

CPU Ref:
(CPU use
only) 1370

Category: G Lack of
planning

Proclass: 111000

N

Previous WARN
(Y/N, Ref No)



WAIVER APPROVAL OF COMPETITION REQUIREMENTS / RECORD OF NON ADHERENCE TO THE COUNCIL'S FINANCE AND CONTRACT PROCEDURE RULES ("the Rules") CPR's (Chapter 3 – Part 5: section 7)

(1) RECORD OF NON ADHERENCE

Brief Reasons	This venue was chosen as it met requirements for a public inquiry in terms of size and location. We tried other venues but there was no availability. The PI dates are not flexible. There is a breakdown of the cost and it is covered within the scheme budget.
----------------------	---

For any other queries regarding the Rules please contact Procurement for advice

BACKGROUND

Contract Ref No & Title	Function venue for Public Inquiry Event C1631
Brief Description of Goods / Services	Function venue for Public Inquiry Event Availability of specified number of private rooms, conference room and ICT services
Provider & Company Registration No.	Crewe Hall Hotel
Contract Value	£49,696.75
Contract Period (state any extension)	2 weeks from 7/11/22 – 18/11/22
Service	Highways & Infrastructure
ICT Related WARN (East only or Shared Contract)	N/A
Author of form	
Contract Manager	
Revenue Manager	Highways & Infrastructure
Budget details	Capital Project – Middlewich Eastern Bypass C110000/CAP-00375

Business Case – Evidence to substantiate request

The Middlewich Eastern Bypass Public Inquiry is taking place for x2 solid weeks & a requirement for x8 function rooms & x1 large Inquiry room was needed. Crewe Hall Hotel was the only venue that could accommodate for the required dates & duration of

the Inquiry. The PI dates are not flexible. Planning to find alternative accommodation was undertaken in advance.

Inquiry dates are held to a timetable issued by the Department for Transport. The Inquiry and venue are published well in advance of the Inquiry date. Any delay to the timetable will cost many millions of pounds in programme delay for the scheme due to construction cost inflation. A commitment to Crewe Hall was needed quickly as alternative venues were not available for the dates of the Inquiry – you will see that we tried alternative venues but they either had no availability or were inadequate in terms of size and / or location, therefore no prices were not obtained.

The choices are limited because of the requirements set by the inquiry process.

A large public room must be available with comms facilities for a remote hearing, plus no less than 9 separate private rooms that do not have public access and can be locked. A block booking for 2 weeks, plus a further 1 week, if needed, was required (we did secure Macclesfield TH for a 3rd week if required)

We contacted the corporate venue team and they advised what was available. Macclesfield TH was available for a 3rd week if required, with reduced capacity requirements. A large venue with separate rooms for weeks 1 and 2 was not available on the dates of the inquiry

A copy of the invoice is attached.



TQHC – Pro Forma
Invoice - 10-27-2022 |

Risks / Consequences if the Waiver is not Approved

The Public Inquiry will not be able to go ahead as scheduled.

Public notices have been issued and the inquiry dates and venue listed in advance. Inquiry days can not be changed.

Full payment is due 4/11/22

**PROCUREMENT MANAGER
COMMENTS (or nominated
representative)**

Name (PRINT) ...

Signature:

This non adherence is noted. A compliant procurement process has not been carried out and this form is to record what has happened and for officers involved to ensure that this does not happen again.

The service has obtained availability but no costings from 3 venues:

- Macclesfield Town Hall
- Congleton Town Hall
- Crewe Alex Football Stadium
-

Date:21/12/2022.....
To be signed/dated following HOS approval only

For requirements over £25k services should submit a procurement engagement form to procurement for it to be allocated to a procurement professional and quotations via the chest etendering portal sought. It should be risk assessed, have a signed contract and be triaged for ICT/Data Security.

The Council also has a no po no pay policy which has been disregarded and a commitment given to Crewe Hall.

So whilst the service has obtained availability, they have not followed CPR's and due process/diligence and cannot evidence value for money.

The service has already given commitment to an order for this event and its unlikely that they will sign any contract for this requirement.

The service state that there is no personal data or data security requirements involved with this requirement.

It is recommended that the service ensure that relevant members of staff undergo procurement awareness training.

Procurement Comments: [REDACTED]
 01/11/2022

There is sufficient budget within the approved capital programme under the Middlewich Eastern Bypass budget to cover these costs for the CPO process.

Finance Comments: [REDACTED] – 03/11/2022

Finance Comments: [REDACTED] – 03/11/2022

Reviewing the form and the comments above this non adherence is noted.

Legal Comments: [REDACTED]
 3/11/22

Consideration needs to be given to meeting room setup and kit requirements. ICT do not support events at external venues and a 3rd party company may be required to assist for example with audio for the venue.

ICT Comments: [REDACTED] 3rd November 2022

ACTIONS: For Head of Service before submission to or subsequently if approved / acknowledged by Director of Finance & Customer Services and Director of Governance and Compliance.

Stakeholders consulted / comments accounted for:

Tick yes/no and state name of Officer consulted

Legal:	Yes	Finance:	Yes	ICT:	Yes	HR	No
---------------	-----	-----------------	-----	-------------	-----	-----------	----

FUTURE STEPS TO AVOID RECURRENCE

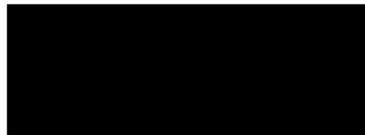
Ensure that a compliant procurement process is carried out to assess value for money and ensure due process is undertaken.

Summary of follow up actions to be undertaken by Head of Service & designated author of form

1. Procurement to confirm validation of bona fide company and Credit check (companies house)
2. Service to liaise with the legal team and to ensure there is a contract put in place as soon as possible.
3. Service/contract manager to obtain copies of the relevant insurance documentation to ensure the Councils minimum insurances are held, added to the to the c/register and obtain renewals on an annual basis.
4. Service to manage this contract and monitor expenditure and timelines in order that the contract is completed by the due date and that there is sufficient budget.
5. Procurement to record this WARN on the internal log and to add to the Corporate Contracts register and to Forward Plan. (Update/expire any previous contracts on CR)
6. Service to ensure they request procurement awareness training for their staff.
7. Service to consider booking internal Council meetings rooms in future, rather than booking external meeting rooms.
8. Director of Highways to justify the level of expenditure to the S151 Officer.

I will ensure that all steps are taken to avoid any recurrence and that the above actions are carried out promptly.

Signed by the Head of Service



Name

Designation

Director of Highways & Infrastructure

Date

21 November 2022

**Approved /
Acknowledged by**



**Director of Financial &
Customer Services**



**Director of Governance &
Compliance Services**

Name



Date

22/12/22

22/12/22

***Once signed please return original Form to the Corporate Procurement Unit
procurement@cheshireeast.gov.uk .***