

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:

4994

Author:

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Department:

Communities, Environment and Resident Services

Contact:

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Subject:

EE Monitor Service contract for Wales & West Housing

Total Value:

£213,000 (Type: Revenue)

Decision Being Taken:

Approval to proceed to sign a 5 year contract for NCC to be the preferred provider of heat metering & billing services for Wales & West Housing.

Reasons for the Decision(s)

Nottingham City Council has a long-standing relationship with Wales and West Housing as the preferred Heat Metering & Billing provider. Nottingham City Council entered into a Heat Metering and Billing agreement in August 2017 and has maintained a healthy relationship with Wales and West Housing since this date.

Nottingham City Council have supplied and fitted 13 EE Monitors to Wales and West Housing since August 2017. Nottingham City Council also provide the annual billing service for the 13 properties on behalf of Wales and West Housing. Wales and West Housing now wish to enter in to a new 5-year contract with Nottingham City Council for us to be the preferred Heat Metering & Billing provider for 437 properties over the next 18 months. The revenue from the current contract is built into the Council's MTFP. The service would include the sale of 75 EE Monitors to Wales and West Housing, the remaining properties would be managed through our credit billing service. It is recommended that approval to proceed to sign a new 5-year contract with Wales and West Housing is given and to, delegate authority to the Director of Environment and Sustainability in consultation with the Director for Legal and Governance to sign the 5-year contract. This will see a year-on-year financial return to NCC and is fully in line with our business growth plan to increase the number of properties we perform metering and billing services for on behalf of other local authorities and housing associations.

The risk to NCC is very low, if no properties are onboarded by us, there is no cost to us. Any costs incurred upon onboarding a customer account is covered by the annual billing charge per property.

**Briefing notes documents:**

**Other Options Considered:**

**Do nothing - This option was rejected as we cannot operate without a legally binding contract in place. It is within our planned business growth to increase the portfolio of properties we provide metering & billing services for. This opportunity falls in line with our projected growth plan and helps support our ESPR targets. If we fail to take up this opportunity, it will see Wales & West potentially approach other companies to take on the schemes. This could lead to the current EE Monitors installed in their properties being removed and replaced by the new provider, and also a loss of income annually for NCC.**

**Background Papers:**

**Published Works:**

**Affected Wards:**

**Citywide**

**Colleague / Councillor Interests:**

**Any Information Exempt from publication:**

**Yes**

**Exempt Information:**

**An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972**

**3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).**

**The public interest in maintaining the exemption outweighs the public interest in disclosing the information because it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) and, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. It is not in the public interest to disclose the information because it may offer a competitive advantage to other companies tendering for future Council contracts.**

**Documents exempt from publication:**

**Exempt Finance Advice.docx  
EE Monitor Service contract for Wales & West Housing Briefing.pdf**

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

**Crime and Disorder Implications:** No Crime and Disorder implications for this decision

**Equality:** EIA not required. Reasons: No EIA as nobody is directly impacted by this decision

**Decision Type:** Portfolio Holder

**Subject to Call In:** Yes

**Call In Expiry date:** 27/07/2023

**Advice Sought:** Legal, Finance

**Legal Advice:**

This decision seeks approval to enter into a 5 year contract for the provision, by the Council, of Heat Metering and Billing services to Wales and West Housing.

It has been clarified that the contract will be the Council's/EE's standard services contract. It is believed that the current contract has ended and the proposed arrangement will be a new contract. This should, therefore, generate few legal risks for the Council as long as it can meet the requirements of the agreed specification.

It has also been clarified that the contract for the supply of monitors is a separate, stand-alone arrangement. Colleagues have considered the potential TUPE implications and noted the risk is low.

This is understood to be a direct award by Wales & West Housing. It is unclear whether this organisation would need to comply with the Public Contract Regulations 2015 but the Council should be aware of a potential risk if the decision of Wales & West Housing to direct award is challenged.

Tony Heath, Senior Solicitor, Contracts and Commercial, 22 June 2023

**Finance Advice:**

**This advice is exempt from publication and is contained within an exempt appendix**

**Signatures**

<b>Corall Jenkins (PH Energy, Environment and Waste Services, Parks)</b>
<b>SIGNED and Dated: 20/07/2023</b>
<b>Dr Ita O'Donovan (Interim Corporate Director, CERS)</b>
<b>SIGNED and Dated: 14/07/2023</b>