

LOCAL GOVERNMENT ACT 2000

**REGISTER OF URGENT DECISIONS
TAKEN BY THE CHIEF EXECUTIVE**

NORTH DEVON COUNCIL CONSTITUTION
– Part 3 Annexe 2: Officer Delegations –
Chief Executive



Reference No:

1) SUBJECT: Purchase of 3 x low chassis vans for recycling collections

2) REQUESTED DECISION: To urgently grant a waiver from the Council's Contract Procedure Rules to allow the purchase of vehicles without going through a tendering process and without use of a framework.

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

We have attempted to purchase these vehicles through existing frameworks and via a tender using the Supplying the Southwest Portal. Both these options failed to produce the vehicles within the budget or timeframe required. So we have tried looking on existing forecourts to see if any van sales companies have vehicles in stock.

I have identified this supplier (Maxi Mover), which has 3 vans arriving in the next 4 weeks. If we don't confirm that we want to buy these vehicles shortly they will be sold to other buyers. So we want to secure the purchase of these vehicles which will give us 3 small vehicles to bolster the recycling fleet, and being low chassis will reduce the health & safety risk of loaders having to load above head height.

These 3 vehicles are scheduled to be replaced and are not additional vehicles.

4) FINANCIAL IMPLICATIONS:

(NOTE: Please state if there are any financial implications. If so, state whether there are sufficient funds within the agreed budget. If there are insufficient funds please state how the decision will be financed).

The total vehicle cost is £117,120.00 for the 3 vehicles.

We had a budget underspend last year of £98,730.00

This leaves a balance of £18,390.00 which we have agreement from the Head of Finance to vire from the Process Hall capital budget (currently £760k).

5) ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

I have searched the internet looking for low chassis vans to buy off the forecourt and I could only find one supplier that did have 3 vehicles available (Maxi Mover).

6) A RECORD OF ANY CONFLICT OF INTEREST DECLARED:

Not applicable

7) A NOTE OF ANY DISPENSATION IF GRANTED:

Not applicable

8) LIST OF BACKGROUND PAPERS

(but not including published works or those which disclose exempt or confidential information (as defined in paragraph 10.4 and 10.5 of the Access to Information Procedural Rules Part 4 of the Constitution):

NA

9) CONSULTATION UNDERTAKEN:

The following have been consulted on this urgent decision:

Consultee	Consulted Yes/No	Date
Leader of Council (<i>or Deputy Leader</i>)	Yes	10/05/22
Chair of Committee (with the Authority to take the decision) (<i>or Vice-Chair</i>)		
Lead Member		
Ward Member(s)		
Head of Service (name) MK	Yes	10/5/22
Finance	Yes	10/5/22
Legal		

10) OFFICER REQUESTING URGENT DECISION TO BE TAKEN BY THE CHIEF EXECUTIVE:

Paul Burton

11) APPROVED BY CHIEF EXECUTIVE: YES

12) DATE OF DECISION: 11th May 2022

13) CHIEF EXECUTIVE'S COMMENTS: I have challenged the urgency of the decision and I am satisfied that if we do not secure these vehicles very quickly, they will be sold elsewhere. There is also a very limited supply of these vehicles on the forecourt and so it is unlikely that similar vehicles will be found quickly. There is a need to replenish our stock of vehicles as we have seen very challenging circumstances recently. We have been hiring vehicles but this is both costly and also

not satisfactory as these are not the vehicle type that should be used. I'm also happy to authorise the waiver from CPR as part of this decision as attempts have been made to use both tendering and Framework processes but these have been unsuccessful.

14) DATE TO BE PRESENTED TO STRATEGY AND RESOURCES COMMITTEE:

GUIDANCE NOTES

NOTE:

PROCEDURE FOR URGENT DECISIONS:

1. Completed form to be passed to the Chief Executive following consultation with the interested parties.
2. If a decision is specific to a Ward, efforts should be made to ascertain the views of the local Councillor (s).
3. The Chief Executive will make his decision.

PROCEDURE FOR URGENT DECISION MAKING AS PER THE CONSTITUTION

Officer Delegations: the Chief Executive:

Urgent Decision Making

- 3.48 To take a decision on any matter falling within the remit of any Committee in cases of urgency where it is not reasonably practicable to obtain prior approval of a Committee SUBJECT TO:
 - 3.48.1 the prior consultation, where practicable, with the Leader or Deputy Leader and the Chair or Vice Chair of the relevant Committee, and
 - 3.48.2 the proviso that this power will not extend to the determination of any application submitted pursuant to the Planning Acts or under the Licensing Act 2003 or the Gambling Act 2005, and
 - 3.48.3 the decision being reported to the next meeting of the relevant Committee and the next meeting of Strategy and Resources Committee.