

## EXECUTIVE DECISION NOTICE

### DELEGATED EXECUTIVE DECISIONS

A record of delegated decisions made by individual Portfolio holders or officers on Thursday, 21 April 2022.

The reports (unless exempt under Section 100(B)(2) of the Local Government Act 1972, on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12 A of the Act as amended by the Local Government (Access to Information) (Variation) Order 2006 by virtue of the Paragraphs indicated and, in all the circumstances of the case, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing it) are available for inspection from the Solicitor to the Council, South Lakeland House, Kendal.

#### DEX/18 PURCHASE OF 2 NO. 3.5T VEHICLES FOR STREETSCENE

##### Summary

Consideration was given to the use of an exemption in relation to the purchase of two 3.5 ton Streetscene fleet vehicles which was in line with the current capital replacement vehicle programme.

The vehicles were due for replacement, with the Council generally replacing vehicles after seven years, within an optimum period, which provided for disposal of vehicles in advance of the vehicle-life costs outweighing the capital cost of replacement. The specification for the vehicles had been agreed with input from the Transport Manager, Team Leaders and Drivers to ensure that the correct requirements had been specified.

The report highlighted that the budgetary provision for the vehicles had been approved as part of the Procurement Schedule and set out the tender report in the Part II Appendix 1 to the report.

##### Decision

##### **RESOLVED – That:-**

- (1) the use of an exemption pursuant to Contract Procedure Rule 3.6.3 as outlined in the Part II Appendix 1 be approved and the award of the contract be agreed for purchase of the 2 No. 3.5T refuse wagon for Streetscene to the recommended supplier as noted in Part II Appendix 1; and**
- (2) *the Director of Customer and Commercial Services in consultation with the specialist procurement officer and Lead Specialist Legal Governance and Democracy enter into the appropriate contract on behalf of the Council with the successful bidder.***

##### Reason for Decision

This decision links to the Council Plan priority for Addressing the climate emergency by ensuring the fleet is in good condition to enable waste and recycling collections.

### **Alternative Options Considered and Rejected**

To not purchase new vehicles and to run the existing fleet. This will inevitably lead to increase in maintenance and servicing costs and will provide an ageing fleet which will be less reliable. Reliability of vehicles is key to the streetscene department with collections expected on set days.

To lease as opposed to buy new vehicles. This is not recommended with the increase pressure on the revenue budget that this will likely bring. It also means that any servicing and maintenance would not be undertaken in house which again can lead to issues in terms of vehicles being available for set rounds on set days.

Another alternative option is to not award a contract to the recommended bidder in this procurement exercise. This is not considered a preferred option because the recommended bidder met the necessary criteria to proceed as set out in the analysis in the Part II appendix.

## **DEX/19**

### **PROVISION OF TYRES 2022-25**

#### **Summary**

Consideration was given to a proposal for a contract in place for the provision of tyres for the Council's fleet of vehicles to support the provision of reliable services, in particular by Streetscene and Parking Services.

The Council's fleet of 92 vehicles had a revenue budget for the supply of tyres which was within the service budgets and the Transport Managers had input to agree the specification for the contract which was for a period of three years. The works had been tendered in accordance with the Contract Procedure Rules with one bid received which was set out in the Part II Appendix to the report.

#### **Decision**

##### ***RESOLVED – That:-***

- (1) the award of the contract for the provision of tyres to the recommended bidder being the most economically advantageous tender be approved as noted in Part II Appendix 1; and***
- (2) the Delivery and Commercial Officer in consultation with the Specialist Procurement Officer and the Legal, Governance and Democracy Lead Specialist (Monitoring Officer) enter into the appropriate contract on behalf of the Council with the successful bidder.***

#### **Reasons for Decision**

The decision links to the Council Plan priority for Addressing the climate emergency by supporting the fleet to undertake essential waste and recycling collections throughout the District.

### **Alternative Options Considered and Rejected**

To not award the tender and to buy tyres ad hoc and when needed. This is not recommended as it is not in line with the Council's procurement policy.

To re-tender the contract. This is not recommended as it is unlikely to yield a different result. The current supplier of tyres for the Council is the only bidder and therefore its recommended to proceed with the contract with the current supplier.

To await the new Westmorland and Furness Council. This is not recommended as there is a gap of 12 months between now and vesting day which would leave the Council at risk with regards tyre supply.

**DEX/20****COUNCIL ENFORCEMENT POLICY****Summary**

Consideration was given to an update to the Council's Enforcement Policy relating to amendments following changes to the Customer Connect establishment and Data Protection Regulations. The report stated that the policy would continue to provide clarity and consistency on the approach the Council takes in addressing enforcement issues.

The Council's Enforcement Policy was approved and adopted by Cabinet in December 2017 and the proposals represented the first review and update. It was proposed that the minor amendments set out in Appendix 1 to the report, which related to officer titles and updates to the Data Protection Regulations, were proposed to be approved for the next three years beyond vesting day for the new Westmorland and Furness Authority to cover the transition period and ensure stability and consistency of all enforcement action.

**Decision*****RESOLVED – That:-***

- (1) *the minor amendments to the Council's Enforcement Policy be approved and adopted as attached at Appendix 1.***

**Reasons for Decision**

The decision links to the Council Plan priorities for working across boundaries, delivering a balanced community, a fairer South Lakeland and addressing the climate emergency.

**Alternative Options Considered and Rejected**

The Council could choose not to adopt minor amendments; this is not recommended as it would mean the policy is not up to date with current legislation and the structure within SLDC.

DEX/21

**CONTRACT AWARD - DISPOSAL OF RECYCLABLES AND GREEN WASTE IN THE ULVERSTON AREA**

- *Paragraph 3, 5 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)*
- *Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*

**Summary**

Consideration was given to the award of contract for the disposal of recyclables and green waste in the Ulverston area. The tender report set out the details of the bid for the contract in the Part II Appendix 1 to the report.

**Decision****RESOLVED – That:-**

- (1) *the award of contract for the disposal of recyclables and green waste in the Ulverston area to the recommended bidder, being the most economically advantageous tender be approved as set out in Part II Appendix 1 to the report; and***
- (2) *the Director of Customer and Commercial Services in consultation with the Specialist Procurement Officer and Legal, Governance and Democracy (Monitoring Officer) agrees to enter into the appropriate contract on behalf of the Council with the successful bidder.***

**Reasons for Decision**

The decision links to the Council Plan priority for addressing the climate emergency by ensuring that the Ulverston depot can dispose of recyclables and green waste locally.

**Alternative Options Considered and Rejected**

To not award the tender and to enter into an ad-hoc agreement. This is not recommended as it's not in line with the Council's procurement policy.

To re-tender the contract. This is not recommended as it's unlikely to yield a different result. The current supplier for the Council is the only bidder and therefore it is recommended to proceed with the contract with the current supplier.

To await the new Westmorland and Furness Council. This is not recommended as there is a gap of 12 months between now and vesting day which would leave the Council at risk with regards to disposal in the Ulverston area.