

Notice of Non-key Executive Decision

Subject Heading:	Appointment of Jacobs Ltd to Support Transport Planning Services
Decision Maker:	Helen Oakerbee Director of Planning and Public Protection
Cabinet Member:	Councillor Barry Mugglestone- Lead Member for Environment
SLT Lead:	Neil Stubbings – Strategic Director Place
Report Author and contact details:	Daniel Douglas Team Leader Transport Planning
Policy context:	Local Implementation Plan 2019
Financial summary:	Expenditure for the Jacobs Commission will be paid for through the Local Implementation Plan as agreed with Transport for London.
Relevant Overview & Scrutiny Sub Committee:	Places OSSC
Is this decision exempt from being called-in?	The decision will be exempt from call in as it is a Non-key Decision

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The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents X

Place - A great place to live, work and enjoy X

Resources - A well run Council that delivers for People and Place. X

Place an X as appropriate

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This report and its appendix seek approval from the Director of Planning and Public Protection to:

a) direct award to Jacobs Ltd through the ESPO Procurement Framework for Consultancy Services Lot 5, to deliver transport planning projects for the value of £60,000 from 30th October until 31st of March 2024.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 of the Council's Constitution

3.3 Powers of Second Tier Managers

General powers

(a) To take any steps necessary for proper management and administration of allocated portfolios.

Contract Powers

(a) To approve commencement of a tendering process for, and to award all contracts below a total contract value of £500,000

STATEMENT OF THE REASONS FOR THE DECISION

Background

1. The Transport Planning team forms part of the Spatial Planning Group. Structurally the team is located within the Planning Service under the Place Directorate.
2. Following the departure of the Spatial Planning Group Manager in 2020, whilst the team has continued to be structurally based within the Planning Service, day-to-day workstream delivery and the reporting of such workstreams has sat within the Highways, Traffic and Parking service since July 2020.
3. The Transport Planning Team responsibilities cover three main work areas. These are:

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- Strategic Transportation
 - Smarter Travel
 - Road Safety Education
4. The team itself consists of 6 posts in total. A Transport Planning Team Leader, a Deputy Team Leader Transport Planning, and four Transport Planner posts.
 5. There have been challenges with recruiting to posts that are vacant within the team. In 2019, following the implementation of the Planning Service restructure, a Planning Service recruitment campaign took place. Unfortunately, the vacant posts within the transport planning team were unable to be filled at the time.
 6. Since the Planning Restructure was implemented a number of posts within the team have remained vacant. This has placed increasing pressure on existing postholders as workstreams have had to be absorbed within the rest of the team. In other cases, workstreams have had to be “paused” as there are not the resources available to deliver them.
 7. Further pressure has been placed on the Transport Planning team over the last 18 months. A member of the team left the Council under the Voluntary Release Scheme that took place in 2022 and as a result that post was deleted from the group structure.
 8. In April 2023 a member of the team retired. The post has remained vacant ever since, due to external funding (TfL LIP) for the post no longer being available for it. This has left the only occupied posts within the team being the Team Leader and two Transport Planner posts. The remaining posts, of Deputy Team Leader and two Transport Planner posts continue to be vacant.

Jacobs Secondments

9. To help support the team with delivery outputs it is proposed to fill the vacant Deputy Team Leader post for the remainder of the financial year with external secondees.
10. In previous years vacant posts within the Transport Planning team have been temporarily occupied with a secondee or secondees from consultancy Jacobs Ltd, and it is proposed to take the same approach in this instance.
11. Officers have spoken with Jacobs who are able to provide two officers to each work two days a weeks. Essentially this would mean 0.8FTE of a post being filled. It is proposed that this commission would last until the end of the financial year.
12. The secondees would carry out a number of activities within the transport planning team, not limited to but including:

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- Day to Day project management of the Local Implementation Plan programme
- Taking forward development of the Council's emerging Active Travel Strategy
- Project Management of the on-street Cycle Parking Programme
- Day to day management of the Council's Cycle Training programme
- Queens Hospital Travel Plan delivery
- Responding to Member enquiries.

13. As a result of the new financial controls that are in place, a request was formally submitted to the newly established Recruitment Panel on 13th October, to temporarily fill the Deputy Team Leader post with a Seconded from Jacobs.

Procurement Process

14. Whilst the main Procurement provider the Council now uses is Matrix, Jacobs are not signed up to the Matrix Framework. It is therefore proposed to procure their services via another Procurement Framework.

15. It is proposed to Commission Jacobs via the ESPO Consultancy Services Framework through a Direct Award.

16. Advice on this approach has been sought from the Council's Strategic Procurement Unit, who have confirmed that a Direct Award to Jacobs Ltd can be made through this framework, subject to a Non-Key Executive Decision being signed.

How will the secondment be funded?

17. At the time the recruitment proposal went before the recruitment panel, it was the intention to fund the secondment arrangement until the end of the financial year through underspends located with the Development Planning Cost Centre (A26610), as the vacant posts mean that there is an underspend currently within the salary budget for that cost centre.

18. However, Transport for London (TfL) have since confirmed to Havering that they are happy for Local Implementation Plan (LIP) funding to be used to fund the secondments until the end of the financial year. Therefore the secondment arrangement costing £60,000 will be fully funded by TfL via the LIP.

Next Steps

19. Subject to this Non-Key Executive Decision being signed by the Director of Planning and Public Protection, a contract will then be finalised to commission Jacobs via the ESPO Framework.

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OTHER OPTIONS CONSIDERED AND REJECTED

20. The option of not temporarily back filling the vacant Deputy Team Leader role was considered and rejected. Due to existing and future work pressures over the coming months it is important that an additional resource can be used to support workstream delivery between now and the end of the financial year.

PRE-DECISION CONSULTATION

21. Not Applicable

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Daniel Douglas

Designation: Team Leader Transport Planning

Signature:

Date: 27/02/2024

D. Douglas

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

22. The Council has the power to award a contract for these services under Section 111 of the Local Government Act 1972, which allows the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.
23. Additionally, through its general power of competence under Section 1 of the Localism Act 2011, the Council can do anything that individuals generally may do, subject to statutory limitations.
24. Whilst typically appointment of staff are exempt from tendering by virtue of Regulation 10 Public Contracts Regulations 2015, this report identifies the inability to meet the resourcing requirements through traditional recruitment which has necessitated a services contract. Services are caught under Public Contract Regulations and/or the Councils Contract Procedure Rules. Officers seek authorisation to make a direct award to Jacobs Ltd via the ESPO Procurement Framework for "Consultancy Services" Lot 5, to deliver transport planning projects and to comply with the above duties.
25. The proposed value of the direct award is estimated to be £60,000, which is below the threshold for services the Public Contracts Regulations 2015 (PCR). Accordingly, it is not subject to the full PCR regime and the contract has to comply with the Council's Contracts Procedure Rules (CPR).
26. For the reasons set out above, the Council may proceed with awarding this contract to Jacobs Ltd.

FINANCIAL IMPLICATIONS AND RISKS

27. The costs of commissioning Jacobs (£0.060m) due to be spent by 31st March 2024 are being met in full by Transport for London through the Local Implementation Plan programme. There are no financial implications for the Council as a result of this decision. Funding will be claimed in arrears from TfL (by August 2024) in line with the LIP funding guidance process.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

28. Appointing a consultancy to backfill a post that is currently vacant within the Transport Planning Team was formally approved on 13th October by the newly established recruitment panel. This post will be occupied by two Jacobs employees working 16 hours a week each. The Council does not intend to create employment contractual relationships with these individuals. Substitution would be permitted under the contract by agreement between the parties.

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29. This arrangement will be in place until the end of the financial year. There are no other Human Resource implications.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

30. Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

31. The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

32. Appointing Jacobs Ltd to provide external support to deliver transport planning workstreams will help the Council with delivering its equality and diversity commitments.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

33. Appointing Jacobs Ltd to support Transport Planning delivery workstreams will support the delivery of environmental and climate change related targets that are included in the Havering Local Implementation Plan. A number of the targets included in the Climate Change Action Plan are supported by the Transport Planning team.

BACKGROUND PAPERS

34. None

APPENDICES

35. None

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed 

Name: Helen Oakerbee – Director of Planning and Public Protection

Date: 12 March 2024

Lodging this notice

The signed decision notice must be delivered to Committee Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____