

Record of Officer's Decision

The Openness of Local Government Bodies Regulations 2014 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Date of Decision:	13 December 2024
Decision Maker (Officer):	Ian Davidson
Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):	Cabinet Members' Items - Report of the Economic Growth, Regeneration and Tourism Portfolio Holder - A.3 - Resources to increase project delivery and progress Levelling Up Partnership July 2024 (b) subject to (a) above, and the allocation of £1.000m of funding set out within item A.9 elsewhere on the agenda, a Project Delivery Unit is agreed to be established for an initial period of 24 months from the date of the first officer starting in role; (e) notes the Chief Executive will undertake the activities required to recruit the necessary capacity within the Project Delivery Unit, as Head of Paid Service (being non-executive functions); Cabinet Members' Items - Report of the Corporate Finance & Governance Portfolio Holder - A.8 - Financial Performance Report 2024/25: General Update as at the end of September 2024 November 2024 (e) (iii) authorises the Chief Executive, in consultation with the Portfolio Holder for Economic Growth, Regeneration and Tourism, to agree further expenditure where capacity is procured from external bodies / organisations / individuals as an alternative to recruitment.

Identify which Portfolio Holder(s)/Committee Chairman consulted?	Cllr Henderson, Portfolio Holder for Regeneration and Tourism
Ward Member(s) consulted?	N/A
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	To appoint a Head of the Project Delivery Unit via the East of England Local Government Association 'Talent Bank' in order to complete the tasks as set out in the proposal for the work, and to pay for the costs of up to a maximum of £190,250 from the Project Delivery Unit budget.
Reason for Decision (if a report was produced to support the Decision, refer to or attach it):	The July 2024 Cabinet report set out the proposals and funding for the Project Delivery Unit. The Unit will provide the capacity for the organisation to delivery major projects and capital schemes, including those funded by Government under the Levelling Up banner. • Cabinet allocated funding to appoint staff to the Project Delivery Unit on a fixed term basis for up to two years. • However, despite going out to recruitment for the Head of Unit post, it was not successful. Fixed term posts that require very significant skills and experience can be challenging to recruit to. • As a result it was decided to seek a Head of Unit on a consultancy basis, using the same size budget allocated to the recruitment of the post. • Cabinet decided in November to agree further expenditure where capacity is procured from external bodies / organisations / individuals as an alternative to recruitment. • EELGA Talent Bank was approached. Services obtained through the Talent Bank are done so through a public-to-public exemption. EELGA are a not-for-profit membership organisation that is wholly membership owned by 50 local authority members. The surplus made from Talent Bank assignments is utilised to provide other member services and support efforts to work with Government on behalf of the members. Governance for EELGA is provided by the Assembly of Leaders across all member authorities.

Highlight any associated risks/finance/legal/equality considerations:	Risks: The main risks are the capacity of the organisation to manage the delivery and budget of major capital schemes, and the Head of the Project Delivery Unit is a mitigation against these risks. In terms of legal issues, the capital delivery and project management services obtained through the Talent Bank are done so through a public-to-public exemption which does not operate as a procurement, as EELGA is public sector membership organisation. An IR35 assessment for the consultant to be appointed via Talent Bank was completed using the relevant Government websites, which showed the appointment should sit outside IR35. Finance: The cost per year for the consultant through this approach is capped at the same overall annual cost as recruitment to the post, although as the consultant is on a day rate there are fewer days per year worked. This approach provides the best balance of overall cost to the organisation and mitigation of delivery and finance risks, given recruitment to the fixed term post was not successful.		
Details of any Alternative Options Considered and rejected (together with reasons):	Recruitment was the main alternative option, which was attempted, but was not successful. Officers considered going out to recruitment again. However, given the time-limited nature and the scale of the funding from Government, and the breadth of projects to be delivered, the risk of a further failed recruitment was considered too high and it was decided to approach EELGA. The option of approaching a range of private organisations was also considered, but the benefit of the public sector experience and quality assurance of EELGA'S Talent Bank was deemed beneficial.		
Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision). If relevant, a note of the dispensation granted by the Monitoring Officer:	N/A		
	<table border="1"> <tr> <td data-bbox="576 1906 632 2009"></td><td data-bbox="632 1906 1385 2009"> Not applicable – Decision [and report] to be published </td></tr> </table>		Not applicable – Decision [and report] to be published
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Reason Decision, or supporting Report, is not published: <i>Tick one or more of the specific exemptions,</i> <u>and</u> <i>Give more information in the final box with regards to why the exemption applies and outweighs the public interest test (which is in favour of disclosure).</i>		The report supporting the Decision contains confidential information
		The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:
		• Relates to an individual
		• Likely to reveal the identity of an individual
		• Relating to financial or business affairs of a person or organisation
		• Relates to a claim for legal professional privilege in legal proceedings
		• Reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment
		• Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
		<u>And</u> is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information Reasons:

Officers

Signed: By email

Title: Chief Executive Officer

In consultation with:

Signed: By email

Portfolio Holder Regeneration and Tourism

Dated: 13 12 2024