

Decision by Portfolio Holder



Report reference: PAG-006-2017/18
Date of report: 21 September 2017

**Epping Forest
District Council**

Portfolio: Governance and Development Management - Cllr John Philip

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Subject: Waiving of Contract Standing Orders to enable use of Employment Agency staff to temporarily cover four Development Management establishment posts.

Decision:

That the requirements of the Council's Procure Rules, paragraph 2.9 that three written quotes for contract category 2 contracts (between £50,000 to £250,000) be obtained, be waived to allow :-

1. Continuing the employment of two current planning officer agency staff, one until the end of December 2017 and the other until the end of March 2018, covering maternity leave and a vacancy in Development Control planning application team.
2. Continue the employment of a current enforcement agency staff, covering an enforcement officer sickness absence, until the end of October 2017,
3. Employ a Local Land Charge agency officer to cover sickness absence, until the end of December 2017.

ADVISORY NOTICE: <i>A Portfolio Holder may not take a decision on a matter on which he/she has declared a Pecuniary interest. A Portfolio Holder with a non-pecuniary interest must declare that interest when exercising delegated powers.</i>	
I have read and approve/ do not approve (delete as appropriate) the above decision:	
Comments/further action required:	
Signed:	Date:
<i>Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member:</i>	<i>Dispensation granted by Standards Committee: Yes/No or n/a</i>
Office use only: Call-in period begins:	Expiry of Call-in period:

**After completion, one copy of this pro forma should be returned to
Democratic Services IMMEDIATELY**

**Initialed as original copy by
Portfolio Holder:**

Reason for decision:

Authority is sought pursuant to the Council's Procure Rules, to waive paragraph 2.9 which requires three written quotes for contract category 2 contracts (between £50,000 to £250,000) be obtained. The waiver will allow the continued service of two current agency development control planning officers for a further 2 and 7 months respectively, current agency enforcement officer for another 2 months and employ a Local Land Charge agency officer for 4 months. All will cover existing post holders who are either on maternity leave (development control planning officer) or on long term sickness absence.

Options considered and rejected:

To pay overtime, however, many are already working long hours in order to achieve set time deadlines on planning applications and enforcement investigations and particularly in the case of Local Land Charges, there is no appetite to do so.

The current agency development control planning and enforcement officers are already producing high quality work and helping the section to keep on top of the volume of workload. They therefore have existing case work and it makes sense that they continue and finish it, rather than to let them go and delay whilst approaching other employment agencies in order to obtain the required number of quotes.

Background Report:

1. Agency development control planning officer "A" from Vivid Resourcing has been employed since the beginning of June 2017 to cover a vacant planning officer post, but now that this has been successfully filled, another planning officer has very recently gone on maternity leave in the same Development Control section. It is unlikely that a replacement can be found to cover the maternity leave period and the agency planner has cleared a high volume of planning application work since June. The second development control agency planning officer "B" from Oyster Partnership started in August 2017 and works 4 days a week until the end of October 2017. There is a vacant Trainee Planning Officer post at present which will be advertised and filled, but unlikely until the new year. Keeping this agency planner, who has worked for the Council before and lives locally, until the end of December 2017 will not only maintain the staffing level but keep the Council on track to meet its planning application key performance targets for 2017-18.

2. The agency enforcement officer from Oyster Partnership started in mid-July 2017 working 12 hours a week covering a long-term absence which has coincided with another enforcement officer retiring. Whilst a new officer starts in October 2017, the service is currently stretched and still an officer short. Retaining the agency enforcement officer for a further two months at 12 hours a week will help the team to maintain the service it provides until the expected return of the current absent enforcement officer.

3. Finally, Local Land Charges are currently taking around 30 days to return a submitted search, well in excess of the expected 6 day turnaround time. There have been some staffing issues, which has been further hampered by the sickness of the manager for this section. Whilst some internal processes are currently being changed to speed this up, the backlog is quite considerable and after contacting a number of agencies, at short notice, an agency officer with the necessary experience is available from Vivid Resourcing, initially until the end of December 2017, when the absent officer is expected to return.

4. The current agency staff are employed by the Council through The Oyster Partnership and Vivid Resourcing and the above recommended decision will take the current contract for each over £25,000. For this reason, a Portfolio Holder waiver is now required.

Resource Implications:

Agency Planner A works 36 hours a week at £35 an hour and is employed by Vivid Resourcing. His current contract of 18 weeks comes under the £25,000 threshold, but extending it to the end of March 2018 will result in 44 weeks at the same rate. Together with the employment of a Local Land Charge officer from the same agency to the end of December 2017 at a rate of £28 an hour on a 36 hour week, takes it into the next threshold.

Agency Planner B works 35 hours a week at £38 an hour and is employed by Oyster Partnership. Her current contract of 12 weeks will extend to 19 weeks, which will be slightly over the threshold. The same agency enforcement officer works a 12 hour week at £47 per hour for 7 weeks. Extending this for another 8 weeks at the same hours will take this beyond the threshold.

This would be offset not only by expected Development Control income, but reduced weekly hours of a Principal Planning Officer (6 hour reduction), Senior Planning Officer (7 hour reduction) from September 2017, and savings from one year's maternity leave.

Legal and Governance Implications:

None

Safer, Cleaner and Greener Implications:

None

Consultation Undertaken:

Assistant Director of Resources (Accountancy)

Background Papers:

Financial Regulations and Contract Standing Orders

Impact Assessments:

Risk Management:

None

Equality Analysis:

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided at Appendix 1 to the report.

Key Decision Reference (Y/N): N