

ASHFIELD DISTRICT COUNCIL: OFFICER DECISION RECORD

Please use this form to record those executive decisions which are taken by officers and are **not** designated as 'Key Decisions' – or in other words those decisions which are **not** included in the Forward Plan. There is a separate form for recording Key Decisions.

You should also use this form to record decisions about those functions which are reserved to the Council or to its committees. The Constitution explains what these reserved functions are and who is responsible for them.

1. Title / Subject Matter:

Please give a brief summary of what the decision is about. A short title for future reference would also be helpful.

Provision of Water and Wastewater Services

Background

The Council has an Agreement in place with the Crown Commercial Services (CCS) for the use of CCS' Frameworks for the provision of gas, electricity and water.

The Water Services Framework under which the Council procures these services (RM3790) has ended, whereby CCS has procured a new Framework (RM6178) for Water, Wastewater & Ancillary Services which will run until 30/11/2024. For the Council to utilise the new Framework it is required to complete a template containing relevant information to enable CCS to aggregate the demand and carry out an e-auction to establish rates for the forthcoming period. CCS carry out four aggregations per year.

The next aggregation will be in November 2022 which will be the next available opportunity for the Council to join the new Framework in January 2023. The current agreement with CCS' supplier under the expired Water Services Framework ends on the 30th September 2022. For the intervening period between the end of this Agreement and the Council joining the new Framework (subject to approval), CCS are operating a Retention Agreement, which in effect will continue the arrangement between the Council's current supplier and the Council, albeit this interim Agreement will provide the same services however be on the Terms and Conditions of the Council's current supplier. CCS will administer the Agreement and the key terms under the call-off contract, including current service standards, dedicated portfolio manager and key contacts, will remain the same. The only perceived impact will be a net increase in cost of only circa 1% (equating to less than £100 per month for a four month period the between the end of September 2022 and the end of January

2023, based on a monthly expenditure of £9,750), whereby the Council would be paying new rates now had been able to transition to the new Framework immediately, and whereby costs in the market are rising and are predicted to increase by as much as 13% by April 2023.

CCS has informed the Council that this interim Agreement will cease upon transition to the new Water Services Framework Agreement.

This ODR is in relation to the provision of water and wastewater services in the interim to enable the Council to continue to receive water and wastewater services, under an Agreement administered by CCS.

Unlike the last CCS Framework Agreement (RM3790), customers on the new Framework Agreement (RM6178) will automatically be included on the next aggregation, as is the case for the procurement of gas and electricity services, to avoid a potential break in the provision of services.

To facilitate the interim arrangement, this ODR is seeking an exception to CPRs on the grounds of urgency (clause 17.6.1) thus enabling the Council to enable continuity of service (value circa 39k for 4 months), until such time as the Council can transition to the new Framework (subject to separate approval).

The proposal to transition to the new Water Services Framework will be the subject of a separate EDR.

2. Decision Reference No:

Each Directorate maintains its own decision records/reference system to number its decisions. Please make sure that you use this system

AHSD218

Decision Taken:

Try to briefly summarise what you have actually decided to do. For instance, to purchase a specific piece of equipment for a specific cost, to be paid for from which budget heading etc. Don't include any exempt information in your summary that you would not want to be published.

- 1) To enter into the interim Agreement with the Council's current water/wastewater supplier under separate Agreement on expiry of the current Agreement (pertaining to framework 3790), and pending approval to join CCS' new Framework 6178, subject to a separate EDR.
- 2) Engage with Legal Services to assist with the development and approval of relevant documentation and formal agreements with relevant parties and the formalisation of any relevant documentation.

3. Reasons for the Decision:

Again, briefly explain why you thought this was the right decision

To continue to receive water and wastewater services via the current supplier, under an Agreement administered by CCS.

5. Alternative Options Considered / Rejected:

Briefly summarise what other options, if any, you considered and explain why you rejected them.

To seek alternative provision – insufficient time and resources in the interim. The proposal to transition to CCS' new Water Services Framework will be the subject of a separate EDR.

6. Implications

Please ask the respective professional Officers for their assessment of the potential (a) Legal,(b) Financial and (c) Human Resources implications of the decision. You only need to consult other relevant officers if you think that the decision will have an impact on their areas of responsibility.

HR [KB 14.09.22]

There are no HR implications contained in the report.

Legal [LE 21.09.22]

The Council has the power to enter into contracts in order discharge its functions (Local Government Act 1972, s111 and the Local Government (Contracts) Act 1997, s1). The Local Government Act 1972 requires the Council to have regulations for how it enters into contracts. In addition to complying with all relevant UK legislation every contract entered into on behalf of the Council must also comply with the Council's Contract Procedure Rules and the Council's Financial Regulations.

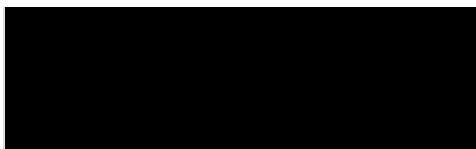
Finance [SB 20.09.22]

As mentioned in the report. A cost of less than £400 will have to be managed into the budget and monitored across all sites.

Name / Title of the officer taking the Decision:

Use your own name and title. Do not 'pp' for a more senior officer who has asked you to take the decision.

Paul Parkinson – Director of Housing and Assets



Date: 22 September 2022