

 <b>Executive – 14 January 2015</b>		<b>Agenda Item No.</b> <h1>12C</h1>
<b>Title</b>	Use of Emergency Powers in respect of authorising an exception to the Code of Procurement Practice	
<b>For further information about this report please contact</b>	Grahame Helm (01926 456714) <a href="mailto:environment@warwickdc.gov.uk">environment@warwickdc.gov.uk</a>	
<b>Wards of the District directly affected</b>	Warwick South and Leamington Clarendon	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>	None	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality and Sustainability Impact Assessment Undertaken</b>	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	05/12/14	Chris Elliott
Head of Service	05/12/14	Richard Hall
CMT	05/12/14	Bill Hunt
Section 151 Officer	05/12/14	Mike Snow
Monitoring Officer	05/12/14	Andrew Jones
Finance	05/12/14	Mike Snow
Portfolio Holder(s)	05/12/14	Cllr Michael Coker
Consultation & Community Engagement		
Councillor Barrott, Councillor Boad, Councillor Falp, Councillor MacKay and Councillor Mobbs (as Group Leaders) Councillor Coker (as Portfolio Holder)		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

## 1. **SUMMARY**

- 1.1 The report informs the Executive of the use of the Chief Executive's Delegated Authority (CE(4)) to authorise an exception to the Code of Procurement Practice to appoint a replacement contractor for the maintenance of the Council's air quality monitoring stations.

## 2. **RECOMMENDATION**

- 2.1 To note the decision by the Chief Executive in consultation with Group Leaders under CE(4) of the Constitution to authorise an exception to the Code of Procurement Practice to appoint a replacement contractor for the maintenance of the Council's air quality monitoring stations.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Under the Officer scheme of delegation the Chief Executive has delegated authority (reference CE(4)) to deal with urgent items that occur between meetings, in consultation with the relevant Deputy Chief Executives, Heads of Service (if available) and Group Leaders (or in their absence Deputy Group Leaders) subject to the matter being reported to the Executive at its next meeting. This was carried out on 4<sup>th</sup>/5<sup>th</sup> December 2014 by the Chief Executive in consultation with Group Leaders and Portfolio Holder.
- 3.2 The Council's appointed contractor for the maintenance of its air quality monitoring stations went into liquidation on 26 November 2014 and it was necessary to use the Chief Executive's emergency powers as described above to make temporary arrangements to ensure continuous operation.

## 4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework** – The Sustainable Community Strategy recognises that parts of the district have high levels of traffic congestion, well over the national, regional, and sub-regional levels. As a result, improving air quality is a key priority for Warwickshire Public Health. It is essential therefore that air quality in our town centres is effectively monitored and the District Council has the statutory lead role for this activity.
- 4.2 **Fit for the Future** – The Council's purpose is to improve the quality of life for everyone who lives in, works in or visits Warwick District. With our partners, we aspire to build sustainable, safer, stronger and healthier communities. Managing and improving local air quality is considered to be a major contributor to this aspiration and also provides useful evidence for the Local Plan and planning policy generally.

## 5. **BUDGETARY FRAMEWORK**

- 5.1 A claim for £1752 has been lodged with the appointed Administrators which represents the value of the remainder of the contract which was due to expire on 31 March 2015. A new contractor has been located who will provide an interim service for the same amount which means there will be no financial loss to the Council if the claim is successful. Otherwise, the additional cost would be £1752 which it is hoped can be absorbed within existing Health and Community Protection budgets.

## **6. RISKS**

- 6.1 The main risks were, of not adopting the proposal, were the loss of a call-out service in the event of any equipment breakdown and also the loss of a data management service as the contract provided for a remote download of air quality data daily.

## **7. ALTERNATIVE OPTION(S) CONSIDERED**

- 7.1 No alternative is proposed as the decision has already been taken.

## **8. BACKGROUND**

- 8.1 SupportingU had a contract with the Council to provide a maintenance and data management service for our air quality monitoring stations (Hamilton Terrace, Royal Leamington Spa and Jury Street, Warwick). This contract included a call-out service for emergency repairs.
- 8.2 The Head of Health and Community Protection had been notified that SupportingU went into liquidation on 26 November 2014 and that Robert Day and Company Limited have been appointed as administrators. Several staff have transferred from SupportingU to a new company called WeCare4Air which has offered to take over the current contract at the same rates. The annual net value of the contract is £5257.88 and it runs until 31 March 2015.
- 8.3 As we need a maintenance contract in place immediately, it was proposed to agree a 4-month contract with WeCare4Air which was the reason for requesting this exception. Officers will then progress a tendering exercise in the new year, in accordance with the Code of Procurement Practice to put in place a new long-term contract with effect from 1 April 2015.