

Report of the Portfolio Holder for Environment and Climate Change**Waiver of Contract Procedure Rules****1. Purpose of Report**

To inform Members that due to time constraints, a Financial Procedure Rules (Contracts) waiver is being sought under Chapter 4 Part 2: Financial Regulations (Contracts). In accordance with the Corporate Plan objectives for Environment and Climate Change. The Chair of Overview and Scrutiny has agreed that the call-in procedure shall not apply to this decision. This is because any delay in implementation caused by the call-in procedure would seriously prejudice the Council's opportunity to comply with the Regulations as detailed in the report.

2. Recommendation

Cabinet is asked to RESOLVE that:

- 1. The waiver under the Council's Financial Procedure Rules (Contracts), as detailed in the report, be approved.**
- 2. The use of the Chief Executive's urgency powers be approved, in order for the work to commence prior to the cooling period ending.**

3. Detail

Construction works are required to Bramcote Crematorium prior to installation of two new Cremators. The construction work schedule is dictated by the cremator delivery which has been affected by delays. It is anticipated that works are required to start on or around 1 March 2025 with a completion date of approximately July 2025. The detail of this report is included in the **Appendix**.

4. Key Decision

This will be a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, as it may be significant in terms of its effects on communities living or working in an area comprising two or more Wards or electoral divisions in the Council's area and may cost more than £250,000. In accordance with Regulation 10 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that it was impracticable to give 28 days' notice of the taking of the following decision, which is a Key Decision to be taken by the Executive at its meeting on 11 March 2025 permission has been obtained from the Chair of the Overview and Scrutiny Committee to consider this report as an urgent item and the statutory notice has been published.

5. Updates from Scrutiny

Not applicable.

6. Financial Implications

The comments from the Head of Finance Services were as follows:

The budget for these works is provided for within the Bramcote Bereavement Services Joint Committee. The cost is to be financed jointly and equally by Broxtowe and Erewash Borough Councils.

The cost of these works will be under the Works threshold for both Public Contract Regulations 2015 and the Procurement Act 2023 so neither apply in this case. The waiver is requested under the Broxtowe Borough Council Financial Procedure Rules (Contracts) which requires for a competitive tendering process for Medium Value contracts.

7. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

Paragraph 48 of Chapter 4 Part 2: Financial Regulations (Contracts) state:

Waivers may be considered in, but not limited to, the following circumstances are relevant here:

48.5.4. where, after advertising in accordance with these rules, it has not been possible to obtain competitive prices for works, supplies or services;

48.5.6. if works, supplies or services are urgently needed for the immediate protection of life or property or to maintain the immediate functioning of a public service that the Council is responsible for, on the basis of an unforeseeable emergency.

8. Human Resources Implications

Not applicable.

9. Union Comments

Not applicable.

10. Climate Change Implications

The climate change implications are contained within the report.

11. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

Not applicable.

13. Background Papers

Nil.