

Portfolio Holder decision record sheet

Name of decision maker: Cllr Graham Sutton

Portfolio: Planning and Regeneration

Date of Portfolio Holder decision: October 2016

Title of decision:

To approve an exemption to comply with the Council's commissioning & procurement standing orders and award a contract directly without the need to carry out a competitive tendering process

Part II:

Part II reason:

Decision:

1. To retrospectively approve the suspension of the Council's commissioning & procurement standing orders to enable the direct appointment of BRG Interim Solutions Ltd to provide the Council with Building Control Agency Staff without taking a tendering process.
2. The Council's commissioning & procurement standing orders permits the suspension and states that the special circumstances justifying the exception must be noted and recorded in a PH decision record.

Reason

The Council has had to employ agency staff to run this statutory service as it has been unable to recruit to establishment Building Control Officer posts on the open market.

The overall value of the expenditure has only recently been highlighted and there is a need to ensure that this retrospective expenditure is covered by the Council's governance arrangements.

Reports considered: (here reference can be made to specific documents)

N/A

Officers/Councillors/Ward Councillors/Stakeholders consulted:

Mark Gaynor, Corporate Director Housing and Regeneration
Ben Hosier, Group Manager Commissioning, Procurement and Compliance
Sara Whelan, Group Manager Development Management and Planning
Andrew Howard, Team Leader Building Control

Monitoring Officer comments:

This retrospective suspension of standing orders requires an exemption to procurement standing orders to be granted from the Portfolio Holder responsible for the service in accordance with paragraph 20 of the Commissioning and Procurement Standing Orders. The special circumstances requiring the suspension are noted in the body of the report. Officers must ensure that the appointment is tendered in accordance with standing orders for 2017/18.

Deputy Chief Financial Officer comments:

The costs of agency staff already incurred in 2015/16 have been fully accounted for within the

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approved 2015/16 Statement of Accounts. Costs incurred in 2016/17 that exceed the approved budget are being reported and mitigation measures are being considered at Directorate and corporate level to manage the pressure in year and built into the medium term financial plan.

Implications:

The agency appointments are necessary for the Council to discharge the Building Control Service under the Building Act 1984

Risk:

Non-appointment will lead to a slowing in the service and lack of capacity to deliver it. Fee income would be likely to fall off causing a budget gap to the General Fund.

Value for money:

The rates payable to agency staff are understood to be at current rates.

Options considered and reasons for rejection:

Appointment into vacant posts. This is the ideal solution but recruitment in early 2016 proved fruitless. This has left an immediate problem in keeping the service running and maintaining budgeted levels of fee income.

Shared services with other Council(s). Collaboration arrangements with other authorities are being discussed, and liaison with LABC (Local Authority Building Control) over current recruitment difficulties. These are however medium to long term options and will not resolve the immediate issue of service delivery.

Portfolio Holder's signature:**Date:**

Details of any interests declared and any dispensations given by the Standards Committee:

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Date decision record sheet received from portfolio holder:

Date decision published:

Decision no:

Date of expiry of call-in period:

Date any call-in received or decision implemented:

Background

The shortage of qualified Building Control staff is a very large problem for authorities in London and the South East, and this has led to significant wage inflation in this profession. Longstanding members of the in house DBC BC team have either retired or moved to higher paying roles in the private sector.

The gap left by staff who have left has had to be filled with higher cost agency staff.

Recruitment even of agency staff is not easy at the current time. The service has used one agency to date quite successfully to source appropriate staff.

As such, the expenditure with BRG Interim Solutions Ltd for providing Building Control agency staff during 2015/16 is **£30,422** and the current 2016/17 is **£44,703**

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This brings the total value of expenditure with BRG Interim Solutions to **£75,125**.

As such authority is sought to confirm the appointment of BRG Interim Solutions for 2015/16 and the remainder of 2016/17. It is envisaged that the value of this contract will not be higher than £100k.

Beyond then, the provision of any agency staff needed will need to be sought from an alternative agency or a tendering exercise in accordance with Procurement Standing Orders will need to be carried out.