

This report will be made public on 17 September 2019



Report Number **A/19/12**

**To:** Council  
**Date:** 25 September 2019  
**Status:** Non- Executive Decision  
**Head of Paid Service:** Susan Priest  
**Responsible Officer:** Amandeep Khroud, Assistant Director – Governance, Law and Regulatory Services

**SUBJECT: REPORT TO COUNCIL ON A KEY DECISION MADE IN ACCORDANCE WITH THE CONSTITUTION'S CALL-IN AND URGENCY' RULE**

**SUMMARY:** The constitution provides that, when an urgent key decision is made by the Cabinet, for which any delay in implementation, likely to be caused by the call-in process, would seriously prejudice the Council's or public interest, then the 'Call-in Rules of Procedure', Part 6.3, rules 1-6 do not apply. Key decisions, taken as a matter of urgency, must be reported to the next available meeting of the Council, together with the reasons for urgency.

**REASONS FOR RECOMMENDATIONS:**

This report is recommended to Council, to note for information, in accordance with the constitution, Part 6.3, rule 7.

**RECOMMENDATION:**

**To receive and note report A/19/12.**

## 1 INTRODUCTION

- 1.1 The constitution provides that, when an urgent key decision is made by the Cabinet, for which any delay in implementation, likely to be caused by the call-in process, would seriously prejudice the Council's or public interest, then the call-in rules of procedure, Part 6.3, rules 1 to 6, do not apply. Key decisions, taken as a matter of urgency, must be reported to the next available meeting of the council, together with the reasons for urgency.
- 1.2 At its Special meeting on 31 July 2019, the Cabinet considered Report C/19/16, which advised that the former contractor for gas servicing and heating installations, P&R installation Company Ltd (P&R), triggered a no fault break clause under the terms of the contract with a termination date 3 July 2019. The four councils, with DDC acting as the lead, started the procurement for a new contract. The report detailed the outcome of this procurement process and made a recommendation for reward. The report also outlined risk controls to be implemented by East Kent Housing to improve the management of the next contract.

The Cabinet made the following resolution:

1. **That report C/19/16 be received and noted.**
2. **That the contract be awarded to Company A subject to the risk mitigation measures set out in 5.5.**
3. **That an additional budget provision of £ 93,201 be agreed, as set out in 5.6 and 5.7, to be funded from the Housing Revenue Account for contract management improvements to be implemented by EKH**

(Voting figures: 6 for, 0 against, 0 abstentions).

- 1.3 It was necessary to take the decision under the constitution's 'Call in and Urgency' rule (Part 6.3, rule 7) for the reasons shown below. The current gas servicing and heating contractor, P&R Ltd, gave formal notice of their intention to terminate the contract on 2 April 2019 bringing the contract to an end on 3 July 2019. The successful completion of the procurement process in that time was ambitious and it became clear at the evaluation stage that additional due diligence and clarifications to bidders were needed and it was not possible to successfully award the contract before the end of the contract. A temporary interim contract has been set up with a single supplier for a limited period provisionally set for 4 months.

Reasons for urgent decision:

- It is also imperative in terms of service to council tenants and to meet the landlord's responsibilities under Gas Safety (Installation and Use) Regulations 1998 and Landlord Tenant Act 1985.
- Service is being provided under an interim contract and swiftly moving to more stable long-term working arrangements would be in the interest of tenants.

## 2 LEGAL, FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

### 2.1 Legal Officer's comments (AK)

There are no legal issues arising from this report.

**2.2 Finance Officer's comments (LW)**

The financial implications of this report were addressed in cabinet report C/18/13 to which this relates.

**2.3 Diversity and Equalities Implications (ST)**

There are no diversity and equality implications arising from this report.

**3 CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

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The following background documents have been relied upon in the preparation of this report:

None