

COUNCIL

28 APRIL 2016

ADDITION TO THE CAPITAL PROGRAMME – USE OF URGENCY POWERS

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Summary

This report details decisions taken by the Cabinet and the Chief Executive under the urgency provisions contained within the Constitution.

1. Budget and Policy Framework

1.1 The Council's Constitution provides for a report to be submitted to the next available Council meeting where urgent action on Council side functions has been undertaken by the Chief Executive or Directors.

2. Background

2.1 Where a proposed decision is a Council side function, the Chief Executive and directors shall have the power to act on behalf of the Council in cases of urgency only where the urgent matter is of such a nature that it may be against the Council's interest to delay and where it is not practicable to obtain the approval of the Council, in accordance with paragraph 4.1 of chapter 3, part 4 of the Constitution (employee delegation scheme). This is subject to consultation with the Leaders of all the groups which comprise at least 1/10th of the membership of the Council (or their nominees) and the provisions for urgent decisions which are contrary to any plan or strategy which has been approved or adopted by the Council or which are contrary to or not wholly in accordance with the budget approved by the Council (set out in Chapter 4, Part 3 of the Constitution).

2.2 A summary of the recent use of these provisions is set out in the following section.

3. Addition to the Capital Programme

- 3.1 The Procurement Board considered a Gateway 3 Contract Award report (medium risk) on 16 March 2016 for the provision of a new system to replace the Council's current education database, following initial review and discussion at Children and Adults DMT Meeting on 8 March 2016.
- 3.2 It was reported that Impulse had been used as the authority's education database for twelve years. It was currently out of contract and the annual support and maintenance fee was the Council's only form of agreement with the current provider (CACI).
- 3.3 The current provider had notified the Council that they were decommissioning three of the modules in August 2016 and to enable the Council to continue using Impulse the Council would have to procure their new module.
- 3.4 With Impulse being out of contract, creating issues for digitalisation and requiring a new module from August 2016, Children and Adults DMT agreed that an alternative solution should be identified.
- 3.5 The proposed solution was to use Tribal Synergy. The system has been designed and refined over the last 20 years to meet the requirements of Local Authorities. The Synergy Admissions module is currently used by 47 local authorities.
- 3.6 In addition, Tribal Synergy are committed to the education market and have a high level of existing customer engagement through national and regional user groups, their support team response time and consistent and regular enhancement of Synergy.
- 3.7 Therefore, the Monitoring Officer and the Chief Finance Officer, in consultation with the Procurement Board, awarded the contract to Tribal Education Limited for a period of 5 +2 years.
- 3.8 It was noted that the funding for the contract required an addition of £313,020 to the capital programme, to be funded from the SEND Reform Grant.
- 3.9 This matter would normally be for consideration and approval by Full Council. However, on this occasion it was not possible to delay the decision to award the contract until the next Full Council meeting (28 April 2016), because it was necessary for an order to be placed before the relevant procurement framework closed on 22 March 2016, this was done on a provisional basis subject to the provisions of urgency powers being complied with.

Use of Council side urgency powers

3.10 Subsequent to consideration at the Procurement Board, the Leader of the Council, Councillor Jarrett, and the Leader of the Labour Group, Councillor Maple, were consulted on the proposed addition to the Capital Programme on 21 March 2016.

3.11 Following this, the Director of Children and Adults Services made the following decision, using urgency powers:

3.11.1 That the Director of Children and Adults Services (using urgency powers (in place of referring this matter to Full Council)) agrees to the addition of £313,020 to the capital programme, for the purchase of a new IT system to replace the Council's current education database.

3.11.2 Subsequent to the Director's decision, the contract has been awarded to Tribal Education Limited and the new software will be in place by September 2016.

4. Financial, legal and risk implications

4.1 The requirement to report decisions taken under the various urgency provisions is set out within the Constitution. Details of the financial, legal and risk implications are set out in full within the relevant urgency report (background paper).

5. Recommendation

5.1 That the report be noted.

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Appendices

None

Background papers

Director of Children and Adults Services Using Urgency Powers – Addition to the Capital Programme

<http://democracy.medway.gov.uk/ieListDocuments.aspx?CId=122&MId=3246&Ver=4> via agenda item 17

Gateway 3 Contract Award Report (Medium Risk) – Education Management Information System – report to Procurement Board 16 March 2016

<http://democracy.medway.gov.uk/ieListDocuments.aspx?CId=122&MId=3246&Ver=4> via agenda item 17