

Delegated Decision Notice (DDN)

This form is the written record of a key, significant operational or administrative decision taken by an officer.

Decision type	<input type="checkbox"/> Key Decision	<input checked="" type="checkbox"/> Significant Operational Decision	<input type="checkbox"/> Administrative Decision
Approximate value	<input type="checkbox"/> Below £500,000 <input type="checkbox"/> £500,000 to £1,000,000 <input type="checkbox"/> over £1,000,000	<input type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000 <input checked="" type="checkbox"/> £100,000 to £500,000 <input type="checkbox"/> Over £500,000	<input type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000
Director¹	Chief Officer for Asset Management and Regeneration		
Contact person:	Tracey Piper	Telephone number: 07891 272 451	
Subject²:	Approve the direct appointment of Womble Bond Dickinson to provide Legal Support from the LCC Legal Services Framework to respond to the Network Rail Transpennine Route Upgrade (TRU) Transport and Works Act Order (TWAO).		
Decision details³:	<p>What decision has been taken? (Set out all necessary decisions to be taken by the decision taker including decisions in relation to exempt information, exemption from call-in etc.)</p> <p>The Chief Officer Asset Management and Regeneration:</p> <p>Authorised the appointment of Womble Bond Dickinson following a mini tender under the legal services framework for 1 year starting on 17th August 2023 to provide legal advice to enable the Council to formally respond to the Leeds to Micklefield TWAO. The value of the contract will be up to £100,000 with a current estimate of £93,376.</p>		
	<p>A brief statement of the reasons for the decision (Include any significant financial, procurement, legal or equalities implications, having consulted with Finance, PACS, Legal, HR and Equality colleagues as appropriate)</p> <p>This commission is required to enable the Council to respond to the Network Rail promoted Transpennine Route Upgrade Leeds to Micklefield Transport and Works Act Order (TWAO). An initial Technical Consultation Pack was shared with the Council by Network Rail in October 2022 as part of the informal consultation outlining their proposals and seeking feedback. The Transport and Works Act Order (TWAO) was submitted to the Secretary of State for Transport on 17 July 2023 seeking permission to carry out the proposed works.</p>		

¹ Give title of Director with delegated responsibility for function to which decision relates.

² If the decision is key and has appeared on the list of forthcoming key decisions, the title of the decision should be the same as that used in the list

³ Simply refer to supporting report were used as these matters have been set out in detail.

	<p>The council welcomes the principle of TRU and the ongoing collaborative working with Network Rail. To be able to respond formally to the TWAO and protect the Council’s position by we require legal advice to be able to respond and prepare the necessary documentation for the TWAO process and a public inquiry.</p> <p>This report is seeking to make a direct award to Womble Bond Dickinson using the LCC Legal Services framework following a mini tender carried out by Legal Services. Womble Bond Dickinson scored the highest from the mini tender that was carried out and have previous experience of working on TWAO’s for local authorities in the role of statutory consultee. Currently our internal Legal team do not have the resources to undertake the work and they advised that we should seek external legal advisors. Where the advice relates to developing agreements and changes to the Order in agreement with Network Rail the cost of the advisors and LCC staff time are met by Network Rail under a Planning Performance Agreement. Where documents are required to support the objection through to public inquiry these have to be met by the Council.</p>
	<p>Brief details of any alternative options considered and rejected by the decision maker at the time of making the decision</p> <p>Option 1 – Use the legal services framework to appoint Womble Bond Dickinson which will save time and they have demonstrated through a mini tender exercise that they have the expertise required to support the Council</p> <p>Option 2 – Carry out a new open competition procurement - this would take time and may delay the project and could result in a lack of continuity for advice on ongoing legal issues.</p> <p>Option 3 - The need to do nothing option was considered and rejected because there are a number of key issues in the TWAO which are detrimental to Leeds and therefore require addressing where possible to mitigate the impact on local communities and or the Council’s statutory functions.</p>
Affected wards:	Leeds City Council (all wards)
Details of consultation undertaken⁴:	Executive Members have been briefed about all programmes and Projects Reports were taken to Executive Board regarding the TRU project in June and October 2023

⁴ Include details of any interest disclosed by an elected Member on consultation and the date of any relevant dispensation given.

	<p>Ward Councillors – have been briefed about all programmes and Projects Hunslet & Riverside, Little London & Woodhouse, Burmantofts & Richmond Hill, Cross Gates & Whinmoor, Garforth & Swillington, Harewood, Kippax & Methley, Temple Newsam</p> <p>Network Rail carried out their own consultation in October/ November 2022, with both statutory consultee and wider public stakeholders. Network Rail additionally carried out a ward member briefing inviting affected ward members in December 2022 and consultation with Kippax and Methley Ward Members and Executive Member for Infrastructure and Climate on 22nd May relating to specific issues at Micklefield.</p>	
	Chief Digital and Information Officer ⁵	
	Chief Asset Management and Regeneration Officer ⁶ Angela Barnicle	
	Others	
Implementation	Officer accountable, and proposed timescales for implementation Angela Lawson	
List of Forthcoming Key Decisions⁷	Date Added to List:-	
	If Special Urgency or General Exception a brief statement of the reason why it is impracticable to delay the decision	
	If Special Urgency Relevant Scrutiny Chair(s) approval Signature _____ Date _____	
Publication of report⁸	If not published for 5 clear working days prior to decision being taken the reason why not possible:	
	If published late relevant Executive member's approval Signature _____ Date _____	
Call-in	Is the decision available ⁹ for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No


⁵ See Officer Delegation Scheme (Executive Functions) CDIO must be consulted in relation to all matters relating to the Council's use of digital technology

⁶ See Officer Delegation Scheme (Executive Functions) CAMRO must be consulted in relation to all matters relating to the Council's land and buildings.

⁷ See Executive and Decision Making Procedure Rule 2.4 - 2.6. Complete this section for key decisions only

⁸ See Executive and Decision Making Procedure Rule 3.1. Complete this section for key decisions only

⁹ See Executive and Decision Making Procedure Rule 5.1. Significant operational decisions taken by officers are never available for call-in. Key decisions are always available for call-in unless they have been exempted from call-in under rule 5.1.3.

	If exempt from call-in , the reason why call-in would prejudice the interests of the council or the public:	
Approval of Decision	Authorised decision maker ¹⁰ Angela Barnicle, Chief Officer for Asset Management and Regeneration	
	Signature 	Date 10 November 2023

¹⁰ Give the post title and name of the officer with appropriate delegated authority to take the decision.