

Merton Council

Cabinet Agenda

Membership

Councillors:

Stephen Alambritis (Chair)
Mark Allison
Kelly Braund
Mike Brunt
Tobin Byers
Caroline Cooper-Marbiah
Nick Draper
Edith Macauley MBE
Martin Whelton

Date: Monday 18 February 2019

Time: 7.15 pm

**Venue: Committee rooms C, D & E - Merton Civic Centre, London Road,
Morden SM4 5DX**

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All Press contacts: communications@merton.gov.uk, 020 8545 3181

Cabinet Agenda

18 February 2019

- | | | |
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| 1 | Apologies for absence | |
| 2 | Declarations of pecuniary interest | |
| 3 | Minutes of the previous meeting | 1 - 6 |
| 4 | Reference from the Overview and Scrutiny Commission - second round of budget scrutiny | 7 - 12 |
| 5 | Draft Business Plan 2019-23 | To Follow |
| 5a | Business Plan 2019-23 Savings Information Pack | |
| | This report is provided separately and will be discussed as part of the preceding item on the Business Plan Update. | |
| 6 | Financial Report 2018/19 – December 2018 | To Follow |
| 7 | Award of contract for provision of Extra Care and Housing Related Support Services at Pantiles House and Trellis House - ASC contract | 13 - 20 |
| 8 | Exclusion of the public | |
| | To RESOLVE that the public are excluded from the meeting during consideration of the following report on the grounds that it is exempt from disclosure for the reasons stated in the report. | |
| 9 | Award of contract for provision of Extra Care and Housing Related Support Services at Pantiles House and Trellis House - Exempt Appendix | 21 - 26 |

Note on declarations of interest

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Agenda Item 3

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CABINET

14 JANUARY 2019

(7.15 pm - 8.08 pm)

PRESENT Councillors Councillor Stephen Alambritis (in the Chair), Councillor Mark Allison, Councillor Kelly Braund, Councillor Mike Brunt, Councillor Tobin Byers, Councillor Nick Draper, Councillor Edith Macauley and Councillor Martin Whelton

ALSO PRESENT Councillors Peter Southgate, Nigel Benbow, David Williams, Hayley Ormrod, Edward Gretton and Daniel Holden

Ged Curran (Chief Executive), Caroline Holland (Director of Corporate Services), Rachael Wardell (Director, Children, Schools and Families), Chris Lee (Director of Environment and Regeneration), Fiona Thomsen (Head of Shared Legal Services), John Morgan (Assistant Director of Adult Social Care), Roger Kershaw (Assistant Director of Resources), Amy Dumitrescu (Democratic Services Officer)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Councillor Caroline Cooper-Marbiah.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 10 December 2018 are agreed as an accurate record.

4 REFERENCE FROM SCRUTINY - STRATEGIC APPROACH TO PARKING CHARGES (Agenda Item 4)

Councillor Tobin Byers, the Cabinet Member for Adult Social Care and Health presented the report, thanking the scrutiny panel for their work and advising that this was one part of the consultation process, with further consultation planned in due course.

Councillor Martin Whelton, Cabinet Member for Regeneration, Housing and Transport reiterated points raised by Councillor Byers and stated that Scrutiny had looked thoroughly at the policy. Noting the reference, Councillor Whelton felt that there was a strong case in terms of air quality issues and that parking charges would play a key role in reducing car usage.

The Director of Environment and Regeneration noted that the reference sought additional evidence and advised that this would be made available as part of the consultation process.

At the invitation of the Chair, Councillor Peter Southgate spoke on the scrutiny reference on behalf of the Chair of the Sustainable Communities Overview and Scrutiny Panel and gave an overview of the discussions which had taken place. The Panel had heard and considered evidence from three representatives who had raised various points and a recommendation had been brought to Cabinet following these discussions.

RESOLVED:

1. The Sustainable Communities Overview and Scrutiny Panel recommended that Cabinet take into account its reference set out in paragraph 2.8 of the report when making future decisions on the strategic approach to parking charges and on the associated public consultation.

5 KEEPING YOUNG PEOPLE SAFE IN MERTON (Agenda Item 5)

Councillor Kelly Braund, Cabinet Member for Children's Services presented the report and thanked the Youth Parliament, the Police and Safer Merton for their hard work. The Cabinet Member noted that the report showed the importance of young people having a voice in every forum.

At the invitation of the Chair, Councillor Peter Southgate addressed the Cabinet and stated that he hoped that the meeting which had taken place in October would be the first of many.

At the invitation of the Chair Beverly Boateng, representing the Youth Parliament, addressed the Cabinet and gave an overview of the findings from the consultation.

The Chair responded that the survey report had been interesting to read and stated that the Cabinet wanted to encourage young people to be more involved with the Council.

RESOLVED:

1. That Cabinet considered the report and recommendations arising from the joint scrutiny exercise with the youth parliament on the issue of keeping young people safe in Merton – attached as Appendix 1;
2. That Cabinet considered the draft officer response set out in Appendix 2
3. That Cabinet agreed to delegate the action plan to the Director of Children Schools and Families.

6 LOCAL DISCRETIONARY BUSINESS RATE RELIEF SCHEME 2019/20
(Agenda Item 6)

The Deputy Leader and Cabinet Member for Finance presented the report, thanking officers for their hard work and stating that it was important to support businesses where the Council was able to. The Cabinet Member for Finance advised that business rates are not set by the Local Authority but by Central Government. It was noted that 530 businesses would benefit from the scheme if approved.

The Director of Corporate Services advised the Cabinet that it was anticipated that the scheme would be in place before the bills were sent out to businesses.

The Chair responded that it was positive that the businesses that benefitted did not have to apply for the scheme but would be contacted by the Council.

RESOLVED:

1. For Cabinet to review and agree the Local Discretionary Business Rate Relief Scheme for 2019/20
2. For Cabinet to agree the new Retail Discount Scheme for 2019/20

7 COUNCIL TAX REDUCTION POLICY TO SUPPORT CARE LEAVERS
(Agenda Item 7)

The Deputy Leader and Cabinet Member for Finance presented the report and thanked officers for their hard work and welcomed the opportunity to give children in care a good start in life.

The Director of Corporate Services advised that recipients would have to apply for the reduction however the Council aimed to make the process as streamlined as possible.

RESOLVED:

1. Cabinet agreed that the Council Tax Reduction policy is amended to support care leavers up to the age of 25 that do not receive maximum help towards their council tax through council tax support or an exemption with effect from April 2019.

8 DRAFT BUSINESS PLAN 2019-23 (Agenda Item 8)

The Deputy Leader and Cabinet Member for Finance presented the report and thanked officers for their work, noting that the estimates about the budget gap had been correct with a gap of £20million and that recommendations for addressing half of that figure had been suggested so far. The situation was being monitored and scrutiny were currently providing feedback on the proposed savings.

The Chair echoed the points raised and advised that financial strategies were in place however there were difficult decisions being made.

RESOLVED:

1. That Cabinet noted the financial information arising from the Provisional Settlement 2019/20 and that the financial implications will be incorporated into the draft MTFS 2019-23 and draft capital programme 2019-23.
2. That Cabinet noted the latest update of the draft MTFS for 2019 – 23

9 FINANCIAL REPORT 2018/19 – NOVEMBER 2018 (Agenda Item 9)s

The Deputy Leader and Cabinet Member for Finance presented the report, thanking Finance staff for their highly valued work and advising that the latest update was relatively positive with the budget projected spend close to being achieved, with a slight overspend of 0.04%.

The Director for Corporate Services noted that there had been progress in addressing the overspend in the Community and Housing Budget however this was being closely monitored.

RESOLVED:

- A. That Cabinet noted the financial reporting data relating to revenue budgetary control, showing a forecast net overspend at year end of £0.215 million, 0.04% of gross budget.
- B. That Cabinet noted the adjustments to the Capital Programme contained in Appendix 5b and approved the items in the Table below:

Scheme	2018/19 Budget	2019/20 Budget	Narrative
<u>Corporate Service</u>			
Housing Company	(439,000)	439,000	Re-profiled in accordance with projected spend
Parking System	(106,000)	106,000	Re-profiled in accordance with projected spend
<u>Community and Housing</u>			
Disabled Facilities Grant	102,320	0	2018-19 Budget based on projected spend at year end
<u>Children, Schools and Families</u>			
Healthy Schools	(188,630)	188,630	Re-profiled in accordance with projected spend
Harris Academy Wimbledon	(209,500)	209,500	Re-profiled in accordance with projected spend
Capital Loans to Schools	(108,900)	108,900	Re-profiled in accordance with projected spend
<u>Environment and Regeneration</u>			
Wimbledon Lake De-Silting	(73,500)	117,290	Re-profiled in accordance with projected spend

Morden Leisure Centre	(338,830)	338,830	Re-profiled in accordance with projected spend
Waste Bins	(789,270)	789,270	Re-profiled in accordance with projected spend
Highways bridges & structures	(310,000)	310,000	Funding no longer required, residual spend in revenue
Total	(2,461,310)	2,607,420	

10 FORMER VIRGIN ACTIVE PROPERTY, BATTLE CLOSE, SW19 1AQ
(Agenda Item 10)

The Deputy Leader and Cabinet Member for Finance presented the report and thanked officers for their work, adding that it was unfortunate that Virgin Active had closed and that given the provision of leisure facilities in the Borough it was clear that housing is a use for the site which could be supported. The Cabinet Member took the opportunity to place on record his thanks to everyone involved with the newly opened Morden Leisure Centre.

The Director of Environment and Regeneration provided an update to Paragraph 2.8, advising that a consultation response had been received from Sport England and their comments would be taken into account.

RESOLVED:

1. That the demolition of the former Virgin Active Health Club, Battle Close, SW19 1AQ is authorised subject to confirmation of prior approval under the Town and Country Planning (General Permitted Development)(England) Order 2015.

11 LONDON COUNCILS GRANTS SCHEME SUBSCRIPTION FOR 2019/20
(Agenda Item 11)

The Cabinet Member for Community Safety, Engagement and Equalities presented the report, noting the proposed contribution increase on the previous year.

RESOLVED:

A. That Cabinet approved the council's contribution to the London Councils Grants Scheme 2019/20 as per the subscription set by London Councils Leaders' Committee on 4 December 2018.

12 NEIGHBOURHOOD COMMUNITY INFRASTRUCTURE LEVY WARD
ALLOCATION SCHEME (Agenda Item 12)

The Cabinet Member for Regeneration, Housing and Transport presented the report, thanking officers and the Future Merton team for their work.

The Cabinet Member advised that following the pilot scheme the previous year, lessons had been learned and the proposal was now included within the report of £15,000 per ward over three years. It was noted that a full briefing would be provided to all Councillors in advance of April 2019.

The Chair welcomed that wards would be able to work together and pool their resources if they wished to.

RESOLVED:

A. That Cabinet consider the outcome from the £5k per ward pilot project carried out in 2018

B. The Cabinet approve the ward allocation scheme including £15k per ward as set out at paragraph 2.17

C. That Cabinet note that the second bidding round for the Neighbourhood Fund will be carried out early in 2019 separately from the ward allocation scheme in accordance with the governance and allocation arrangements approved by Cabinet in 2017, as set out at paragraph 2.19.

Committee: Cabinet

Date: 18 February 2019

Wards: All

Subject: Reference from the Overview and Scrutiny Commission – pre decision scrutiny of the Business Plan 2019-23

Lead officer: Julia Regan, Head of Democracy Services

Lead member: Councillor Peter Southgate, Chair, Overview and Scrutiny Commission

Contact officer: Julia Regan, Julia.regan@merton.gov.uk 0208 545 3864

Recommendations:

-
1. That Cabinet, in taking decisions relating to the Business Plan 2019-23, takes into account the recommendations made by the Overview and Scrutiny Commission (set out in paragraph 2.4 below) and the outcomes of consideration by the Overview and Scrutiny Panels (set out in Appendix 1)
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To inform Cabinet of the recommendations and comments resulting from pre decision scrutiny of the Business Plan 2019-23 by the Overview and Scrutiny Commission and Overview and Scrutiny Panels at their meetings in January 2019.

2 DETAILS

- 2.1. Each of the Overview and Scrutiny Panels and the Overview and Scrutiny Commission has examined the budget and business plan proposals relating to the service areas within their remit. As well as scrutinising the draft service plans The Overview and Scrutiny Commission has also received the findings of the Panels.
- 2.2. The Commission RESOLVED to forward to Cabinet the comments and recommendations made by the overview and scrutiny panels. These are set out in Appendix 1.
- 2.3. The Overview and Scrutiny Commission has received and discussed the findings of the Panels and has discussed the savings proposals and the capital programme relating to its remit. The Commission has made recommendations to ask Cabinet to reconsider two of the proposed savings and to re-review the future capital programme. The Commission has scrutinised the medium term financial strategy in some detail and has made recommendation asking Cabinet to support the Local Government Association in lobbying government for a more sustainable basis for funding.
- 2.4. The Commission RESOLVED to forward the following comments and recommendations to Cabinet:

1. The Commission noted the Local Government Association's statement "*It is disappointing that the government has not used the budget to provide further desperately needed resources for councils next year ...It is vital that the government provides new funding for all councils in the final settlement , and uses the 2019 Spending Review to deliver truly sustainable funding for local government*";

2. The Commission recommended that Cabinet agree to support the Local Government Association in lobbying government for a more sustainable basis for the funding of local government;

3. The Commission invited Cabinet to reconsider savings proposal CS03 – remove contribution to E&R for funding premises occupied by VS grant recipients (MVSC and CAB). Members of the Commission asked whether there were alternative sources of funding that MVSC and CAB could access and expressed concern about the impact that this proposed saving might have on the rest of the voluntary sector.

4. The Commission invited Cabinet to reconsider savings proposal CS16 – closure of Morden Park House and relocation of statutory services to operate at the Civic Centre. Members of the Commission said that they greatly valued the building and asked questions about the business model and whether closure might be a false economy. The Director of Corporate Services undertook to provide information on the level of corporate overheads charged to the service;

5. The Commission would have liked to have received more information about the level and funding consequences of the capital programme. It therefore recommended that the Financial Monitoring Task Group should carry out a deep dive review of the capital programme and requested that, in the meantime, Cabinet re-review the future capital programme and associated financial implications for the revenue budget.

3 ALTERNATIVE OPTIONS

- 3.1. Cabinet is required under the terms of the constitution to receive, consider and respond to recommendations from Overview and Scrutiny.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 5 The Constitution contains the requirements for consulting scrutiny on the budget and business plan. There is an initial phase of scrutiny in November each year, with the second round in January/February representing the formal consultation of scrutiny on the proposed Business Plan, Budget and Capital Programme.

6 TIMETABLE

- 6.1. Round one of scrutiny of the 2019-23 Business Plan was undertaken as follows:-
- Sustainable Communities Overview & Scrutiny Panel: 1 November 2018

- Healthier Communities & Older People Scrutiny Panel: 6 November 2018
 - Children & Young People Overview & Scrutiny Panel: 7 November 2018
 - Overview and Scrutiny Commission: 14 November 2018
- 6.2. Round two of scrutiny of the Business Plan was undertaken as follows:-
- Sustainable Communities Overview & Scrutiny Panel: 9 January 2019
 - Children & Young People Overview & Scrutiny Panel: 16 January 2019
 - Healthier Communities & Older People Scrutiny Panel: 10 January 2019
 - Overview and Scrutiny Commission: 23 January 2019
- 6.3. The responses from round two will be presented to Cabinet on 18 February 2019. A meeting of full Council will then take place on 6 March 2019.

7 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 7.1. These are detailed in the substantive reports elsewhere on this agenda.

8 LEGAL AND STATUTORY IMPLICATIONS

- 8.1. The process for developing the budget and business plan is set out in Part 4C of the Council's Constitution. The role of the Overview and Scrutiny Commission and panels with regard to the development of the budget and business plan is set out in Part 4E of the Constitution.
- 8.2. The legal and statutory implications relating to the budget and business plan are contained in the reports elsewhere on this agenda.

9 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 9.1. It is a fundamental aim of the scrutiny process to ensure that there is full and equal access to the democratic process through public involvement and engagement.

10 CRIME AND DISORDER IMPLICATIONS

- 10.1. None for the purposes of this report.

11 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 11.1. None for the purposes of this report.

12 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix 1 – Comments and recommendations made by the Overview and Scrutiny Panels at meetings in January 2019

13 BACKGROUND PAPERS

- 13.1. None

References/Comments from Scrutiny Panels to the Cabinet, 23 January 2019

Scrutiny of the Business Plan 2019-2023

Sustainable Communities Overview and Scrutiny Panel: 9 January 2019

The Panel discussed each of the new savings proposals and asked questions of clarification on these and on items in the capital programme and the draft service plans. A motion was put forward and lost on one of the proposed savings.

The Panel noted that there was not a savings item in relation to Christmas parking and RESOLVED that “once the Christmas parking analysis is concluded, the results be brought to the Sustainable Communities Overview & Scrutiny Panel for comment.”

The Panel was disappointed, but accepted Cabinet’s response to its budget round one recommendation asking Cabinet to “consider increasing the capital spend on street trees and other associated landscaping by 10% to help improve the Borough’s air quality offset by reducing equivalent spend on fleet vehicles”. Cabinet was broadly in support but said that the proposal to use the money saved to increase capital spending on trees would need further work to assess whether that would be an appropriate use of the money as this may generate additional ongoing maintenance costs. The Director of Environment and Regeneration informed the Panel that there may be other ways of delivering additional trees through the planning process by placing an emphasis on landscaping in new applications.

Healthier Communities and Older People O&S Panel: 10 January 2019

The budget discussion at the Healthier Communities and Older People Overview and Scrutiny Panel recognised the need to make savings.

It was acknowledged that saving CH90, Out of Borough Placements, would enable some vulnerable people to move from outside the borough and live in local placements and be closer to friends and family.

In discussion on CH89, Older People Day Activities, some members wanted to recommend that at least one day centre remain open. This was not supported by the majority of panel members who did not wish to pre-empt the outcome of a review of what provision will be required to meet the needs of this group.

Children and Young People Overview and Scrutiny Panel: 16 January 2019

The Panel noted that the budget for the Children, Schools and Families Department was balanced for 2019-20 but that there was a large budget gap of £1.8 million of savings still to find for 20-21. The Director of Children, Schools and Families explained that work was ongoing to consider savings in all areas of the department but she did not believe that any easy savings would be found.

The Panel noted that three (CSF 2018-11, CSF 2018-12 and CSF 2018-07) of the savings had an equality impact assessment of 3, (meaning that they would have a high

impact but mitigation may be possible). Regarding CSF 2018-07 the Panel noted that work with young people who were not in education or training (NEET) would continue and there would be a focus on the most vulnerable young people.

The Panel noted the work already done regarding saving costs on School Transport and that ideas will be shared with neighbouring boroughs. Officers were asked if they could bring forward any savings, but replied that they would rather carry out cost cutting in a careful and planned way and not make cuts before they were needed.

Two motions were proposed but both were lost. However the Panel did agree that at the appropriate time a further Task Group on Revenue Generation by Schools could be considered for inclusion in the work programme.

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Committee: Cabinet

Date: 18th February 2019

Wards:

Subject: Award of two contracts for the provision of Extra Care Supported Housing Schemes at Pantiles House and Trellis House

Lead officer: Phil Howell, Interim Head of Adult Social Care – Operations & Commissioning

Lead member: Councillor Tobin Byers, Cabinet Member for Adult Social Care and Health

Contact officer: Godfrey Luggya, Commissioning Officer, Adult Social Care

Recommendations:

- A. The Council awards the contracts for the provision of Extra Care Services on the basis of three years with the option to extend for a further 2 years in 1 year increments and as outlined in the confidential Part B paper.
 - B. Delegate to the Director of Community and Housing, in consultation with the Cabinet Member for Adult Social Care and Health, the authority to extend the contract by the further increment of up to 24 months (as above).
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. The purpose of this report is to seek the approval of Cabinet to award two contracts for the provision of a 24 hour 365 days a year care and housing related support service to tenants living within two Extra Care schemes within the borough.
- 1.2. This report details the commissioning and procurement process undertaken and the decisions taken by the evaluation panel and makes a recommendation that Cabinet agree to the recommendation detailed above.

2 DETAILS

- 2.1. The Council currently purchases approximately 43,000 care and housing related support hours per annum across both schemes (inclusive of 24-hour night care workers for 365 days per year). The Council currently and will continue to only pay for the actual number of care & housing related support hours provided.

Following DMT and Procurement Board approval to recommission the service under competitive open tender procedure, we prepared the tender documents. It was agreed that bidders would have the option to tender for one or two of the schemes. It was agreed that this would allow both Small

Medium Enterprises (SME's) and larger organisations an opportunity to tender for the services.

2.2. 2 schemes were tendered:

Scheme 1: Pantiles House (33 flats)

Scheme 2: Trellis House (42 flats)

It was projected that the estimated care and housing related support hours would remain broadly the same as the current contract volumes for the duration of the new service (Pantiles House – approx.15,000 hours per annum and Trellis House – approx.28,000 hours per annum). These hours were provided to bidders within the tender documents.

It was also agreed that the Council would continue to purchase on a spot provision basis (meaning the Council would only pay for actual hours delivered).

2.3. Following a review of the service specification, the core objectives of the service were as follows:

- Customers to achieve an optimum level of independence, health, wellbeing and quality of Life
- Customers to be involved in planning of their care and to be able to exercise control over life decisions
- The Service to be provided in a manner which is sensitive to culture, race, sexuality, gender, age, impairment, spiritual, emotional and religious needs
- Customers feel safe and secure within the service environment
- Services to be provided in a flexible manner that responds to changing needs and demands whilst maintaining Customers privacy and dignity
- To meet these objectives, the Council wishes the Service Provider to provide services in a way, which offers optimum flexibility to both carers and those they care for.

2.4. Description of the Tender process

The tender process was undertaken by Commercial Services in accordance with EU Directive 2014/24/EU, The Public Contracts Regulations 2015 and the Council's Contract Standing Orders.

The tender was managed via the Council's web based e-Tendering system ProContract, with advice from the Council's Legal services as needed.

The tender opportunity was advertised on 11th October through ProContract, the Official Journal of the European Union (OJEU) and Contracts Finder.

Prospective providers were made aware that the price was fixed at £14.45 per hour at least for the first year. Based upon current number of hours provided at both schemes, the cost of the new contract will be the same for the first year of the contract. The rate has been calculated as follows:

Item	Proposed Rate 2019/20 (1 hr)	45min	30min	15min	Comments
Contact time	9.33	7.00	4.70	2.30	Must be at least equal to the prevailing National Living Wage rate (Assumed - £8.20 for 2019/20)
Staffing on costs	2.27	1.70	1.13	0.57	24.3% of contact time to cover pensions, Training, sick pay and holiday pay, etc...
Business Running Cost	2.44	1.83	1.22	0.61	21% of contact and staffing on costs - at the discretion of the Council.
Profit	0.42	0.32	0.21	0.11	3% of overall cost - at the discretion of the Council.
Total cost per std hour	14.45	10.84	7.23	3.61	

Future increases

For subsequent years, the Council will adjust the indicative hourly rate to take account of the prevailing National Living Wage, if applicable. For demonstration purposes, assuming NMW is increased to £9.00 per hour in 2020/21, contact time will be adjusted by £0.80 (i.e £9.00-£8.20) to make it £10.13. Staffing 'on cost', Business running Cost and Profit rates will remain the same. The new rate for 2020/21 would be £15.69 per hour.

2.5. TUPE

All bidders were advised by the Council that the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") and/or Property lease/rental agreement might apply to this contract. It was, however, made clear in the invitation to tender that it would be up to bidders to make their

own judgement on the potential implications of TUPE and/or Property lease rental agreement and factor it into their bid accordingly.

2.6. Tender Evaluation

All bidders were advised in the tender documents provided that the award of any contract would be in accordance with the evaluation criteria specified in the tender documents based on 100% quality, as the price was fixed.

A total of 8 bids were received. These were evaluated and moderated in accordance with the tender documents and as shown in Part B.

2.7. Evaluation Panel

An Evaluation Panel was established consisting of:

- (i) Supported Living Team Manager (ASC)
- (ii) Team Manager, Older People Services (ASC)
- (iii) Commissioning Officer (ASC)

Moderator: Category Advisor (Commercial Services)

2.8. Quality Evaluation (Method Statements)

During the period 12th November 2018 to 7th December 2018 the Evaluation Panel assessed each tender against pre-set evaluation criteria set out in Appendix 1. For details of Moderated scores, please refer to Part B.

3 ALTERNATIVE OPTIONS

3.1. The following alternative options were considered:

3.2. Cease to provide a service at all: The Council has a statutory duty under the Care Act 2014 to provide a service to those assessed to have a need. Therefore, this is not a feasible option as a key objective of the Council to encourage and assist all vulnerable adults who meet the Council's assessment criteria to live independently and stay healthy within their own homes. By not providing the Care and Housing Related Support service within Extra Care Schemes, would accelerate the move of older adults into a residential care setting and as a result compromise their quality of life and independence.

3.3. Extend the existing contract: This is not an option. The current contracts for Scheme 1 (Pantiles House) and Scheme 2 (Trellis House) expire on 30th April 2019 without any further extension options that could be utilised.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. The following key stakeholders were consulted at various stages throughout the tendering and evaluation process:

Internal:

Adult Social Care Commissioning Team
Commercial Services Team
Legal Services
Health and Safety Services Team
Corporate Accountancy Team
ASC Safeguarding Team

External:

Current providers
Other Local Authorities

5 TIMETABLE

- 5.1. The timetable to re-tender the service is as follows:

Stage / Activity	Dates
Publication of ITT	11 th October 2018
Last date for ITT clarification questions	17.00pm, 2 nd November 2018
Closing date for receipt of ITT	12.00pm, 12 th November 2018
Evaluation of ITT	7 th December 2018
LSG Meeting	28 th January 2019
Cabinet Meeting	18 th February 2019
Notification of the Councils intention to award	4 th March 2019
Standstill Period	5 th March – 14 th March 2019
Confirmation of award	15 th March 2019
Implementation	15 th March 2019 – 30 th April 2019
Contract Commencement date	1 st May 2019

- 5.2. The award of contracts to the two respective incumbent providers means there is no required mobilisation period and ensures that the new services at Pantiles House and Trellis House will commence on 1st May 2019, when the existing contract ends. This provides continuity of service for customers at both schemes

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

Details of financial implications can be found in Part B.

7 LEGAL AND STATUTORY IMPLICATIONS

As per the main body of the report, the services to be procured are subject to the Light Touch Regime. Under the Public Contracts Regulations (PCR 2015), there is no prescribed procedure for the procurement of light touch services. Contracting Authorities have flexibility to use any process or procedure they choose to run the procurement for light touch services, as long as the procedure is in compliance with the EU treaty principles and the mandatory requirements set out in PCR 2015 summarised below:

- i) OJEU Advertising: The publication of a contract notice (CN) or prior information notice (PIN). Except where the grounds for using the negotiated procedure without a call for competition could have been used, for example where there is only one provider capable of supplying the services required.
- ii) The publication of a contract award notice following the procurement.
- iii) Compliance with EU Treaty Principles of transparency, non-discrimination, and equal treatment.
- iv) Conducting the procurement in conformance with the information provided in the OJEU advert (CN or PIN) regarding: any conditions for participation; time limits for contacting/responding to the authority; and the award procedure to be applied.
- v) Time limits imposed by authorities on suppliers, such as for responding to adverts and tenders, must be reasonable and proportionate. There are no stipulated minimum time periods in the Light Touch Regime rules, and guidance suggests that contracting authorities should use their discretion and judgement on a case by case basis.

The Council has as per the main body of the report followed the Open Procedure and has up to the point of identifying the successful tenderers adhered to all of the relevant requirements of PCR 2015 and the EU Treaty Principles. The proposed award therefore presents no risk to the Council unless the Council omits to publish a contract award notice after all internal approvals have been obtained and the decision to award the contracts concluded.

It is important that contracts (on the same terms as issued with the ITT) are concluded with the winning bidders. Legal services if instructed will undertake this piece of work.

The Council will need to seek further advice on TUPE before a contract is entered into.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. The tender documentation submitted by all selected bidders was assessed against criteria developed to comply with current equalities, diversity and human rights legislation as well as Council Policy with regard to equalities, diversity and human rights.
- 8.2. The successful bidder(s) confirm that they would be able to meet these requirements.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. There are no specific implications affecting this tender.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. All organisations that are awarded contracts must have a Health and Safety policy that compliments the Council's corporate procedures for effective health and safety and risk management. Tender documentation submitted by all bidders was assessed against criteria developed by the Council's Health and Safety and Emergency Planning Manager to ensure that any bidder who is awarded a contract complies with all statutory regulations in all matters related to the service.
- 10.2. The Council will ensure compliance to the contract specification and contract standards through the use of a robust monitoring procedure that will be developed for this service. This will use at least the following methods:
- The provider monitoring the contract through their own quality management and monitoring system (this will include: monitoring service delivery hours, service user outcomes achieved, monthly activities held and attended, analysis & investigation of complaints, monitoring of health and hygiene practices and at least annually a client satisfaction survey to identify any areas for improvement).
 - At least quarterly review meetings between the Council and the Service Providers in the first 12 months, thereafter reviewable.
 - The electronic submission at weekly, monthly and quarterly intervals by the provider to the Council of a range of statistical data (including: hours per week reports, no. of complaints, new referrals, referrals moved on, hours increased, activities held) to enable the Council to determine whether the provider is continuing to perform to the contract specification and performance targets.

- Adult Social Care Contracts team undertaking client satisfaction surveys at least annually to recipients of the service at each of the schemes to determine whether they are satisfied with the service received. A report of the findings will be produced with recommendations for the providers to comply to.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Part B - Tender Evaluation Process and Award Criteria

12 BACKGROUND PAPERS

The Council's Contract Standing Orders

The Council's Procurement Strategy

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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