

Report Title:	Highway Services Contracts – reasons for urgency decision
Contains Confidential or Exempt Information	No
Cabinet Member:	Cllr Hill, Cabinet Member for Highways and Transport, Customer Service Centre and Employment
Meeting and Date:	Full Council, 16 April 2024
Responsible Officer(s):	Andrew Durrant – Executive Director of Place Services Alysse Strachan – Assistant Director Neighbourhood Services
Wards affected:	All

REPORT SUMMARY

This report deals with the decision taken by Cabinet on 27 March 2024, delegating authority to the Executive Director of Place Services in consultation with the Cabinet Member for Highways and Transport, Customer Service Centre and Employment, and the Deputy Leader and Cabinet Member for Finance to agree terms for the extension of required Highway services with the current supplier, VolkerHighways Ltd. As the decision needed to be implemented before 1st April 2024, the March Cabinet report was considered as an urgency item, as call-in would not apply.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Full Council notes the report and the reasons provided for the Cabinet decision on the Highway Maintenance contract extension being considered as an urgency item.

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report

Option	Comments
To note and agree the reasons provided for the Cabinet decision on the Highway Maintenance contract extension being considered as an urgency item.	This is the recommended option

3. KEY IMPLICATIONS

- 3.1 As set out in the March Cabinet report, a clarification error occurred for Lot 1 – Highway Maintenance & Capital Works during the procurement process. Having considered all options and on the basis of legal advice the conclusion was that it would be unlawful to proceed to enter into the Contract with the preferred bidder. On this basis the procurement was terminated, and the Council will now run a new procurement process for the Lot 1 services. Lots 2 – 4 remain unaffected and the new contracts came into effect as planned from 1 April.
- 3.2 To allow for a new procurement process to be undertaken and to allow for approval and mobilisation of a new contract, an extension of the existing contract with VolkerHighways Ltd is required. The item was added to the forward plan for the first available Cabinet (27 March 2024). However, as the extension of contracted services with VolkerHighways Ltd needed to commence on 1 April 2024, there would not be sufficient time for the normal call-in period to apply. Hence it was considered as an Urgency item and was agreed by Cabinet on 27 March 2024 on this basis.
- 3.3 The need to adopt this approach was agreed with the Chair of the Place Overview & Scrutiny Panel in accordance with the constitution.
- 3.4 This report takes forward the necessary notification of Full Council, in accordance with the Constitution, Part 3 - Section 4b page 15. This states that “Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as matter of urgency.”

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Enter into a contract extension with VolkerHighways Ltd to deliver Highway services from the end of the existing contract (31 st March 2024) until the new contract commences	Extension not agreed	Agreed extension	N/A	N/A	1 st April 2024 – extension in place

4. FINANCIAL CONTEXT:

- 4.1 Financial implications relating to the extension for existing services will be considered under the recommended delegated authority. The financial implications relating to the award of the Lot 1 contract will be presented to Cabinet as part of the award decision.

5. LEGAL IMPLICATIONS

5.1 The urgency decision has adhered to the necessary processes, which includes this report to notify Full Council of the use of urgency powers.

6. RISK MANAGEMENT

Risk assessment was undertaken for this decision and is shared within the background documents below.

7. POTENTIAL IMPACTS

7.1 **Equalities.** An Equality Impact Assessment was undertaken for this decision and is shared within the background documents below.

7.2 **Climate change/sustainability.** There are no climate change/ sustainability implications for this report.

7.3 **Data Protection/GDPR.** There are no data protection implications for this report.

8. CONSULTATION:

8.1 Cabinet Members and Senior Officers have been regularly updated through the procurement process, including the decision to terminate the procurement and the requirement to extend the existing contract.

8.2 The Procurement Manager and Legal Services have been involved throughout the procurement, evaluation and in developing recommendations.

9. TIMETABLE FOR IMPLEMENTATION:

Date	Activity
27-Mar-24	Cabinet
01-Apr-24	Extension of contracted services commences

10. APPENDICES

Not applicable.

11. BACKGROUND DOCUMENTS

11.1 This report is supported by the following background document:

Agenda Document for Cabinet, 27/03/2024, Highway Services Contracts item.

[\(Public Pack\)\[Agenda Document for Cabinet, 27/03/2024 19:00\]\(https://www.moderngov.co.uk/2024/03/27/19:00/Agenda-Document-for-Cabinet-27-03-2024-19:00\)](https://www.moderngov.co.uk/2024/03/27/19:00/Agenda-Document-for-Cabinet-27-03-2024-19:00)
[\(\[moderngov.co.uk\]\(https://www.moderngov.co.uk/2024/03/27/19:00/Agenda-Document-for-Cabinet-27-03-2024-19:00\)\)](https://www.moderngov.co.uk/2024/03/27/19:00/Agenda-Document-for-Cabinet-27-03-2024-19:00)

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officer (or deputy)</i>			
Elizabeth Griffiths	Executive Director of Resources & S151 Officer	25/03/24	
Elaine Browne	Deputy Director of Law & Governance & Monitoring Officer	25/03/24	03/04/24
<i>Deputies:</i>			
Julian McGowan	Senior Business Partner & Deputy S151 Officer	25/03/24	05/04/24
Jane Cryer	Principal Lawyer & Deputy Monitoring Officer	25/03/24	
Helena Stevenson	Principal Lawyer & Deputy Monitoring Officer	25/03/24	
<i>Mandatory: Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>			
Ellen McManus-Fry	Equalities & Engagement Officer	25/03/24	26/03/24
Samantha Wootton	Data Protection Officer	25/03/24	
<i>Other consultees:</i>			
Alysse Strachan	Assistant Director – Neighbourhood Services	21/03/24	21/03/24
<i>Directors (where relevant)</i>			
Andrew Durrant	Executive Director of Place Services	21/03/24	22/03/24
Stephen Evans	Chief Executive	25/03/24	

Confirmation relevant Cabinet Member(s) consulted	Cllr Hill, Cabinet Member for Cabinet Member for Highways and Transport, Customer Service Centre and Employment Cllr Jones, Deputy Leader and Cabinet Member for Finance Cllr Werner, Leader of the Council	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Non-key decision	Yes	No

Report Author: Chris Wheeler, Strategic Lead – Contracts & Service Improvement, Neighbourhood Services