

EXECUTIVE DECISION

made by a Council Officer



REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL COUNCIL OFFICER

Executive Decision Reference Number – COD22 21/22

Decision	
1	Title of decision: Procurement (open competition) of asbestos (United Kingdom Accreditation Service) accredited consultant.
2	Decision maker (Council Officer name and job title): Kim Brown – Service Director HROD
3	Report author and contact details: Ralph Bint – Facilities Manager (Hard Services)
4a	<p>Decision to be taken:</p> <ol style="list-style-type: none"> 1. To approve the Business Case which sets out the phased approach to the management of risk; 2. To agree to the procurement of the asbestos management contract 3. Delegate the award of the Asbestos Contract to the Facilities Manager (Hard Services), where they would not otherwise have the authority to do so.
4b	Reference number of original executive decision or date of original committee meeting where delegation was made:
5	<p>Reasons for decision: To procure an asbestos contractor via ‘open market competition’.</p> <p>Plymouth City Council has c104 buildings which have Asbestos Containing Materials (ACMs) within their fabric. The Council has a legal and statutory obligations to manage asbestos in accordance with the requirements of the following regulations and non-compliance can lead to enforcement action, fines and reputational damage.</p> <ul style="list-style-type: none"> • Health and Safety at Work Act 1974 ▪ Workplace (Health, Safety and Welfare) Regulations 1992 ▪ Management of Health and Safety at Work Regulations 1999 ▪ Management of Asbestos Regulations 2012 ▪ Construction (Design and Management) regulations 2015 <p>The attached business case has been approved by the Service Director HROD</p>

6	Alternative options considered and rejected: Attempts have been made to source this statutory requirement through the reactive maintenance term contract. However, there are conflicts of interest, not providing value for money, nor sufficient control over the process. There are no asbestos specialist contractors on the framework contracts available to PCC.			
7	Financial implications and risks: The cost of the procurement will be met by Facilities Management revenue budget (£240,000). The risk to PCC is non compliance with Health and Safety Executive regulations for the management of asbestos in our buildings.			
8	Is the decision a Key Decision? (please contact Democratic Support for further advice)	Yes	No	Per the Constitution, a key decision is one which:
			No	in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total
			No	in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million
		No		is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.
8b	If yes, date of publication of the notice in the Forward Plan of Key Decisions			
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:			
10	Please specify any direct environmental implications of the decision (carbon impact)	There are no direct environmental implications of this decision.		
Urgent decisions				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes		(If yes, please contact Democratic Support for advice)
		No	X	(If no, go to section 13a)
12a	Reason for urgency:			
12b	Scrutiny Chair		Date	

signature:				
Scrutiny Committee name:				
Print Name:				
Consultation				
I3a	Are any other Cabinet members' portfolios affected by the decision?	Yes		
		No	X	(If no go to section I4)
I3b	Which other Cabinet member's portfolio is affected by the decision?			
I3c	Date Cabinet member consulted			
I4	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer
		No	X	
I5	Which Corporate Management Team member has been consulted?	Strategic Director	Andy Ralphs	
		Job title	Strategic Director Customer and Corporate Services	
		Date consulted		
Sign-off				
I6	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS117 21/22	
		Finance (mandatory)	ba.21.22.265	
		Legal (mandatory)	MS/1/16.12.21	
		Human Resources (if applicable)		
		Corporate property (if applicable)		
		Procurement (if applicable)		
Appendices				
I7	Ref.	Title of appendix		
	A	Business Case Asbestos Management v.7 (<i>mandatory</i>)		
	B	Equalities Impact Assessment		

Confidential/exempt information								
18a	Do you need to include any confidential/exempt information?	Yes	X	If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below.				
		No						
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title:							
Background Papers								
19	Please list all unpublished, background papers relevant to the decision in the table below. Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
Title of background paper(s)		Exemption Paragraph						
		3 (B) (Part)	3(C) (Part)					
Council Officer Signature								
20	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.							
Signature		K Brown —		Date of decision		02.03.2022		
Print Name		KIM BROWN						