



Leicester  
City Council

WARDS AFFECTED  
All Wards

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:  
PERFORMANCE AND VALUE FOR MONEY SELECT COMMITTEE  
CABINET**

**16<sup>TH</sup> APRIL, 2008**

**12<sup>TH</sup> MAY, 2008**

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**SCHEME OF DELEGATION: REVIEW OF DECISIONS MADE AT CORPORATE  
DIRECTOR LEVEL**

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**REPORT OF THE DIRECTOR OF RESOURCES**

**1. PURPOSE OF REPORT**

This is a regular report to provide Cabinet with a summary of decisions made at Corporate Director level in consultation with Cabinet Leads.

**2. REPORT**

A summary of the decisions made by the Chief Executive / Corporate Directors in consultation with the relevant Cabinet Lead members during the period 1<sup>st</sup> December, 2007 to 29<sup>th</sup> February, 2008 is shown attached as **Appendix A**.

**Appendix B** is a summary of Corporate level decisions made during the same period 1<sup>st</sup> December to 29<sup>th</sup> February regarding revenue contracts valued at £100,000 upwards following consultation with Cabinet Leads.

Attached shown as **Appendix C** is a summary of the Town Clerk's decisions to waive Contract Procedure Rules during the period 1<sup>st</sup> September, 2007 to 29<sup>th</sup> February, 2008.

**3. RECOMMENDATIONS**

Cabinet is recommended to note the summary of decisions made at Corporate Director level in consultation with Cabinet Leads, as summarised in **Appendices A, B and C**;

**4. HEADLINE FINANCIAL AND LEGAL IMPLICATIONS**

**Financial Implications**

There are none arising from this report.  
*Andy Morley, Chief Accountant, 297404*

### Legal implications

- i) It is within Cabinet's remit to keep under review and change its Scheme of Delegation as necessary.
- ii) Contract Procedure Rules may be waived by Cabinet or by the Town Clerk where a business case can be shown for doing so, subject to there first being prior consultation with the relevant Cabinet Lead where the circumstances are particularly sensitive or if the decision in question involves significant changes in policy or strategy.

If consultation with the Cabinet Lead is necessary then the Town Clerk must report any such decision to Cabinet for information.

<b>OTHER IMPLICATIONS</b>	<b>YES/NO</b>	<b>Paragraph references within supporting information</b>
Equal Opportunities	<b>No</b>	
Policy	<b>No</b>	
Sustainable and Environmental	<b>No</b>	
Crime and Disorder	<b>No</b>	
Human Rights Act	<b>No</b>	
Elderly/People on Low Income	<b>No</b>	

### 5. **BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972**

The Council's Constitution, including Cabinet's Scheme of Delegation; and records received by the Town Clerk from Corporate Directors which have been used to compile this report.

### 6. **CONSULTATIONS**

Chief Executive and all Corporate Directors  
Charles Poole, Service Director – Democratic Services  
Geoff Organ, Head of Corporate Procurement, Support and Income

### 7. **REPORT AUTHOR**

Peter Nicholls, Service Director – Legal Services, x6302

### **Decision Status**

<b>Key Decision</b>	No
<b>Reason</b>	N/A
<b>Appeared in Forward Plan</b>	N/A
<b>Executive or Council Decision</b>	Executive (Cabinet)

**APPENDIX A**

**DECISIONS MADE BY CORPORATE DIRECTORS / CHIEF EXECUTIVE IN CONSULTATION WITH CABINET LEADS DURING THE PERIOD 1<sup>ST</sup> DECEMBER, 2007 TO 29<sup>TH</sup> FEBRUARY, 2008**

	<b>Date of decision</b>	<b>Nature of decision</b>	<b>Corporate Director</b>	<b>Member(s) consulted</b>	<b>Nature of Members' comments</b>	<b>Date of Member consultation</b>
1	6 <sup>th</sup> December, 2007	Sale of land at Blackbird Road Playing Fields / Highway Land at Heacham Drive,	Resources	Cllr. Willmott	Supported this decision	5 <sup>th</sup> December, 2007
2	19 <sup>th</sup> December, 2007	Proposal for a waiver of procurement procedure to enable the Launch Partnership Contract with Soft Touch to be renewed.	R& C R. Watson	Cllr. Connelly	Supported	19 <sup>th</sup> December, 2007
3	9 <sup>th</sup> January, 2008	Amendments to the DDA programme.	Resources	All Cabinet Members	Supported this decision.	7 <sup>th</sup> January, 2008.
4	9 <sup>th</sup> January, 2008	Proposed charges for Bereavement Services Income with one variation to take effect from 11 <sup>th</sup> February, 2008	R&C R. Watson	Cllr. Connelly	Agreed	9 <sup>th</sup> January, 2008

	<b>Date of decision</b>	<b>Nature of decision</b>	<b>Corporate Director</b>	<b>Member(s) consulted</b>	<b>Nature of Members' comments</b>	<b>Date of Member consultation</b>
5	9 <sup>th</sup> January, 2008	Parking across dropped footways will be enforceable from 31 <sup>st</sup> March, 2008 under the Traffic Management Act.	R&C J. Miller	Cllr. Kitterick	Agreed that: 1. The Council would only take such enforcement where the dropped kerb is marked. 2. In future, H markings would be provided free of charge.	9 <sup>th</sup> January, 2008
6	15 <sup>th</sup> January, 2008	Variation of terms of sale of Blackbird Road Playing Fields	Resources	Cllr. Willmott	Supported this decision	14 <sup>th</sup> January, 2008
7	24 <sup>th</sup> January, 2008	Consultation exercise on Belgrave Hall Conservation Area Character Appraisal.	R&C A. L. Smith	Cllr. Kitterick	Agreed and delegated powers certificate signed	24 <sup>th</sup> January, 2008
8	12 <sup>th</sup> February, 2008	The terms for leased groundwork at Sunningdale Road for recycling activities	Resources	Cllr. Willmott and Kitterick	Supported this decision	8 <sup>th</sup> February, 2008
9	13 <sup>th</sup> February, 2008	Space and Amenity Standards for HMOs	R&C A. Russell	Cllr. Wann	Approved	13 <sup>th</sup> February, 2008
10	13 <sup>th</sup> February, 2008	Changes to Trade Waste Services.	R&C A. Russell	Cllr. Wann	No objection	13 <sup>th</sup> February, 2008
11	13 <sup>th</sup> February, 2008	Proposal to provide partnership funding of £1,000 to the 7 <sup>th</sup> Leicester Bike Film Festival.	R&C A. Watson	Cllr. Connelly	Approved	13 <sup>th</sup> February, 2008

	<b>Date of decision</b>	<b>Nature of decision</b>	<b>Corporate Director</b>	<b>Member(s) consulted</b>	<b>Nature of Members' comments</b>	<b>Date of Member consultation</b>
12	13 <sup>th</sup> February, 2008	Traffic Management Act – change of enforcement powers	R&C J. Miller	Cllr. Kitterick	Supported	13 <sup>th</sup> February, 2008
13	13 <sup>th</sup> February, 2008	Building Preservation Notice 99 – 103 Highcross Street – All Stants Brewery	R&C A. L. Smith	Cllr. Kitterick	Agreed	13 <sup>th</sup> February, 2008
14	15 <sup>th</sup> February, 2008	Settlement of an ET claim	Resources	Cllr. Draycott	Cllr. Draycott consulted and supported the settlement.	15 <sup>th</sup> February, 2008
15	22 <sup>nd</sup> February, 2008	Approve additional costs of urgent works to the NWC Data Centre.	Resources	Cllrs. Willmott, Mugglestone and J. Blackmore	Support, subject to further information to Cllr. Willmott and Mugglestone which was provided.	20 <sup>th</sup> February, 2008
16	27 <sup>th</sup> February, 2008	Licensing Fees and Charges for 2008/9	R&C A. Russell	Cllr. Wann	No objection	27 <sup>th</sup> February, 2008

**CORPORATE PROCUREMENT – RECORD OF MEMBER CONSULTATION ON CONTRACTS OVER  
£100,000**

**CORPORATE PROCUREMENT – RECORD OF MEMBER CONSULTATION**

Ref No:	Contract Type	Date of Decision	Contract Information	Corporate Director	Members(s) consulted	Nature of Member comments	Date of Member Consultation	Value
1	Members	12 <sup>th</sup> December, 2007	Contract valued at £120,000 over three years for maintenance of hanging baskets to Green Scene Limited	R&C R. Watson	Cllr. Connelly	Supported	12 <sup>th</sup> December, 2007	£210,000
2	Members	10 Jan 2008	This is a contract between LCC, A&H dept and Belgrave Neighbourhood Centre for the provision of Asian Gujarati Style Vegetarian Mobile meals services. The service delivers a hot nutritionally balanced culturally appropriate meal to service users (Older people & Adults) who are unable to cater for themselves. The initial contract period is from 1 April 2005 to 31 March 2008 with the option to extend the contract for a further period of up to 24 months. This record relates to the offer of an extension to the contract for a further period of 24 months.	Ruth Lake (Service Director)	Councillor Steve Corrall	None	10 Jan 2008	£200,000

Ref No:	Contract Type	Date of Decision	Contract Information	Corporate Director	Members(s) consulted	Nature of Member comments	Date of Member Consultation	Value
3	Members	10 Jan 2008	The contract will be to supply the LCC of a Remote Electronic Care monitoring (ECM) System for the in-house and external providers of domiciliary Care in Leicester. The contract will be for a web-enabled product with a managed application service.	Mike Forrester	Councillor Steve Corrall	Happy with reassurance about outsourcing	10 Jan 2008	£325,190
4	Members	09 Jan 2008	The 'host' agency will be responsible for the establishment, maintenance and support of the Local Involvement Network in Leicester (LINK). The Link will enable local involvement in planning and delivery of social care and health services. The host's role will involve admin and financial management, putting in place a range of mechanisms to involve a wide range of individuals and organisations in the LINK, support the link to put in place governance arrangements, protocols and procedures, and support the LINK to form strategic partnerships and work with existing groups and networks and to support Link in its work.	Mike Forrester	Councillor Corrall Councillor Sood	None	13 Dec 2007 9 Jan 2008	£186,000

APPENDIX C

WAIVERS OF CONTRACT PROCEDURE RULES APPROVED BY THE TOWN CLERK DURING THE PERIOD  
1 SEPTEMBER 2007 TO 29 FEBRUARY 2008

N <sup>o</sup>	Date	Scheme	Contract Procedure Rule Affected	Reason for Waiver
1	07/09/2007	Person journey time surveys	Section 3, Rule 11	The previous tendering exercise produced only one complaint response. This further work was awarded to the successful contractor.
2	24/09/2007	Property Design and Management Services	Section 5, 6, and 7	To permit the use of a Regional Centre for Excellence's framework contract for Property Design and Management service consultants.
3	27/09/2007	Printing of LINK magazine	Section 3 Rule 11	Printing of Link magazine until an EU compliant tendering process is completed.
4	24/10/2007	SLA with Adhar Project	Section 3 Rule 11	<p>A tendering exercise was carried out with a revised specification for the Carer Support Project for Asian Carers of Adults with Learning Disabilities to ensure best value. Four submissions were received with three short-listed for interview. However, the exercise proved to be unsuccessful and the tender was not awarded.</p> <p>In order to protect the interests and needs of the carers who use the existing service, it was decided that the contract with the current provider be extended using the revised service specification until 31 March 2008.</p>



<b>Nº</b>	<b>Date</b>	<b>Scheme</b>	<b>Contract Procedure Rule Affected</b>	<b>Reason for Waiver</b>
5	24/10/2007	LAMP project – Participation and Partnership, Information and Mental Health Promotion and Mental Health Advocacy	Section 3, Rule 11 and 19	Services and funding likely to be aligned geographically from April 2008. This is effectively an interim agreement pending decisions on future funding and commissioning arrangements Undertaking competition requirements of the CPRs for such a short contact period would be disruption to an established service to a vulnerable group for whom continuity is important.
6	24/10/2007	Procurement construction projects	Section 5, 6 and 7	To permit the use of a “Consortium of Local Authorities Special Projects”(CLASP) national framework contract for construction projects.
7	05/11/2007	CLASP project – participation and partnership, information and advice, carer advocacy and development and outreach	Section 3, Rules 11 and 19	LCC has been funding CLASP (Carers of Leicestershire Advocacy and Support Project) since 1997. Last service agreement expired March 2007. Waiver required as it is the only local carers centre provider and also to competitively tender would cause disruption to existing carers and stakeholders who have built up a relationship of trust with the organisation.
8	16/11/2007	Leicester Leys Leisure Centre – refurbishment of male and female wet changing area	Rule 23.16	Out of the six companies invited to tender, only two were received and these two were well above the level of funds available to undertake these works. As there is urgency in letting this tender (the facility is partly shut to undertake essential maintenance works and spending of the SRB must be achieved by 31 March 2008), negotiations took place with the lowest tendering contract in agreeing a bill of reduction in revising the contract sum.

N <sup>o</sup>	Date	Scheme	Contract Procedure Rule Affected	Reason for Waiver
9	16/11/2007	Cossington Street Swimming Pool – Phase 2 refurbishment	Rule 23.16	Tenders for this scheme was received. However, one company submitted the lowest price and since then, withdrew due to an error in their submission. The rest of the tenders were well above the level of funds available to undertake these works. As there is an urgency in letting this tender (to facilitate the undertaking of essential maintenance works as the facility was scheduled to close during December 2007 and in order to achieve the spend in the current financial year, the Phase 2 refurbishment works must be undertaken during the shutdown period). Due to the urgency and the price difference between the first and second contractor, negotiations took place with the second contractor in agreeing a bill of reduction in revising the contract sum.
10	16/11/2007	Performing Arts Centre flexible seating arrangements	Section 2 Rule 11	A tender exercise was undertaken and Jezet Seating was selected as the sub-contractor to provide seating at the PAC. As additional seating was then required in the other auditorium, it was deemed sensible to use the same supplier for VFM reasons, with the supplier's familiarity with the project and also because one supplier would deal with all the maintenance issues associated with the seating in both the auditoria. There was also the reasons of aesthetic match between the two seating systems particularly when both auditoria are being used for a "large scale traverse" arrangement between both auditoria.
11	20/11/2007	Employment of consultancy support in preparation of the CPA deliveries.	Section 3, Rule 7 and 22	The consultants were required for CPA support to Officers and Members. Due to the urgency of this and the specialist nature of the consultancy, a Waiver was sought.

N <sup>o</sup>	Date	Scheme	Contract Procedure Rule Affected	Reason for Waiver
12	21/12/2007	New vocational skills workshop on the Fullhurst Community College site.	Section 4, Rules 19 and 26.1.2	Tender process undertaken and recommendation made to accept second lowest tenderer. This tenderer not on select list (therefore not in accordance with LCC's Financial Standing Order), though parent company is.
13	21/12/2007	Purchase of additional 48 DIP and Workflow licenses from IBS	Section 2 Rules 11 and 19	This was required in Housing Options service. Originally, the IBS system was procured under a properly formatted and agreed OJEU tender. A number of additional purchases from IBS subsequent to this contract has occurred and IBS have offered a substantial discount to purchase this module, hence the need for this waiver.
14	21/12/2007	Automated Direct Debit Instruction System	Section 2 Rule 7	<p>Originally, the IBS system was procured under a properly formatted and agreed OJEU tender. A number of additional purchases from IBS subsequent to this contract has occurred and IBS have offered a substantial discount to purchase this module, hence the need for this waiver.</p> <p>No other company can provide the software as it is tied into the IBS Integrated Housing system. If an alternative option was sourced, it would mean the total replacement of the entire Integrated Housing System.</p>
15	16/01/2008	Supporting People Programme – Re-provision of existing floating support domestic violence service for women from black and minority ethnic communities	Rules 19.14	A formal EU-complaint tender process was commenced in August 2007. At the ITT stage, though "Delta" tenderbox, it transpired that one organisation unsuccessfully uploaded their submission – the folder submitted was linked to their desktop hard drive and was therefore empty. However, hard copies were made available as they had forwarded a back-up. This back up was not received until 50 minutes after the deadline time. The waiver is being made to allow the tender evaluation panel to continue to consider this organisation's tender submission alongside others by using the hard copy information received.

N <sup>o</sup>	Date	Scheme	Contract Procedure Rule Affected	Reason for Waiver
16	18/01/2008	Kitchen, catering and bar equipment for kitchen and bars at the Performing Arts Centre	Section 2, Rule 1.1	Six suppliers were invited to tender and a company was awarded the contract but the contract officer was not aware of an existing framework contract for supply of bar and kitchen equipment. By not progressing with the new appointment would have resulted in co-ordination pressures to the design/ construction of the kitchen and bar areas.
17	24/01/2008	Law and money advice	Section 3 Rules 11 and 19	This waiver was sought to bring these contracts within the Contract Procedure Rules and to enable the contracts to be completed.
18	24/01/2008	Wind turbine at Rowley Fields Allotments	Section 2 Rules 1,1, 1,2 and 7,3	An ESPO supplier was £6k dearer for the supply and installation of a turbine than another Leicester-based company (non-ESPO). Both of these companies provided equivalent warranties on the products though the non-ESPO product had greater power output. As it was the first time a turbine was being installed on an allotment and hard to predict its success, the cheaper non-ESPO option was more appropriate.
19	24/01/2008	Resurfacing/repair works to Haymarket Car Park	Section 4 Rules 15.4 and 15.6 Section 7, Rule 1.13	<p>The Haymarket car park has a “triflex” deck waterproofing system with a 20-year life and manufacturer’s guarantee of 10 years – these are only valid if surfacing is applied by a contractor recommended by the manufacturer. Out of the six contractors Triflex recommended, two were on the LCC’s Select List.</p> <p>All six will be invited to tender and the LCC vetting standards will be applied to the non-select list contractors if successful.</p>

<b>Nº</b>	<b>Date</b>	<b>Scheme</b>	<b>Contract Procedure Rule Affected</b>	<b>Reason for Waiver</b>
20	29/01/2008	Engagement of specialist waste consultant to evaluate strategy potential	Section 3 Rule 7.3	Evaluation of a strategy potential for LCC joining with the County for the procurement of long-term treatment facilities for residual waste, compared to the City working alone. DEFRA had insisted that County discuss with the City the possibility of a joint PFI procurement for long term treatment facilities. Elected Members and senior officers from both authorities are committed to exploring the potential for working together to achieve economies of scale and the City Consultants report needs to be available at the end of February 2008.
21	04/02/2008	Purchase of 4 x muck trucks	Section 3 Rules 15, 16 and 19	There is only one manufacturer of this type of equipment, sold through a small number of plant suppliers in the UK. Directly from the manufacturer's recommended company was £990 cheaper than through ESPO who used a "middleman" who would use a recommended company.
22	11/02/08	Update of IBS Revenue System to support changes in the Housing and Council Tax Subsidy Scheme.	Section 2, Rule 3	Originally the IBS Open Revenues System was procured under a properly formatted and agreed OJEU tender. A number of additional purchases from IBS subsequent to this contract have occurred because of changing governmental and legislative changes. No other company can provide the revised software as it is tied into the Open Revenues System.
23	18/02/2008	School budgeting software	Section 2 Rules, 18.1.1	Only one supplier had direct links with the School Development Plan which is a requirement. The links with FMS6 created by a strategic alliance with Capita, the provider of FMS6.

N <sup>o</sup>	Date	Scheme	Contract Procedure Rule Affected	Reason for Waiver
24	13/02/2008	Site management for fit-out phase at Curve (formerly PAC)	Section 3 Rules 11 and 19	Segue appointed by the Council as Project Completion Co-ordinator since July 2007 and therefore gained extensive knowledge about the project. Because of this knowledge Segue have gained about the project, they are in a position to commence work on the Site Management phase in an efficient and effective manner, therefore, there would not be a start up phase during which they would have to “learn” about the project.
25	28/02/2008	Additional capacity to support development and implementation of ward community meetings initiative	Section 3, Rules 7.3.1	Insufficient capacity within team and very limited external resource available with relevant experience. Implementation of ward community meetings within the determined timescale left insufficient time to either train up or recruit additional resource.



