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## Report of Urgent Action: Regulation 19

- 1** Under regulation 19 of the The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 the County Council is required to receive a report from the Leader on any decisions taken under regulation 11. These are key decisions which were not in the Forward Plan and which needed to be taken with less than five clear days' notice. Such urgent decisions can only be taken with the agreement of the relevant Scrutiny Committee Chairman or, in his or her absence, the Chairman of the County Council. Key decisions taken with less than five clear days' notice which are in the Forward Plan are reported via the Executive Decision Database.
- 2** Such action is avoided wherever possible as it circumvents the normal mechanism for publication of decisions and ensuring that members have the opportunity to comment before decisions are taken.
- 3** However, on occasion this is not possible and the County Council is asked to note the following decisions which have been taken by the appropriate decision-maker, in consultation with the relevant members.

### **Award of contract for re-tendered project - Installation of Modular Teaching Block at Queen Elizabeth II Silver Jubilee Special School, Horsham**

- 4** The Special Education Needs Team within Education and Skills identified a need to provide additional accommodation at Queen Elizabeth II Silver Jubilee Special School (QE2) in Horsham to provide for the 105 pupils currently on roll. Over recent years additional pupils have been accommodated by the school but without the supporting investment in accommodation. Pupil numbers have increased from 85 in 2017 to 105 in 2019.
- 5** In July 2020 the Cabinet Member for Education and Skills approved the allocation of £1.4m to fund the provision of a three-class modular teaching block with ancillary accommodation to ensure the school can offer suitable facilities for the 105 pupils currently on roll (decision [ES2\(20/21\)](#) refers). Due to an increase in construction costs through the procurement process it was determined that an increased budget would be required for the project. Therefore, a change request was submitted in August 2021 for £224,000, providing a total budget of £1.624m. Approval has now been given to award the contract for carrying out the works.
- 6** The proposal was published in the Forward Plan on 9 March 2022. However, rather than wait for required 28 days' notice, the decision had to be taken under the urgent action procedure to enable the project to start without additional delay or cost increase. Following a compliant procurement process in 2021, it was not possible, for reasons beyond the Council's control, to award the contract to the successful bidder from that tender process (report [OKD5\(21/22\)](#) refers) due to materials and resources shortages caused by the Covid-19 pandemic. The delay caused to the programme as a result means that the decision to award the contract to Portakabin Limited was urgent as the modular buildings need to be constructed and installed at the school ready for the new academic year starting on 2 September 2022.
- 7** The Assistant Director (Property and Assets), with agreement from the Director of Law and Assurance and the Chairman of the Children and Young People's Services

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Scrutiny Committee, has therefore approved the award of contract for the installation of a three-classroom modular block at Queen Elizabeth II Silver Jubilee School, Horsham for the sum of £1,358,950 to Portakabin Limited.

**Opportunity for a Block Contract with Aster Grove, part of Archmore Care Services**

- 8** There are continuing pressures on the health and social care system related to the impact of the pandemic, restrictions on homes, capacity of provision where needed and challenges recruiting and retaining staff. In addition, there is continued demand for nursing dementia beds and this is not always available to purchase. These market pressures are also resulting in an increasing cost of residential placements.
- 9** An opportunity arose to commission 11 dementia nursing beds on a block contract for two years at Aster Grove, in the Littlehampton area of West Sussex. The Director of Adults and Health, with agreement from the Director of Law and Assurance and the Chairman of the Health and Adult Social Care Scrutiny Committee, therefore approved the award of a block contract for 11 nursing beds at Aster Grove in Littlehampton, for two years, from April 2022.
- 10** The reason for urgency was the immediate need for cost efficient dementia nursing beds to be sourced more quickly than wider current market availability will allow as well as to meet demand for people with complex nursing and dementia needs at a rate which presents value for money to the Council and an opportunity to make savings on the Adult Social Care budget.

**Halewick Lane Battery Storage Project - contract variation to complete the grid connection**

- 11** In March 2019, the Cabinet Member for Environment approved the development of a 24MW battery storage installation on a former waste disposal site at Halewick Lane, Sompting. Subsequently, in July 2021, the Director of Environment and Public Protection awarded the cabling contract for shortest route to Green Frog Connect Ltd.
- 12** The shortest route crossed land in private ownership and Green Frog Connect has been unable to secure the easements to lay cabling across this land on the County Council's behalf as per the contract. At tender stage, Green Frog submitted a cost to lay the cables along the alternative longer route along the public highway and this variation has had to be secured owing to the global economic uncertainty making further costs increases likely if prices cannot be 'locked-in'.
- 13** The Assistant Director (Environment and Public Protection), with the agreement of the Director of Law and Assurance and the Chairman of the Communities, Highways and Environment Scrutiny Committee, has therefore approved the contract variation of the grid connection contract with its contracted grid connection provider for up to £1.5m to be allocated from the project contingency.
- 14** The decision had to be taken as a matter of urgency as delay would have prejudiced the County Council's interests.

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## **Award of Contract for Professional Service Support (Adults Services)**

- 15** To support the delivery of our Council Plan 2021-25 and the Adult Social Care Strategy 2022-25, the Adults and Health directorate has set out its strategic purpose and outlined how the directorate will deliver services. This has produced a directorate business plan with a significant programme of work to deliver in 2022/23, which includes a need to respond to ongoing service pressures that have been exacerbated by the Covid-19 pandemic and emerging government legislation.
- 16** The nature, scale and complexity of the programme means that fixed-term external capacity and skills are needed to work alongside in-house teams to deliver core elements of programme. A procurement exercise has been carried out via the North East Procurement Organisation Framework and a service provider has been identified. Under the proposal the Council will contract directly with Bloom Procurement Services Limited based on a commercial and technical response submitted by a service provider on the framework, in this case, Roretti Limited.
- 17** The Director of Adults and Health, with agreement from the Director of Law and Assurance and the Chairman of the Health and Adult Social Care Scrutiny Committee, has approved the award of a contract for professional services support to Bloom Procurement Services Limited services from 3 May 2022 to 30 April 2023, to be provided by the selected delivery partner Roretti Limited, with a total contract value of £1,948,935.
- 18** The decision had to be taken as a matter of urgency as there is a need for the work to commence at pace in order to meet the programme deadlines.

**Paul Marshall**

Leader

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