

REPORT FROM: DIRECTOR OF RESOURCES

TO: ACCOUNTS AND AUDIT COMMITTEE

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FOR INFORMATION
EXEMPTION FROM CONTRACT PROCEDURE RULES

PURPOSE OF REPORT

To report, for information, two exemptions from Contract Procedure Rules.

ISSUE

Exemptions from Contract Procedure Rules (CPRs)

- 1 CPR 5 includes provision for exemption from the requirements to comply with CPRs in certain circumstances where the use of an alternative method of selection is considered justifiable, and propriety, value for money and compliance with domestic legislation can be demonstrated. Exemption from CPRs is, however, subject to the prior approval of the Director of Resources.

Details of exemptions less than £100,000 must be reported to the next possible meeting of the Accounts and Audit Committee.

2. Since the last meeting of the Accounts and Audit Committee, the following exemptions from Contract Procedure Rules have been granted -

(i) Live Streaming of Council meetings

Amount of Contract

£13,365 plus VAT

Nature of Contract

To continue with the live streaming of Full Council, Executive and Development Management

Committee meetings from 1st June 2024 until the following resolution from the Executive in June 2023 has been actioned:

“That the Director of Resources look at the options for installing an in-house fixed camera solution in the Council Chamber, ideally one that could also be used in the Wilson Room, which could be operated by staff, and options to improve the audio system in the Council Chamber with the installation of microphones, and to report back in due course.”

CPRs exempted

5.2(b) That time limits required for tendering cannot be met for reasons of extreme urgency and which were unforeseen and unattributable to the Council.

The existing contract was due to end at the end of May.

Reason for exemption

The Council has been using the existing contractor, Bellyflop TV, since August 2023. This was to be a temporary measure whilst the above resolution was actioned but, due to several factors, including staff changes, there have been delays in implementing this resolution. The Director of Resources is now investigating alternative options.

Selection of contractor

Bellyflop TV were originally selected following the usual tendering process and have delivered on every meeting expected of them.

No alternative arrangements have been considered as it is considered beneficial continuing with the existing contractor.

In view of the above, an exemption from Contract Procedure Rules has been granted.

(ii) Operational Management of Leisure Facilities

Amount of the Contract

£14,212.50

Nature of Contract

At its meeting on 17th July 2024, the Executive, decided to explore the feasibility of bringing the operational management of leisure facilities back in-house. Before making a decision on the way forward, the Council wishes to understand the financial and non-financial impact and implications of such a move.

In order to gather the required information, consultants – Strategic Leisure – have been appointed to undertake work to inform a report to the Executive meeting on 19th September 2024. The scope of the required work includes:

- Consultation with identified Parish and Town Councils to assess whether they would be interested in taking on the operational management of PBC's leisure facilities

- Assessment of the impact and implications of bringing the existing leisure management operation in-house – both financial and non-financial
- Identification of the advantages, disadvantages and risks of bringing the service in-house

CPRs exempted

18.2 Purchasing – Competition Requirements

Reason for exemption

The urgency of this task. A report was requested on 17th July, to be completed by the end of August to ensure its availability for Executive on 19th September. This meant that it was not possible to go through a tender process to appoint consultancy support.

Selection of contractor

Following a competitive tender process completed in September 2023, Strategic Leisure and a wider consultancy team, were appointed to undertake a detailed Leisure Options Review study which completed in late 2023, with findings reported to the Overview & Scrutiny Committee, and Executive in December 2023.

This current work to explore the implications of potentially bringing leisure services back in-house is a follow-on action from the original Options Review. Strategic Leisure are very familiar with Pendle's leisure facilities and the challenges they face, which means they were able to complete a high quality, well-informed commission within a very short timeframe.

In view of the above, an exemption from Contract Procedure Rules has been granted.

IMPLICATIONS

Policy: None arising directly from the report.

Financial: The expenditure is within Budget and Policy Framework.

Legal: None arising directly from the report.

Risk Management: None arising directly from the report.

Health and Safety: None arising directly from the report.

Sustainability: None arising directly from the report.

Community Safety: None arising directly from the report.

Equality and Diversity: None arising directly from the report.

APPENDICES: None