



DECISION TAKEN BY OFFICER UNDER PARAGRAPH 13(4) OF THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

Name of Officer	Fiona Darby
Position of Officer	Director of Resident Services
Service Area	Environment and Community Services

Title of Decision	Sinclair Drive Drainage Remediation Works
Date of Decision	10 June 2024

Appendix	N/A
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Exempt or Confidential Information

It is considered that information contained within this report does not contain exempt information under the meaning of Schedule 12A of the Local Government Act 1972, as amended, and therefore can be made public.

Glossary of terms

Term	Definition

Background to decision:

In December 2019 the council’s play team first identified that the play area at Sinclair Drive was moving, and the play area was immediately closed. Heras security fencing was erected around the play area for safety reasons. Investigations established that remedial works were required to the 2 SUDS (sustainable urban drainage system) drainage features within the open space.

Capital funding to undertake these remedial works and provide a new play area was approved as part of the budget report which was approved by council in February 2023. It has since been determined that the remedial works are revenue in nature, and a means of funding agreed per Finance section.

Several attempts were made during 2023 to procure the necessary remedial works via a national framework contract, however these failed, the reasons being the scale of the necessary works, and the specialist nature of them being outside the skills of the companies included.

The cost of the work has been assessed at £233,874.11.

Authority to make the decision:

The Director of Resident Services is authorised to approve an exception to the procurement rules (Contract Standing Orders) for a contract value between £75,000 (para. 28.2) and £250,000. This is a recordable executive decision (under para. 28.10 of the Contract Standing Orders).

Reason for Decision:

It has not been possible to procure the necessary works through a framework contract, and as the works are now of an increasingly urgent nature, it would not be feasible to continue trying to find alternative suppliers.

Report/Information considered:

Legal

The requirements of the Contract Standing Orders (CSO 28.1) may be waived in exceptional circumstances if it can be demonstrated that certain criteria can be met. In this case due to the specialist nature of the work required it has not been possible to procure in accordance with CSOs and the work is now urgent. The following criteria can be applied to justify an exception being applied: (a) there is an urgent requirement to secure the provision of works, services or supplies and it is not practical to seek competitive quotations or tenders” and the works, services of supplies required are

	of a specialist nature, such that competitive prices cannot be obtained.
Finance	There is no revenue budget allocated for this scheme. Savings arising within Environment and Community Services will be prioritised to fund this additional cost, with any residual to be drawn from the MTFS risk reserve.
Property and regeneration	Once the remediation works are complete, there will be a need to undertake annual maintenance.
Risk Management	The problems with the drainage system has led to considerable ground movement in the open space and play area. These works will address the cause and the reinstatement works will address the uneven ground levels in the open space area.
Equality, Diversity and Inclusion	The open space provides an important recreational space and play facilities for local residents. There are no equalities implications associated with this work.
Consultation and communication	The open space area will be closed for approx. 10 weeks whilst this work is completed. Ward councillors have been regularly updated on the play area at Sinclair Drive and this will continue with advanced noticed regarding the work. Local residents will be notified through a letter drop and signage will also be placed around the site advising of the work.
Climate Change, ecological and biodiversity	The drainage system is designed to manage stormwater locally. This infrastructure is important given the impact of climate change.
HR	There are no HR implications.

Alternative options considered and rejected:


1. Sourcing alternative framework contracts which could deliver the same work. This has been rejected as a number of contracts have previously been found and have either not been appropriate for the works needed, or the suppliers have not had the skills or particular experience required to undertake the work.
2. Undertaking a tender process to find an alternative contractor. This has been rejected as the works are now of an urgent nature, and the lack of any delivery is preventing the reinstatement of the play area, which has been out of use for several years. It is essential that this work is carried out during the summer months when the groundwater levels are low and given the depth of the excavations required.

Decision:

To enter into a contract with Drainline, via an exception to the council's contract standing orders, in order to undertake the drainage remedial works at Sinclair Drive play area.

Record of any conflict of interest declared by any cabinet member who was consulted by the decision maker:

No conflict of interest.

Signed:	
Name:	Fiona Darby
Job title:	Director of Resident Services
Dated:	10 June 2024