

OFFICER DECISION NOTICE



Reading
Borough Council
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This notice is to be used for the following types of officer decisions.

- A. Decisions taken by officers under a specific express delegation from Council or a Committee.
- B. Decisions taken by officers under a general delegation from Council or a Committee, which relates to (i) a permission or a licence, or (ii) the rights of an individual, or (iii) a contract or expenditure over which materially affects that relevant local government body's financial position.

1. Title of decision:	Authority to Waive Contract Procedure Rule 28.3 for Variations to the Parkside House Block Contract
2. Date of the decision:	30/04/2024
3. The decision maker:	Melissa Wise, Executive Director Communities and Adult Social Care

Decision details:

A Waiver to contract procedure rules for CPR 28.3 has been agreed by the Assistant Director for Commissioning and Transformation and the Assistant Director for Procurement and authorised by the Executive Director for Communities and Adult Social Care and the Chief Executive of Reading Borough Council. The waiver allows the Executive Director to sign the 2, 6-month variations that have already been made and to continue the variation from April to September 2024.

Reasons for the decision:

This Block contract was created as part of a land transfer deal. In 2004 we sold the land RBC's care home, Wilton House, was located on to Bupa for a 25 year (15+10) block contract for 30 nursing beds. In 2018 the contract was extended early. Bupa bought the Council out of the savings the block would have generated for the final year and a new fee was agreed for the extension period.

The beds are divided by needs group, 3 Low need, 23 medium, 7 high and 5 flexible needs beds. To help reduce voids in the contract and save the Council some money, we negotiated with BUPA to change 3 of the medium need beds to high need beds. The change caused an increase in contract value by £97.50 per bed and the agreement was initially trialed for 16 weeks. Total cost increase was £4680. The first variation was allowed under the Council's Contract Procedure Rules and authorized by officer decision notice by the Executive Director at the time.

The variation was successful in controlling the levels of voids within the contract. The variation was continued for 2 subsequent 6-month periods:

April 2023 to September 2023
October 2023 to March 2024

We would like to continue the variation for a further 6-month period from April 2024 to September 2024

Recent changes to the Contract Procedure Rules mean that although the variation is a cost of £7521.43 for each 6-month variation CPR 28.3 means the whole value of the contract needs to be taken into account. This means that full committee authorization is required for each 6-month variation even though the value of the variation is well within the spend authorization of an Executive Director or Assistant Director.

4. Alternative options considered (if any) and rejected:

To take each variation to committee for approval. This option was rejected due to the time it takes to take each decision to committee and the value of the variation, which is very small.

A committee paper is being drafted requesting that the Executive Director for Community & Adult Social Care Services be granted delegated authority to make future variations to this contract without the requirement to go to full committee for each future variation that falls below the financial threshold for a key decision.

5. List of open Background Papers:

N/A

6. List of confidential or exempt Background Papers:

N/A

7. Any other matters taken into consideration:

<input type="checkbox"/> Legitimate expectation of consultation	<input type="checkbox"/> Procedural requirements
<input type="checkbox"/> Public Health implications	<input type="checkbox"/> Environmental or Climate Change
<input type="checkbox"/> Health and Safety	<input type="checkbox"/> Risk Management implications
<input type="checkbox"/> Transparency of Information (FOI etc)	<input type="checkbox"/> Privacy Impact Assessments
<input type="checkbox"/> Human Rights Act Duties	<input type="checkbox"/> Equality Impact Assessment
<input type="checkbox"/> Corporate Parenting	<input type="checkbox"/> Community Safety
<input type="checkbox"/> Regulatory duties	<input type="checkbox"/> EU withdrawal
<input type="checkbox"/> Armed Forces Covenant	<input type="checkbox"/> Other

Details of the matters taken into account:

8. Legal considerations

There is a very low risk of challenge from other market suppliers as there is no material or substantial change to the specification or contractual agreement made by any of the previous or proposed variations.

The existing contract contains a general variation clause in the contract allowing for minor variations and the variations we have carried out are far less than 10% of the overall contract value.

9. Financial considerations**10. Internal consultations**

Sections 13- 18: To be completed only for Decision A (express delegation from a Committee)

11. The name of the Committee:	
12. Date of the meeting:	
13. Minute number:	
14. The delegation given by the Committee:	
15. The name of any member of the committee who declared a conflict of interest in relation to the decision:	
16. Any councillor or officer required to be consulted prior to the exercise of this delegation and details of their response.	