

## Operational Decision Record

<b>Publication Date</b> 19/07/2024	<b>Decision Reference Number</b> 5148
<b>Decision Title</b>	
External Legal Advice for Environment and Sustainability Division	
<b>Decision Value</b>	
£180,000	
<b>Revenue or Capital Spend?</b>	
Revenue	
<b>Spend Control Approval</b>	
Has the spend been approved by Spend Control Board? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a Spend Control Board approval reference number: 6028	
<b>Department</b>	
Communities, Environment and Resident Services	
<b>Contact Officer (Name, job title, and contact details)</b>	
Ellen Cooper-Tydeman Sustainable Warmth Programme Manager Midlands Net Zero Hub email: Ellen.Cooper-Tydeman@nottinghamcity.gov.uk mob: 07895212603	
<b>Decision Taken</b>	
To direct award to Browne Jacobsons (BJS) for urgent and ongoing legal advice. Midlands Net Zero Hub (MNZH) and Carbon Reduction team require legal advice to enable delivery and maintain compliance of our grant funded projects. MNZH have worked with BJS through EM Lawshare for several years and have knowledge of the funding rules and presidents to date which are critical to the services required.	
<b>Reasons for Decision and Background Information</b>	
Midlands Net Zero Hub and Carbon Reduction team require urgent and ongoing general legal advice (e.g., subsidy control, contracting and GDPR), to enable delivery and maintain compliance of our grant funded projects as well as support mobilisation and implementation of future projects this financial year. EM Lawshare is no longer a viable option to access external legal advice and our internal legal team have informed us they do not have the capacity or expertise to support the volume and range of work required. MNZH have worked with BJS through EM Lawshare for several years. This continuity of service will enable value	

for money as context and knowledge of the funding rules and presidents to date are critical to the service required. Alternatively, the council would be at risk while access to external legal advice is sort and there is not the required level of internal resource or direct mechanism to access as previously in place. This approach enables timely access to ongoing robust legal advice to support mitigating any risk.

**Other Options Considered and why these were rejected**

Use internal support - this was rejected due to level of resource  
No external support - this was rejected due to the risk to council if a project was non complainant

**Reasons why this decision is classified as operational**

This decision falls within the approved funding for the Core Hub and other grant funded programmes e.g., HUG 2, SHDF 2, PSDS, HDSTC, CEF etc.

**Additional Information**

MNZH have liaised with the Information Compliance Team. Given the types of Council information the lawyers would be supplied with to perform their services, e.g., contracts, MoUs, project specs, subsidy control principles assessment and data protection advice, these will not contain citizen personal data. Only NCC or other consortium staff contact details would be shared which are publicly available, therefore a DPIA is not required.

Article Eighteen: Exemption from Contract Procedure Rules  
Request ID: 284  
Approved at Procurement Panel 10/06/2024

**Decision Maker (Name and Job Title)**

Colin J Parr  
Corporate Director of Communities, Environment and Resident Services

Beth Brown  
Director of Legal and Governance

**Scheme of Delegation Reference Number**

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**Date Decision Taken**

12.06.2024