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completion by DS  
officers

### EXECUTIVE DECISION RECORD

<b>A1 Service Area</b>	Environment
<b>A2 Title</b>	Deed of Novation of Contract for the Provision of Vehicle Hire and Maintenance
<b>A3 Decision Taken By</b>	Deputy Leader/ Chief Officer
<b>A4 Chief Officer</b>	Please print name: Sal Khan  Please sign name: 
<b>A5 Leader / Deputy Leader</b>	Please print name: Councillor David Leese  Please sign name: 
<b>A6 Date of Decision</b>	4 March 2019

### Confidentiality

<b>A7 Is this Decision confidential by containing exempt information as described in Schedule 12A of the Local Government Act 1972?</b>	No
<b>A7.1 If yes, please state relevant paragraph from Schedule 12A LGA 1972.</b>	N/A

### Scrutiny

<b>A8 Which Scrutiny Committee should this decision be submitted to?</b>	(Please tick as appropriate) ✓
Scrutiny (Audit & Value for Money Council Services) Committee	<input checked="" type="checkbox"/>
Scrutiny (Economic Growth, Communities and Health) Committee	<input type="checkbox"/>


<p><b>B1</b> What is the Decision?</p>	<p>To approve the signing of the Deed of Novation of Contract with Go Plant Fleet Services Limited for the provision of Vehicle Hire and Maintenance.</p>
<p><b>B2</b> What are the reasons for the Decision?</p>	<p>The Council has an existing contract with Gullivers Truck Hire Ltd for the provision and maintenance of its vehicle fleet. This fleet is deployed to undertake the Council's statutory duties for both waste collection and street cleaning.</p> <p>Following a robust procurement exercise for which the Council received full assurance from its auditors, the contract commenced in November 2015, for a five year term, with the option to extend for a further one year.</p> <p>On 18 December 2018, the Council received a letter from KPMG LLP stating that Gullivers had been placed in administration.</p> <p>In the following days, the Council was made aware that an alternative fleet provider, Go Plant Fleet Services Limited (GPL), had agreed terms with the administrators to procure all the vehicles used by the Council under the terms of its agreement with Gullivers.</p> <p>Furthermore, GPL stated that they would like all rights and obligations under the contract to be transferred to them. This may be achieved by way of a Deed of Novation of Contract.</p> <p>Therefore, the signing of the Deed will ensure that the Council can continue to use the vehicle fleet under the same contract hire and maintenance terms as previous.</p> <p>During their discussions with the Council, GPL has also indicated that they would like to secure the one year extension to the contract and receive an uplift on the contract hire rates. Both these items currently remain under negotiation and do not form part of this decision notice.</p>
<p><b>B3</b> What are the contributions to Corporate Priorities?</p>	<p>This decision supports the Council's Value for Money Council Services – Protecting Your Money.</p>
<p><b>B4</b> What are the Human Rights considerations?</p>	<p>There are no Human Rights issues arising from this decision.</p>

### Financial Implications

<b>B5</b> What are the financial implications?	There are no financial issues arising from this decision.
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Revenue	2018/19	2019/20	2020/21
N/A			

Capital	2018/19	2019/20	2020/21
N/A			

The finance section has been approved by the following member of the Financial Management Unit:	Please print name: <p style="text-align: center;">L W A T U R N E R</p> Please sign name: 
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### Policy Framework

<b>B6</b> Is the Decision wholly in accordance with the Council's policy framework?	Yes
<b>B6.1</b> If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
<b>B6.2</b> Has it got the appropriate approvals under those provisions?	NA
<b>B7</b> Is the Decision wholly in accordance with the Council's budget?	Yes
<b>B7.1</b> If No, does it fall within the urgency provisions (Part 3 of the Constitution)?	NA
<b>B7.2</b> Has it got the appropriate approvals under those provisions?	NA

### Equalities Implications

<b>B8</b> What are the Equalities implications:
<b>B8.1</b> Positive (Opportunities/Benefits): N/A
<b>B8.2</b> Negative (Threats): N/A
<b>B8.3</b> The subject of this decision is not a policy, strategy, function or service that is new or being revised. An equality impact assessment is not required.

### Risk Assessment

<b>B9</b> What are the Risk Assessment implications:
<b>B9.1</b> Positive (Opportunities/Benefits): This decision will ensure that the Council can continue to use the vehicles to help deliver its statutory waste collection and street cleaning duties.
<b>B9.2</b> Negative (Threats): Failure to secure an agreement would leave the Council having to source alternative fleet provision and could potentially cause disruption to two key front line services.
<b>B9.3</b> The risks are referred to in the Risk Register. Any financial implications to mitigate against these risks are considered above.

### Legal Considerations

<b>B10</b> What are the Legal Considerations:	
<b>B10.1</b> The main legal issues arising from this decision are as follows:  Due to insolvency, Gullivers Truck Hire Limited wishes to transfer its rights and obligations under the Vehicle Hire and Maintenance Agreement to Go Plant Fleet Service Limited. This is a permitted modification for the purposes of Regulation 72 (1) (d) of the Public Contract Regulation 2015 and, therefore, there is no requirement for a new procurement procedure. There are no other substantial modifications to the contract.	
This section has been approved by the following member of the Legal Team:	Please print name: <b>LINDA J DURHAM</b> Please sign: 

### Sustainability Implications

<b>B11</b> What are the Sustainability implications:
<b>B11.1</b> There are no sustainability implications to this decision. The positive/negative impacts are set out below (please refer to guidance notes).
<b>B11.2</b> Positive (Opportunities/Benefits): N/A
<b>B11.3</b> Negative (Threats): N/A

### Health & Safety Implications

<b>B12</b> What are the Health & Safety implications:
<b>B12.1</b> A Risk Assessment has not been carried out and entered into Harriet for all significant hazards and risks because there are no significant hazards or risks arising from this decision.

## Key Decision

<b>B13</b> Is this a Key Decision?	No
<p><b>Note: A Key Executive Decision is one where:</b></p> <ol style="list-style-type: none"> <li>1. <b>REVENUE</b> – Any contract or proposal with an annual payment or saving of more than £100,000</li> <li>2. <b>CAPITAL</b> – Any capital project with a value in excess of £150,000</li> <li>3. <b>A decision which significantly affects communities living or working in an area comprising two or more wards.</b></li> </ol>	
<b>B13.1</b> If this is a Key Decision, is this an urgent decision such that a delay caused by use of the Call-in Procedure would <u>seriously</u> prejudice the public interest?	NA
<b>B13.2</b> If yes, has the Mayor or in his/her absence the Deputy Mayor or in his/her absence the Chair of the relevant Scrutiny Committee agreed that the decision will be exempt from Call-in?	NA

**NOTE: If this decision is subject to the Call-in Procedure it will come into force, and may then be implemented, on the expiry of 3 working days after publication – unless 10 Members of the Council call in the decision.**

Please send the original signed document to [andrea.davies@eaststaffsbc.gov.uk](mailto:andrea.davies@eaststaffsbc.gov.uk)