

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	4967
Author:	Malcolm Townroe
Department:	Finance and Resources
Contact:	Malcolm Townroe (Job Title: Director of Legal and Governance, Email: malcolm.townroe@nottinghamcity.gov.uk, Phone: 01158764332)
Subject:	Extension of temporary legal support
Total Value:	£100,000 (Type: Revenue)
Decision Being Taken:	<ol style="list-style-type: none">1. To extend the engagement of the current locum Property Solicitor for a further period of up to 12 months with the cost continuing to be charged to the asset rationalisation programme.2. To seek to secure the engagement under a call-off from a compliant framework.
Reasons for the Decision(s)	The work being undertaken by the locum Property Solicitor continues to support a key deliverable under the Together for Nottingham Plan. There still remains insufficient capacity within the existing permanent staffing establishment to deliver the number of disposals required under the Asset Rationalisation Programme. Retention of this additional resource is seen as vital in order to support this activity especially with a further permanent member of staff due to leave in July 2023.
Other Options Considered:	<ol style="list-style-type: none">1. Use of external law firms to deliver this work - this option has been discounted due to the much higher cost.2. To make a direct appointment - this option is being pursued in relation to a number of vacancies but efforts to appoint to fixed term contracts have previously proved unsuccessful due to market conditions.
Background Papers:	None
Published Works:	Delegated decision 4081 - Temporary Additional Legal Support. Delegated decision 4270 - Extension of Temporary Additional Legal Support. Delegated decision 4670 - Further extension of Temporary Additional Legal Support.

Affected Wards: Citywide

Colleague / Councillor Interests: None

Consultations: Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: There are no direct implications arising out of this decision but disposal of vacant properties in a timely manner will help to reduce the likelihood of vandalism and anti social behaviour.

Equality: EIA not required. Reasons: The decision does not include any new or change in policy, service or function.

Relates to staffing: Yes

Decision Type: Officer

Executive Decision? Yes

£50,000 or more: Yes

Scheme of Delegation Reference Number or Other Source of Delegation: 1

Subject to Call In: No

Person Consulted: Phil Wye
Consultation Date: 14/06/2023
As this is an operational officer decision, there is no requirement for call-in

Advice Sought: Legal, Finance, Procurement, Human Resources

Legal Advice:

The proposals in this report raise no material legal issues.

The post is required in order to support the Council's ongoing Asset Rationalisation Programme.

There is insufficient capacity within the existing permanent staff who undertake this work and so use of a locum is the preferred route available at this time for securing the necessary support for the reasons set out in the report. It is anticipated that the continued engagement can be made by calling off by way of direct award from a compliant framework arrangement.

Legal colleagues will support as necessary with the Procurement team to ensure a compliant call-off is made and appropriate contractual arrangements are established.

Advice provided by Anthony Heath (Senior Solicitor) on 02/06/2023.

Finance Advice:

The cost of this decision will be met from within Property resources, including from allowable revenue fee income from capital receipts realised through the Asset Rationalisation programme. To not continue with this post risks delays to property disposals.

Advice provided by Sarah Baker (Senior Commercial Business Partner - Corporate Landlord) on 13/06/2023.

HR Advice:

Proposal seeks to extend an existing arrangement utilising Agency Property Solicitor role to deliver key work aligned to the asset rationalisation programme.

It is recognised that workers engaged for more than 14 weeks will qualify for a number of employment rights having worked over 14 weeks. (Including comparable holiday/overtime entitlement). These rights do not include entitlement to redundancy so extending the arrangement into a second year would not result in a redundancy liability.

Continuing to extend the agency arrangement has the potential to impact NCC employees working alongside the role who may perceive a 2 tier workforce. Recruitment strategies should continue to be explored to appoint to the role on NCC terms and conditions at the earliest opportunity, this could include consideration of a market supplement/graduate development/targeted advertising.

Advice provided by Andrew Griffiths (Service Redesign Consultant) on 09/06/2023.

Procurement Advice:

The proposal involves using a framework to make 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 07/06/2023.

Signatures:

Sajeeda Rose (Corporate Director for Growth and City Development)

SIGNED and Dated: 15/06/2023