

LOCAL GOVERNMENT ACT 2000

REGISTER OF URGENT  
DECISIONS OF THE EXECUTIVE

NORTH DEVON COUNCIL CONSTITUTION  
– Appendix 12



Reference No: 2018/04

1) SUBJECT: Purchase of waste collection vehicles.

2) REQUESTED DECISION:

That an exemption from Contract Procedure Rules requiring a tendering exercise be granted allowing the Council to purchase second hand vehicles on the open market to a value of £450,000

To amend the capital programme and to approve the bringing forward of £276,000 from 2019/20 capital programme.

3) STATEMENT OF THE REASONS FOR THE REQUEST AND WHY IT IS URGENT:

A number of vehicles are reaching their end of life and need to be replaced. Collection rounds are struggling to be completed due to frequent breakdowns. Complaints and customer dissatisfaction are increasing. Following the usual procurement route can take 5 or 6 months (which Entails having vehicles built to order). We have run a mini competition via YPO (Yorkshire Purchasing Organisation) which is our normal process. Unfortunately they did not find any bidders on the framework to supply nearly new vehicles at short notice. Nearly new/2<sup>nd</sup> hand vehicles are available, but it is difficult to Compare like for like vehicles in the 2<sup>nd</sup> hand market. We have managed to find one supplier (RVSL) which does have 3 trucks available at short notice, which we would like to purchase.

4) FINANCIAL IMPLICATIONS: (NOTE: Please state if there are any financial implications. If so, state if there are sufficient funds within the agreed budget. If there are not sufficient funds, please state how the decision will be financed)

Ricky McCormack has met with Tony Rumble in the finance department and identified which funds we could move forward from next year to enable us to purchase these vehicles this year.

The remaining budget for this year is £173,000.00

Total funds required is £450,000.00

Funds to be moved forward from next year to cover the short fall £276,000.00.

Funds available in next years capital budget is £337,000.00

We may wish to replace a smaller recycling vehicle later in the year, but we will wait for Quarter 1 budgets to be finalised. We will then be in a position to do a PAG bid for the funds required which could have a value of £111,000.00

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

Normal tender route - 6 months lead time; Rejected.  
Mini competition by YPO – No bidders identified.

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED:

None Declared.

7) A NOTE OF ANY DISPENSATION IF GRANTED:

8) THE CONSENT OF THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY COMMITTEE WAS OBTAINED ON:

14<sup>th</sup> August 2018. (NOTE: The Chairman of Overview and Scrutiny Committee was disappointed that this has to be an urgent decision)

9) LIST OF BACKGROUND PAPERS (but not including published works or those which disclose exempt or confidential information (as defined in rule 10 of appendix 15 (Access to Information Procedural Rules) and the advice of a political advisor):

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10) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Executive Member	Yes	10/8/18
Ward Member(s)		
Chief Executive	Yes	10/8/18
Head of Service (name)	Yes	10/8/18
Legal	YES	10/8/18
Finance	Yes	10/8/18

11) APPROVED BY DECISION TAKER



Councillor Des Brailey MBE, Leader

12) NOT APPROVED BY DECISION TAKER

13) DATE THAT DECISION WAS TAKEN:

14<sup>th</sup> August 2018.

# GUIDANCE NOTES

NOTE: ALL REFERENCES TO SUB-PARAGRAPHS REFER TO APPENDIX 12 OF THE CONSTITUTION

PROCEDURE FOR DECISIONS WHICH MAY BE CONTRARY TO ADOPTED PLANS AND STRATEGIES (INCLUDING THE BUDGET):

1. The Chief Executive must notify the Leader/Deputy Leader/Other Executive Member.
2. The Leader/Deputy Leader/Other Executive Member must approve the use of the procedure and notify the Chief Executive of his approval together with his reasons.
3. The Chief Executive must notify the Chairman of the Overview and Scrutiny Committee or if unable to act the Chairman of Council or if absent the Vice-Chairman to seek his determination as to whether the conditions detailed in paragraph 1.1 (b) (i), (iii) or (iv) are satisfied.
4. The Chairman of the Overview and Scrutiny Committee or if unable to act the Chairman of Council or if absent the Vice-Chairman, must confirm to the Chief Executive in writing that the proposed decision is urgent and that either of the conditions identified in paragraph 1.1 (b) (iii) or (iv) have been satisfied, the Chief Executive shall advise the Leader, Deputy Leader or other member of the Executive that the decision may be taken by a person or body possessing a relevant power to make such a decision.
5. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).

PROCEDURE FOR DECISIONS WHICH ARE WITHIN THE ADOPTED PLANS AND STRATEGIES (AND CAN NOT BE INCLUDED IN THE FORWARD PLAN):

1. If the Chief Executive considers that the conditions in sub-paragraph 2.1 are satisfied, he must notify the Proper Officer of the need for the decision, the reasons why it was impracticable for it to be included in the Council's Forward Plan, and whether or not the decision is required to be taken within five working days.
2. On receiving the notification, under sub-paragraph 2.3 and where satisfied that no decision is required to be taken for five working days, the Proper Officer shall:
  - (a) notify in writing the Chairman of the Overview and Scrutiny Committee or if there is no such person, each Member of the Overview and Scrutiny Committee, with particulars of the proposed decision, the reasons for its urgency and the reasons for it being impracticable to include in the Council's Forward Plan;

(b) make available for public inspection at the Council offices a copy of the written notice given to the Chairman of the Overview and Scrutiny Committee about the decision.

3. Decisions to which sub paragraph 2.4 applies, shall not be made until after five working days have elapsed following publication of the proposed decision under 2.4 (b) of Appendix 12 in the Constitution.

4. Where it appears to the Chief Executive that an urgent decision-

(a) meets the requirements of sub-paragraph 2.1 of Appendix 12 of the constitution; and

(b) because of the urgency cannot be deferred for five working days,

he shall seek the agreement and confirmation in writing on both those points from-

(c) the Proper Officer; and

(d) the Chairman of the Overview and Scrutiny Committee or in his absence the Chairman of Council or if there is no Chairman the Vice-Chairman of Council;

and the person or body possessing a relevant power to make the decision may proceed to make it only when the necessary agreement and confirmation have been obtained.

5. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).