2023

Advice Sought: Legal, Finance, Procurement, Human Resources

Legal Advice:

It is understood that in Partnership with a number of other Local Authorities across Nottinghamshire and Derbyshire an application was submitted as part of the Innovate UK Net Zero Living Programme in competition for funding of up to £300,000 to support local authorities fund a dedicated Net Zero Innovation and Delivery officer role. This approval seeks authority to accept the funding, spend on eligible expenditure, enter a formal collaboration agreement with the relevant partner authorities before recruiting to the identified post. The funding must be utilised to help further develop net zero delivery plans, improve delivery pathways and enable adoption at scale of innovative products and services.

The project funding is to be invested over a 2 year period and must be utilised in accordance with the grant terms and conditions stipulated by Innovate UK. The Local Authority has general power of competence under the Localism Act 2011 to enter into the Grant Agreement and the aforementioned Collaboration Agreement, on this occasion. In general, the Authority will be required as a condition of funding to:

- . complete a series of activity modules managed by Innovate UK
- . provide better definition to the net zero plans and identify at least one project to demonstrate the impact of the funding
- . produce a clearly defined net zero delivery plan that is supported by your stakeholders
- . participate in monthly Fast Follower peer network cohort activities arranged by Innovate UK and participate in mentoring activities
- . participate with training modules and expertise made available by Innovate UK to improve net zero delivery and disseminate this learning into your organisation and to your partners
- . openly share learnings with the cohort and publicly, contributing to communications within your own organisation and other agencies
- . develop a long-term plan demonstrating how the programme activities will support net zero delivery using a whole systems approach, including financing, beyond the funding period
- . monitor impacts and share these and wider insights with Innovate UK and publicly
- . produce a final report, in an agreed format, that documents all requirements.

If the Local Authority fails to comply with the conditions the funding will be subject to the risk of clawback.

This competition provides funding in line with the Subsidy Control Act 2022. The Subsidy Control Act 2022 definition of a 'subsidy' means financial assistance which is given by a public authority that makes a contribution (this could be a financial or an in kind contribution) to an enterprise, conferring an economic advantage that is not available on market terms and affects trade with any WTO member or, more specifically, between the UK and a country with whom it has a FTA.

On this occasion it is understood the Local Authority in accepting the grant, is not acting as a commercial operator and so the finding would not comprise a subsidy under the act.

As the funded post is temporary and fixed for 2 years, an appropriate exit strategy must be in place in order to terminate the employment contract in line with NCC guidance in the event that the post cannot be made permanent at the end of the fixed term period. This will give rise to relevant employment rights that must be observed. Advice provided by Richard Bines (Solicitor) on 02/05/2023.

Finance Advice:

This decision seeks to enter into an agreement with Innovate UK to accept and spend £295,395 of grant funding through the Fast Followers competition.

Of the grant funding, this decision seeks to approve recruitment to x1 Grade I funded post on a 2 year fixed term contract basis to deliver the Fast Followers programme.

The post will be fully funded, including pension deficit costs, from Innovate UK of the grant allocation of £295,395.

The proposed costs of the post is summarised below:

£m			
Grade	Post name	Estimated Expenditure*	
	Yr1	Yr2**	Total
Grade I	Manager	0.0567	0.0595 0.1162

Total 0.0567 0.0595 0.1162

Funded by: Innovate UK -0.0567 -0.0595 -0.1162

*** Salary costs include on-costs and pension deficit estimate**

**** Assumes progression to upper scale point**

Advice provided by Sejal Mistry (Senior Commercial Business Partner) on 03/05/2023.

HR Advice:

I order to deliver the Co-County Carbon Co-ordination approach to achieving Net Zero at scale project the service area will need to recruit to and I Grade post (subject to job evaluation) on a 2 year FTC. The post will be subject to the job evaluation process, however it is anticipated that the grading outcome will be GLPC grade I as indicated above.

Management will need to ensure that recruitment to this post is conducted through the appropriate processes, including redeployment. Management should be aware that the selected postholder should commence on a starting salary of Level One within the respective Grade, unless the appointed colleague is already in employment at the council and on Level two of the same grade, in which case the employee would be matched over at the rate of pay they currently receive.

There will need to be a support and development plan for the new post holder once appointed in line with managing performance through the probationary policy.

As the post is temporary and fixed for 2 years, an appropriate exit strategy must be in place in order to terminate the contract in line with NCC guidance in the event that the post cannot be made permanent at the end of the fixed term period. Management will need to ensure appropriate timelines are in place to notify the affected employee and give appropriate notice.

Advice provided by Shakeel Khalil (Senior HR Consultant) on 19/04/2023.

Procurement Advice:

There are no direct procurement implications to the decisions being sought. Any contracts for goods services or works in support of or conjunction with the project must be awarded in compliance with Contract Procedure Rules and relevant provisions of the Public Contracts Regulations 2015; the Procurement Team should be consulted to ensure this is done. Advice provided by Jonathan Whitmarsh (Lead Procurement Officer) on 19/04/2023.

Signatures

Corall Jenkins (PH Energy, Environment and Waste Services, Parks)
SIGNED and Dated: 31/05/2023
Dr Ita O'Donovan (Interim Corporate Director, CERS)
SIGNED and Dated: 25/05/2023