

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

Cabinet

The meeting will be held at **7.00 pm** on **21 June 2017**

Committee Rooms 2 & 3, Civic Offices, New Road, Grays, Essex, RM17 6SL.

Membership:

Councillors Robert Gledhill (Chair), Shane Hebb (Deputy Chair), Mark Coxshall, James Halden, Deborah Huelin, Brian Little, Susan Little, Sue MacPherson and Pauline Tolson

Agenda

Open to Public and Press

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4 Declaration of Interests	
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Queries regarding this Agenda or notification of apologies:

Please contact Kenna-Victoria Martin, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **13 June 2017**

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Vision: Thurrock: A place of **opportunity, enterprise and excellence**, where **individuals, communities and businesses** flourish.

To achieve our vision, we have identified five strategic priorities:

1. Create a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

2. Encourage and promote job creation and economic prosperity

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

3. Build pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

4. Improve health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

5. Promote and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

Minutes of the Meeting of the Cabinet held on 5 April 2017 at 7.00 pm

The deadline for call-ins is Wednesday 19 April 2017.

Present: Councillors Robert Gledhill (Chair), Shane Hebb (Deputy Chair), Mark Coxshall, James Halden, Deborah Huelin, Sue MacPherson and Pauline Tolson

Apologies: Councillors Brian Little and Susan Little

In attendance: Lyn Carpenter, Chief Executive
Steve Cox, Corporate Director of Environment and Place
Sean Clark, Director of Finance & IT
Roger Harris, Corporate Director of Adults, Housing and Health
Rory Patterson, Corporate Director of Children's Services
Jackie Hinchliffe, Director of HR, OD & Transformation
Karen Wheeler, Director of Strategy, Communications and Customer Service
David Lawson, Deputy Head of Legal & Monitoring Officer
Kenna-Victoria Martin, Senior Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

117. Minutes

The Minutes of Cabinet, held on 8 March 2017, were approved as a correct record.

118. Items of Urgent Business

There were no items of urgent business.

119. Declaration of Interests

There were no declarations of interest.

120. Statements by the Leader

The Leader addressed Portfolio Holders and in doing so, advised the new bin round collections would start on the 8 May 2017, he urged all residents to take note of the new days which would be communicated by letter and social media.

He further advised Members the £1.2 million, 3 year parks program had started which would see capital investment in many of Thurrock's play and park areas.

Councillor Gledhill commented that £819,000 from HCA had been secured to support improvements to council housing for residents and identify where new housing could be built. In addition, £481,000 had been pledged to support Thurrock repair its roads. The Leader informed Cabinet the new money had been received from the National Productivity Fund.

It was remarked that Thurrock Council had been working alongside Barratts and Essex Police to install nuisance biker signage in the east of the borough following complaints from residents. The signs would work as the first official warning, meaning the police could then take enforcement action as soon as the offence was committed.

The Leader highlighted the Council's Trading Standards and Fraud Teams had been working hard with successful prosecutions for retailers selling dangerous products with somebody admitting two charges of engaging in misleading practices under the Consumer Protection and Unfair Trading regulations.

It was announced that Thurrock had entered a relationship with Hyperoptic, the UK's leading Fibre-to-the-Premises (FTTP) broadband provider focused on partnering with Councils to support their digital inclusion initiatives.

Councillor Gledhill explained Hyperoptic would initially be offering its services available to 1,700 tenants across 12 of the Council's Social Housing developments. The relationship was completely at the choice of the tenant and provided low cost and affordable solution to high-speed broadband services.

The Leader further announced that at 1.36pm on Tuesday 28 March 2017 the Council had issued its 1000 Fixed Penalty Notices for littering in Thurrock.

Finally the Leader stated the Council had agreed to write to James Berry, Member of Parliament for Kingston and Surbiton, to ask that Thurrock be excluded from continuing to fund the Lea Valley Park. He continued to explain the park was 35 miles away, the same distance away as Hyde Park, yet the Council had to fund the park nearly 40% of its own budget for country parks here in Thurrock.

121. Petitions submitted by Members of the Public

There were no petitions submitted.

122. Questions from Non-Executive Members

The Leader of the Council advised that no questions had been submitted from Non-Executive Members.

123. Matters Referred to the Cabinet for Consideration by an Overview and Scrutiny Committee

The Leader of the Council informed Members that no matters had been referred to the Cabinet by an Overview and Scrutiny Committee.

124. Revenue Budget Monitoring - January 2017 (Decision 01104415)

Councillor Hebb presented the report explaining it provided an update on the forecast 2016/17 outturn position as at the end of January 2017. He continued by highlighting previous reports had shown that the Council had met considerable financial pressures.

The Portfolio Holder for Finance and Legal Services mentioned that whilst no additional budget savings to front line services had been proposed, the 2016/17 budget did include previously agreed savings.

It was discussed that the overspend position for the year end included funds to deliver the 'Clean it, Cut it, Fill it' initiative for 2016/17, which was highlighted by residents through the recent Resident Survey. Members were further notified that the most significant pressure remained within Children Services.

The Leader of the Council, Councillor Gledhill, commented there were many pressures within Children's Services, one of which was asylum seeking children. He informed Cabinet that following the Government's decision to allocate these children across the region, Thurrock's allocation was 28 children, but here were currently 63 asylum seeking children being homed across the borough.

RESOLVED that Cabinet:

- 1. Note the forecast outturn position for 2016/17; and**
- 2. Agree the use of capital receipts to fund transformation spend in line with the capital receipt flexibility policy introduced as part of the Governments multi-year settlement and council's efficiency plan.**

Reason for Decision - as stated in the report
This decision is subject to call-in

125. 2016/17 Capital Monitoring Report - Quarter 3 (Decision 01104416)

The Portfolio Holder for Finance and Legal Services, addressed Members informing them the 2016/17 Capital Programme was last considered at the December meeting.

It was explained that since the last reported position, additional funding had been added to the programme. Councillor Hebb continued to state that £15million had been re-profiled for libraries and the Purfleet Project.

Councillor Halden mentioned that £11million had been allocated by the School's Basic Need Grant for the improvement and expansion for Schools and Academy in the borough, such as the expansion of St Cleres secondary school and East Tilbury Primary.

The Leader of the Council commented on the previously reported over spend within the Housing department. He stated he felt the spending of money to repair housing structures was not over spend but instead necessary spend for council residents.

RESOLVED that Cabinet:

- 1. Note the General Fund capital programme is projected to have unspent capital budgets of £14.897m as at 31 March 2017 being carried forward to 2017/18 to fund schemes currently in progress or under development;**
- 2. Note the Housing Revenue Account capital programme is currently forecasting an overspend of £0.502m, but work continues to be undertaken to eliminate this by the 31 March 2017; and**
- 3. Note the Schools Basic Need Government Grant allocation of £5.026m (2017/18) and £6.830m (2018/19) which will be added to the capital programme to fund further school improvements/expansions within the borough.**

Reason for Decision - as stated in the report
This decision is subject to call-in

126. Customer Services Strategy (Decision 01104417)

Councillor Huelin introduced the report explaining that customer expectations were rising, the local population was growing and changing, and in response, the council was increasingly required to strengthen its customer focus and build integrated service delivery models.

She continued by stating the Customer Services Strategy sets out where the Council wanted to be and how it would get there. It was intended to provide a strategic overview that would lead the direction of travel through service plans and other council procedures.

The Portfolio Holder for Performance and Central Services further commented that the Council's contact centre did an excellent job and were working closely to assist residents self-serve.

Councillor Hebb remarked that many services were to undergo a review to observe where resources were required to ensure that the best service was given to local residents as they were the council's customers.

RESOLVED that Cabinet:

- 1. Approve the Customer Services Strategy document at Appendix 1.**
- 2. Approve the proposals as demonstrated in the Pen Portrait examples (Appendix 2) for dealing with customer enquiries**

Reason for Decision - as stated in the report
This decision is subject to call-in

127. Transforming and Securing the Councils Youth and Skills Offering - Inspire (Decision 01104418)

Councillor Halden, the Portfolio Holder for Education and Health, presented the report and in doing so explained the purpose was to update Members on the most appropriate delivery for Inspire Youth Offer. It was further explained that it had been decided to bring the scheme in house under the Council where it could be moved forward.

He continued by stating he did not want young people to leave school and 'fall' into a job, when they could learn a skill and secure a job they wanted to do.

Councillor Halden commented that in addition the council had secured a £2.4million grant in European funding and taken on the management of the Council's Grangewaters Outdoor Education Centre recovering a further £330,000 in the current year to leave the site cost neutral.

RESOLVED that Cabinet:

- 1. Approve the principle that the service, including the operation of Grangewaters outdoor education centre, remain an in-house service and is supported in incubating its commercial principles.**
- 2. Approve more autonomy for Inspire to meet its objective to form a cost neutral and self-sustaining service, while meeting our goals and principles to improve outcomes for young people.**

Reason for Decision - as stated in the report
This decision is subject to call-in

128. Grays South: Delivering the New Pedestrian Rail Crossing (Decision 01104419)

Councillor Coxshall addressed Members explaining that on the 2 February 2017 the Council received notification that its bid for £10.8million from the Local Growth Fund had been successful and that the Council would receive the full amount requested to complete the funding package to deliver the Grays South Project.

He continued to inform Cabinet that the Grays South Project aimed to create public squares and a pedestrian rail crossing to replace the level crossing in Grays High Street, together with the development of modern retail and residential units.

It was mentioned that the project had been a long standing priority for the Council. It was stated that the Council had been working with Network Rail to develop the proposals for the pedestrian rail crossing.

Councillor Gledhill, Leader of the Council, commented that the £11million was awarded by the South East Local Enterprise Partnership, so it was businesses and Council Leaders from East Sussex to the top of Essex who all saw and agreed with the benefit of the scheme. He further commented that the scheme would allow the Council to transform Grays and make it modern.

RESOLVED:

- 1. To approve the implementation of the Grays South Project and delegate to the Corporate Director Environment and Place, in consultation with the Portfolio Holder for Regeneration, the negotiation of a joint delivery approach and agreement with Network Rail and C2C.**
- 2. To resolve that the use of Compulsory Purchase powers under Section 226(1) (a) and powers of acquisition under section 227 and 237 of the Town and Country Planning Act 1990 (as amended) and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 would in principle be justified in order to facilitate the delivery of a pedestrian rail crossing to replace the level crossing in Grays High Street (the Scheme) on the land outlined red on the plan in Appendix 1.**
- 3. Delegate to the Corporate Director of Environment and Place in consultation with the Portfolio Holder for Regeneration the implementation of the Land Acquisition and Partnership Strategy including:**
 - i. To grant written authority to officers and their appointed agents to enter on to the land and other land for the purposes of carrying out surveys under section 15 of the Local Government (Miscellaneous Provisions) Act 1976**
 - ii. To issue notices requisitioning information from persons in relation to the land and other land under section 16 of the**

Local Government (Miscellaneous Provisions) Act 1976 or Section 5A of the Acquisition of Land Act 1981.

- iii. **Undertake land referencing and rights to light surveys to identify all owners, tenants, occupiers, and other interests or those who would be likely to be qualifying persons under Section 12(1) of the Acquisition of Land Act 1981 in relation to the scheme.**
 - iv. **Negotiate to acquire land needed to facilitate the Scheme by agreement.**
- 4. To approve the option 4 design for the pedestrian rail crossing as the basis for the next stage of design and for further consultation about the Scheme to be undertaken.**
- 5. To approve the funding strategy.**
- 6. To note that**
- i. **A detailed report in relation to the exercise of the Compulsory Purchase Powers, setting out the full justification for their use including a full statement of reasons, will be presented for consideration by a future Cabinet.**
 - ii. **The appropriation of Council owned land required for the Scheme from the purposes for which it is currently held to planning purposes is likely to be required under section 122 of the Local Government Act 1972 to deliver the Scheme and the need to do so will be identified once detailed proposals have been prepared.**
 - iii. **The use of stopping up powers under section 247 of the Town and Country Planning Act 1990 (as amended) is likely to be required to deliver the Scheme.**
 - iv. **An equalities assessment will be carried out during the following design stages.**

Reason for Decision - as stated in the report
This decision is subject to call-in

129. Connected Thurrock - Thurrocks Digital & Information Technology Strategy 2017-20 (Decision 01104420)

Councillor Hebb, Portfolio Holder for Finance and Legal Services, presented the report to the Cabinet and in doing so highlighted he felt the Council needed to embrace technology. He continued to comment it was not just IT infrastructure that was required to be improved, but also digitalising services.

Councillor Hebb explained the strategy would take Thurrock on a journey to become a 'digital exemplar' and meet wider community ambitions, around place making and economic growth.

It was discussed that the second recommendation was to have regular updates presented to both the Cabinet and Corporate Overview and Scrutiny Committee.

RESOLVED:

1. **That the Connected Thurrock Strategy be approved;**
2. **As a result of the feedback received from the meeting of the Corporate Overview & Scrutiny Committee on 14th March 2017, a regular update be presented to both Cabinet and Corporate Overview & Scrutiny as the strategy moves to the practical implementation stages; and**
3. **That sign-posting support for resident (users) is documented on the Contact Us page on the Council's website.**

Reason for Decision - as stated in the report
This decision is subject to call-in

130. Communication Strategy 2017/20 (Decision 01104421)

Portfolio Holder for Finance and Legal Services introduced the report, notifying Cabinet that the council was a £0.5billion business. He stated that the strategy was to make it clear how the council would engage with the media and vice versa.

He continued by stating residents did not have time to search for information, so it was important for it to be easy to find. Councillor Hebb commented that it was important to become self-service but also put the council out for business.

Councillor Coxshall welcomed the report, stating it was long overdue.

The Leader commented on the excellent work undertaken by officers to produce a wide ranging document to promote Thurrock.

RESOLVED:

1. **To agree the proposed Communication Strategy 2017-20 as the principle policy document for engagement with residents via all communication and media platforms.**

Reason for Decision - as stated in the report
This decision is subject to call-in

131. Quarter 3 Corporate Performance Report 2016/17 (Decision 01104422)

Councillor Huelin addressed Members informing them the Corporate Priority Activity Plan for 2016/17 outlined the focus areas for service delivery during year. The plan was supported by the Corporate Key Performance Indicator (KPI) Framework which detailed the statistical evidence the council used to monitor the progress and performance against those priority activities.

The Portfolio Holder for Performance and Central Services stated the council was 55% on target compared to 44% of KPIs passing last year. She continued by mentioning, due to the bad weather towards the end of last year, it was difficult to keep on top of potholes across the borough, however this was out of the council's control.

Councillor Tolson mentioned that grass verges had been cut and officers had issued 1,000 fixed penalty notices. She further stated that she was awaiting the figures for the number of people the council would be taking to court for refusing to pay the fines.

Councillor Gledhill commented he was pleased to see Clean it, Cut it, Fill it, was meeting its targets and it only took to pothole to be missed to not achieve 100%.

RESOLVED:

- 1. To note and comment upon the performance of the key corporate performance indicators in particular those areas which are IN FOCUS**
- 2. To identify any areas which require additional consideration**

132. Procurement of Energy for Council Offices and Premises 2017 (including schools) (Decision 01104423)

Councillor Coxshall introduced the report to Members which provided context on the Council's current means of gas and electricity purchasing through framework contracts.

Members were notified the internal authority for the gas contracts would expire at the end of September 2017 and the electricity September 2018. It was further explained that the report, also sought authority for a strategy which would enable the Council to continue for a further four years using flexible procurement frameworks managed by expert procurement teams. This would ensure continuity of supply of bulk purchased gas and electricity and best value.

RESOLVED:

- 1. That the Head of Property and Development be authorised to;**

- **To approve during the next four years up to 1st October 2021, the entering into of gas and electricity contracts called off from the Crown Commercial Service (CCS) frameworks.**
- **Enter into new contracts under alternative frameworks if suitable options become available, subject to compliance with relevant procurement rules in order to secure the continued purchase of gas and electricity for a further period of four years until the end of September 2021.**

Reason for Decision - as stated in the report
This decision is subject to call-in

133. Renewing Contracts with Care Home Providers (Decision 01104424)

Councillor Halden presented the report on behalf of Councillor S. Little, notifying Members that Care and Support Statutory Guidance issued under the Care Act 2014 stipulated that where the care planning process had determined that a person's needs were best met in a care home, the local authority must provide for the person's preferred choice of accommodation, subject to certain conditions.

He assured Portfolio Holders that Councillor S.Litte had ensured the same quality assurance when looking at the contracts as she did across all aspects of Adult Social Care.

RESOLVED That Cabinet:

- 1. Approve a waiver from the constitutional requirement for competitive tendering for the provision of care home services for older people and working age adults, and approve a single sourcing arrangement for new contracts for care home placements commissioned by the Council.**
- 2. Delegate to the Corporate Director for Adults, Housing and Health in consultation with the Portfolio Holder, the authority to award contracts for care home services to meet the assessed needs and preferences of older people and working age adults.**

Reason for Decision - as stated in the report
This decision is subject to call-in

134. Procurement of Essential Capital Repairs to Belhus Swimming Pool (Decision 01104425)

The Portfolio Holder for Neighbourhoods presented her report detailing to Members that Belhus Park Swimming Pool was part of the leisure complex at

Belhus and was run by Impulse Leisure in buildings that were leased from Thurrock Council.

She continued to inform Members the Council had obligations under the lease agreement to maintain the fabric of the building and that Impulse Leisure was responsible for day to day maintenance. Condition surveys, undertaken for the Council had confirmed the swimming pool was in a poor state of repair which required the Council as landlord to carry out significant essential repairs.

During discussions it was highlighted that the survey recommended that works be undertaken to the roof, heating, ventilation and filtration system. Failure to carry out these works could result in an unplanned closure of the swimming pool.

RESOLVED:

- 1. Approve delegated authority being given to the Corporate Director of Environment and Place, in consultation with the Portfolio Holder for Neighbourhoods, to tender and award works up to a value £1.8m subject to a full tendering and procurement process.**

Reason for Decision - as stated in the report
This decision is subject to call-in

135. Thurrock Better Care Fund Section 75 Agreement (Decision 01104426)

Councillor Halden, the Portfolio Holder for Education and Health, introduced the report on behalf of Councillor S. Little explaining the agreement allowed the creation of a pooled fund with the purpose of promoting the integration of care and support services.

He continued to explain the Council was the 'host' organisation for the pooled fund, which meant that once the Section 75 Agreement had been agreed the Council would commission the relevant community services on behalf of Thurrock CCG and the Council. As the final guidance had not been received from NHS England and because there was no Cabinet until June Cabinet was being asked tonight to agree to delegate the entering of the Section 75 to the relevant Corporate Director in consultation with the relevant Portfolio Holder.

RESOLVED that Cabinet:

- 1. Agree to the Council entering into the Better Care Fund Section 75 Agreement with NHS Thurrock Clinical Commissioning Group for 2017-2019 based on the terms set out in the 2016-17 Agreement and subject to the Council's agreed budget.**
- 2. Agree to delegate agreement for changes to the Better Care Fund Section 75 Agreement to the Corporate Director of Adults, Housing and Health and Director of Finance and ICT in**

consultation with the Portfolio Holder for Children's and Adult Social Care.

Reason for Decision - as stated in the report
This decision is subject to call-in

136. Developing and Expanding Assistive Technology for the 21st Century for Social Care Service Users in Thurrock (Decision 01104427)

The Portfolio Holder for Education and Health, presented the report explaining essential work had been undertaken to decommission the hard-wired pull cord community alarm system in sheltered housing blocks and general needs community alarm flats, it was further explained these were to be replaced with dispersed personal alarms where required by the service user.

Members were notified that technology had evolved since community alarms were first introduced and had improved allowing people to live in their own homes for longer.

Councillor Halden informed Cabinet that through the scheme the Council was able to abolish the charges in connection with enhanced technology for social care service users. He continued to thank Officers for all of their hard work.

Councillor Coxshall sought clarity as to where the funding came from to enable the Council to abolish the charges for the service. The Portfolio Holder for Education and Health explained that the Chancellor increased the Better Care Fund by £2.8million and this extra income would come from this source as the savings from early intervention would pay for the service.

RESOLVED that Cabinet approve:

- 1. To the essential work being undertaken to decommission the hard-wired pull cord community alarm system in sheltered housing blocks and general needs community alarm flats, and to replace them with dispersed personal alarms where required by the service user.**
- 2. To the plan to upgrade the Careline monitoring system which is also obsolete and lacks the functionality required to support the service.**
- 3. To develop the Careline service into a new, enhanced and expanded telecare and assistive technology service, linked to telemedicine services where appropriate;**
- 4. In relation to charging for Careline and the new telecare service:**
 - To make Careline / Assistive Technology and the new telecare service available free of charge to users of adult social care as part of our wider prevention strategy.**

Reason for Decision - as stated in the report
This decision is subject to call-in

137. Key Worker Housing Scheme (Decision 01104428)

Councillor Halden addressed Members advising the Council had experienced difficulties in recruiting staff to key roles in the borough such as teachers and social workers. Members were further informed in order to fill vacant posts the Council and NHS had undertaken a number of recruitment drives both nationally and abroad.

He continued to explain one of the key issues obstructing recruitment of Key Workers was Thurrock's close proximity to London providing easy access to London jobs with weighting allowances.

The Portfolio Holder for Education and Health advised Cabinet of the Council's plan to initially rent eight four bedroom properties. The first proposed to be on the St Chad's site in Tilbury, would be available later in the year. Members were notified that William Edwards Secondary School offered teachers a place to stay while working at the School.

Councillor Gledhill, Leader of the Council and Housing Portfolio Holder, commented on additional challenges Key Workers from abroad may face, for example they may have no experience of living abroad or renting in a foreign country, they may have no family, friends or other contacts in the UK.

RESOLVED:

- 1. That Cabinet agree to the proposal to assist key workers from outside the borough with shared accommodation, during their first year of employment.**

Reason for Decision - as stated in the report
This decision is subject to call-in

138. Oracle DBA Support, Hosting Services and Technical Support and Maintenance (Decision 01104429)

The Portfolio Holder for Finance and Legal Services, presented the report informing Members the ICT service had conducted a review of supplier contracts and believed that an opportunity existed to reduce the overall annual running costs of Oracle by re-tendering both the hosting and support contracts.

Councillor Hebb stated by going out to tender on the contract could potentially save the Council £0.5million.

The Leader of the Council commented that by finding such savings enabled the Council to put funds back into front line services.

RESOLVED that Cabinet:

- 1. Agree and support the proposal to commission a tender exercise in accordance with EU procedures for the supply of Oracle DBA Support, Hosting Services, Technical Support and Software Maintenance for a period of 2 years with the option to extend the contract by a further 2 years; and**
- 2. Approves delegation to the Director of Finance and IT to enter into and award the necessary contracts following the procurement process, in consultation with the Portfolio Holder for Finance and Legal.**

Reason for Decision - as stated in the report
This decision is subject to call-in

The meeting finished at 8.20 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**

21 June 2017	ITEM: 10
Cabinet	
Appointments to Outside Bodies, Statutory and other Panels	
Wards and communities affected: None	Key Decision: Non-key
Report of: Councillor Robert Gledhill, Leader of the Council & Portfolio Holder for Housing	
Accountable Head of Service: David Lawson, Deputy Head of Legal Services and Monitoring Officer	
Accountable Director: Lyn Carpenter, Chief Executive	
This report is Public	

Executive Summary

This report requests the Cabinet to consider the nominations made by Group Leaders to Outside Bodies, Statutory and Other Panels for those appointments that are to be made by the Cabinet.

1. Recommendation(s)

1.1 That the nominations to Outside Bodies, Statutory and Other Panels be approved, as set out in Appendix 1 to this report (to be tabled when nominations are received).

2. Introduction and Background

2.1 Both the Full Council and the Cabinet have powers to appoint Members, officers and others to serve on Outside Bodies in a variety of capacities. Chapter 12, Part 2, of the Council's Constitution provides details of those Outside Bodies, Statutory and Other Panels where appointments are to be made by either Full Council or by the Cabinet.

3. Issues, Options and Analysis of Options

3.1 Nominations have been sought from Group Leaders for the appointments to Outside Bodies, Statutory and Other Panels that are required to be made by the Cabinet. Those nominations are set out in **Appendix 1** to this report, which will be tabled when nominations have been received.

- 3.2 Any changes to the appointments made will require the approval of the appointing body, be this Full Council or Cabinet.
- 3.3 There is an expectation that Members appointed to represent the Council on Outside Bodies will report back to the Council at least annually.

4. Reasons for Recommendation

- 4.1 The Cabinet should ensure that it continues to nominate representatives to sit on Outside Bodies, Statutory and other Panels so that its interests can be properly represented, together with those of the wider community.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 In the course of seeking nominations, consultation has been undertaken with the Leaders of each of the political groups represented on the Council.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 It is important for the Council to nominate to such bodies in order to ensure that it continues to represent the interests of both the Authority and the wider community.

7. Implications

7.1 Financial

Implications verified by: **Laura Last**
Management Accountant

There are no financial implications arising from this report.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal Services & Monitoring Officer

It is important that Members are correctly appointed, through the relevant Council meeting, to ensure they are indemnified in certain circumstances.

7.3 **Diversity and Equality**

Implications verified by: **Natalie Warren**

Community Development & Equalities Manager

The Council is under a statutory duty to ensure that equality and diversity is a key part of the decision making process of the Council. Therefore attention is drawn to the importance of ensuring that appointments to Outside Bodies, Statutory and Other Panels are underpinned by appropriate training on the statutory equality framework.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

- None.

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None.

9. **Appendices to the report**

- Appendix 1 - Nominations of political groups to Outside Bodies, Statutory and Other Panels (to be circulated at the meeting).

Report Author:

Kenna-Victoria Martin

Senior Democratic Services Officer

Legal & Democratic Services

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**Cabinet appointments to Outside Bodies,
Statutory and Other Panels 2016-17**

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Organisation	No. to be appointed by Cabinet	Appointees
Anglian (Eastern) Regional Flood & Coastal Committee (1 seat held jointly, bi-annually, with Southend)	1	1. Councillor Insert Name (2016 – Councillor G Rice)
Association for Public Services Excellence	1	1. Councillor Insert Name (2016 – Councillor Gledhill)
Basildon and Thurrock University Hospitals NHS Foundation Trust Board of Governors	1	1. Councillor Insert Name (2016 – Councillor Ojetola)
Essex Partnership for Flood Management	1	1. Councillor Insert Name (2016– Councillor Collins)
Essex Pension Fund Advisory Board	1	1. Councillor Insert Name (2016– Councillor Hebb)
Essex County Traveller Unit	1	1. Councillor Insert Name
Groundwork South Essex Trust	1	<i>Body currently reviewing structure of representatives. No nomination is required at present.</i> (2016– Councillor Huelin)
Impulse Leisure	1	1. Councillor Insert Name (2016– Councillor Redsell)
Local Government Association	2	1. Councillor Insert Name (2016– Councillor J Kent) 2. Councillor Insert Name (2016– Councillor Smith)
South Essex Growth Partnership Board (Leader and Chief Executive)	1	1. Councillor Gledhill (Leader of the Council) (Leader and Chief Executive appointed for a 5 year term in 2016)
Thurrock Arts Council	1	1. Councillor Insert Name (2016 – Councillor B. Little)
Thurrock Sports Council	1	1. Councillor Insert Name (2016 – Councillor Watkins)

Organisation	No. to be appointed by Cabinet	Appointees
Veolia North Thames Trust (Portfolio Holder for Environment)	1	1. Councillor Tolson (2016 – Councillor Tolson)

STATUTORY AND OTHER PANELS TO BE APPOINTED

Organisation	No. to be appointed by Cabinet	Appointees
Thurrock Children's Trust Partnership Board	3	<p>1. Councillor Halden (as portfolio holder for children's services) (2016 – Councillor Halden)</p> <p>2. Councillor Okunade (as Chair of the Children's Services O& S Committee) (2016 – Councillor Okunade)</p> <p>3. Councillor Gamester (as shadow portfolio holder for children's services) (2016 – Councillor Gamester)</p>
Thurrock Community Safety Partnership	1	1. Councillor Insert Name (2016 – Councillor Tolson)

21 June 2017		ITEM: 11 (Decision 01104430)
Cabinet		
Procurement of Housing Capital Programme Delivery		
Wards and communities affected: All	Key Decision: Yes	
Report of: Councillor Robert Gledhill, Portfolio Member for Housing		
Accountable Head of Service: John Knight, Head of Housing Services		
Accountable Director: Roger Harris, Corporate Director Adults, Housing and Health		
This report is Public		

1. Executive Summary

- 1.1 This report sets out the proposals for the re-procurement and contract package of the Housing Capital Programme for years six to eight of the current Transforming Homes programme (2018 to 2021).
- 1.2 The programme brings significant improvements to the long term viability of Council housing and to the living conditions for our residents and ensures the Council fulfills its duty to provide warm homes with modern facilities. Continuation of the programme will enable Thurrock Council to complete internal refurbishment and commence additional required external works, thereby raising all residential Council assets to the new Thurrock standard.
- 1.3 Details of options around contract package and procurement are contained within the report, with a recommendation for two packages of refurbishment and one for specialist contract and cost management support, both to be procured using pre-approved Public Sector frameworks in order to generate cost efficiency and resource time savings.

2. Recommendation(s) Cabinet is requested to:

- 2.1 **Approve the re-procurement of two contract packages for the delivery of major works as set out in the report**
- 2.2 **Approve the re-procurement of one contractor to provide strategic support and cost management of the Housing Capital Programme as set out in the report**

2.3 Approve delegated authority for award of the above contracts to the Corporate Director of Adults, Housing and Health in consultation with the Portfolio Holder for Housing.

3. Introduction and Background

3.1 Currently, both refurbishment and cost management services for the Housing Capital Programme were awarded as work packages on the basis of 2 years plus 1, by way of a mini-competition for commencement in July 2015 (construction) and August 2015 (cost-management) using the Council's framework contracts:

- PS/2013/575 – Housing Capital Programme Building Contractors
- PS/2013/678 – Design and Consultancy Framework

3.2 The current contracts are delivering well and meeting KPI targets. However these work packages expire in May and June 2018 and therefore to ensure continuity, a re-procurement exercise needs to take place for the programme to continue delivery through to 2021 (Year 8).

3.3 The Housing Capital Programme provides a comprehensive internal and external refurbishment programme through Transforming Homes which commenced in 2013 and is currently part-way through its fourth year. The original programme timeframe aimed to upgrade all major internal facilities and carry out any required external works in 5 years to 2018/19, thereby raising all domestic Council assets to the new Thurrock standard. The programme brings significant improvements to the long term viability of the council housing assets and to the living conditions for our residents. It also ensures the Council fulfils its duty to provide warm homes with modern facilities.

3.4 Significant success has been achieved in the delivery of Transforming Homes in years 1 to 4, both in the improvements made to living conditions for Council tenants and through the added value these contracts have brought to the local economy.

Headline achievements to date include:

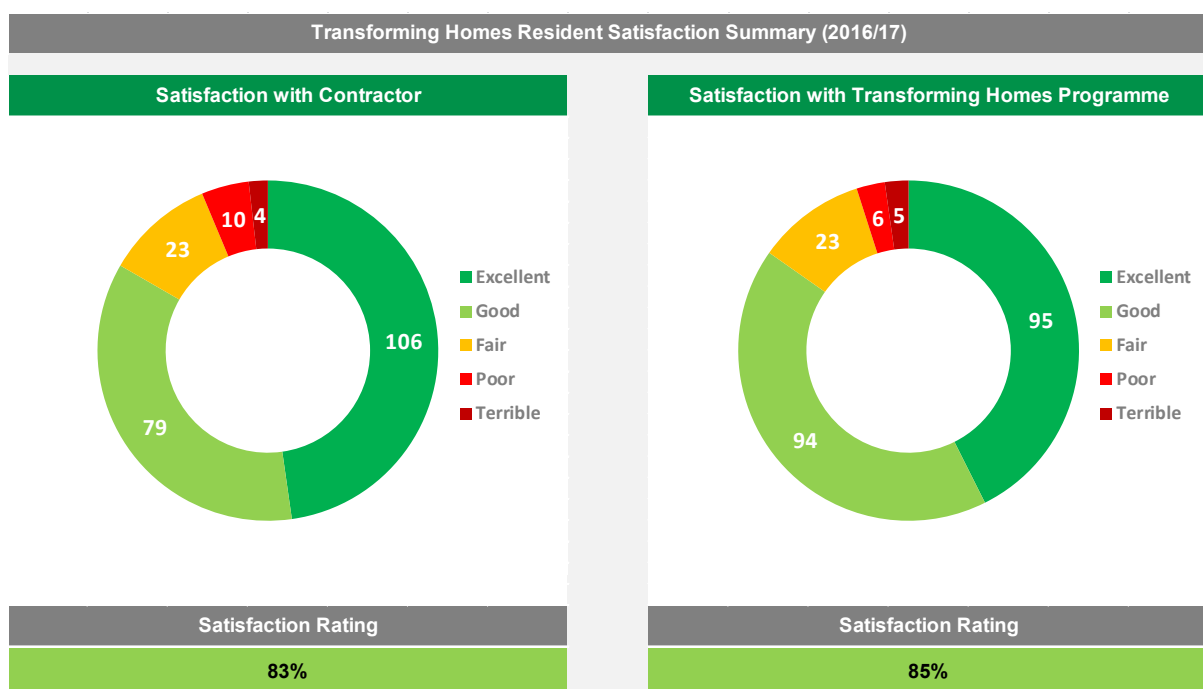
- 6953 properties benefitting so far from the programme
- 57% of the construction value is spent in the local economy
- 44% of the local delivery team are Thurrock residents
- 55% of the supply chain is registered in Thurrock

3.5 The programme also supports independent living ensuring our housing stock meets the specific housing needs of elderly, vulnerable or disabled households by carrying out adaptations relevant to the household as part of the works programme.

- 1230 properties adapted for specific needs of residents

3.6 Customer satisfaction with the current programme delivery arrangements have been consistently above target :

- 83% of residents rating the contractor as good or excellent
- 85% of residents rating the overall delivery of the programme as good or excellent



Some examples of recent feedback received from residents surveyed after works:

“The tradesmen arrived when they were meant to and came when they were supposed to. Therefore Thurrock program was excellent”

“I rated the Transforming Homes Programme as excellent because the workers were here on time, and made no mess of it, it was all really good”

“Thurrock has kept to their word. The timing has been good and they have fulfilled their promises. Therefore Thurrock’s service was good.”

3.7 In December 2015, Cabinet reviewed the financial implications of the budget announcements and key policy changes through the government’s introduction of the Housing and Planning Bill and Welfare Reform Bill 2015. Cabinet subsequently approved an extension of the Transforming Homes programme by up to 1 year for internal improvements and up to 3 years for

external improvements, where the asset can withstand delayed completion. This extends the timeframe for completion of the current programme to 2021.

- 3.8 Two key principles have been central to delivery of this programme of work:
 The first: to ensure investment is targeted at maximising improvements to the Councils assets;
 The second: to provide a mechanism for stringent contract administration and cost management, challenging our contractors to deliver the best value and service for our residents.
 The latter is achieved with the specialist support for contract administration, cost management and quantity surveying services.

4. Issues, Options and Analysis of Options

- 4.1 Due to the size and scale of service provision, the Council is required to procure these contracts through the Public Contracts Regulations 2015 and comply with procedures associated with, and advertise the contract in, the Official Journal of European Union (OJEU).
- 4.2 The current delivery arrangements for the Housing Capital Programme were procured via mini competitions through the Thurrock frameworks set out in 3.1 of this report, procured in accordance with the above EU requirements. The works delivery is via 3 packages (lots) across 2 main contractors as follows:

Package	Building Contractor	Specialist Strategic Support provided by
Transforming Homes Lots 1a (estimated value £1m/pa) and 1b (estimated £5m/pa)	Wates	Potter Raper Partnership (PRP)
Transforming Homes Lot 1b (estimated value £5m/pa)	Keepmoat	Pellings LLP

- 4.3 Moving forward, it is recommended to continue with two main refurbishment packages; but move to one specialist cost management company to provide the strategic and cost management support across both packages. This arrangement will provide value for money, consistency and resilience in terms of ongoing programme delivery.
- 4.4 These arrangements will enable the delivery of works packages to complete the Transforming Homes programme and respond to any urgent investment requirements that may arise from the stock condition survey which is being undertaken during 2017.

- 4.5 The Housing Revenue Account Business plan makes provision for capital investment through Transforming Homes with a budget of £27.8m for the years 2018/19 through to 2020/21 distributed as follows:

2018/19 - £10.04m

2019/20 - £8.2m

2020/21 - £9.2m

Procurement Route

- 4.6 Both framework contracts, from which the current contract packages were procured, expire in 2018 and therefore Legal Services have advised that it is too late to run further mini-competitions from these frameworks and award contracts that extend to 2021.
- 4.7 Officers have therefore considered a number of options for reprocurement via either a full OJEU process or using purchasing consortium frameworks. The option appraisal is set out in Appendix 1.
- 4.8 Given the likely level of interest in the work packages and the limitations of the market along with the reduced timescale and potential savings through economies of scale, the recommended option for the procurement is a mini competition through a purchasing consortium framework. This will enable the service to select from a list of providers who have already demonstrated their suitability and evaluate their tenders on the basis of key criteria including price and quality.

Choice of Purchasing Consortium Framework

- 4.9 With the preferred option to be use of an existing framework, officers have further considered a number of framework options available. These are set out in Appendix 2.
- 4.10 There are advantages and disadvantages across the different choices of frameworks.
- 4.11 All frameworks support the Council's requirement for social value delivery providing training and employment opportunities and maximising spend in the local economy.
- 4.12 Based on the options appraisal undertaken, it is recommended that procurement of the major works contracts proceeds through the use of a mini competition process via the Fusion 21 purchasing consortium framework.
- 4.13 It is recommended that the procurement of specialist support proceeds through the use of a mini competition process undertaken via the South East Consortium Framework.

4.14 The current incumbents both for the works and cost consultancy contracts are represented on the relevant frameworks.

5. Reasons for Recommendation

5.1 This report is submitted to Cabinet to request the approval to proceed with the re-procurement of the contracts for the major works delivery packages and strategic cost management elements of the Housing Capital Programme to ensure continuity of programme delivery from 2018/19 when the current arrangements come to an end. Both of these elements are valued above the Cabinet threshold of £750K.

5.2 The recommended option for the procurement route is a mini competition through a purchasing consortium framework. This will enable the selection from a list of providers who have already demonstrated their suitability and competitive pricing. It will enable the evaluation of the mini competition tenders on the basis of key criteria including price, quality and added social value.

6. Consultation (including Overview and Scrutiny, if applicable)

6.1 This proposal has been discussed and agreed with internal and external stakeholders and will be subject to Section 20 Leaseholder Consultation at all stages.

6.2 This report was presented for consideration by the Housing Overview and Scrutiny on 2nd February 2017, Minute Number 27.

7. Impact on corporate policies, priorities, performance and community impact

7.1 The improvement of the Council's housing assets is linked to key corporate priorities:

Priority	Delivered By
Creating a great place for learning and opportunity	By improving the council's housing assets
Encourage and promote job creation and economic prosperity	Through the provision of local employment and training opportunities
Building pride, responsibility and respect	Through improvements in the quality of the homes provided
Improve health and wellbeing	Through improvements in the quality of the homes provided

8. Implications

8.1 Financial

Implications verified by: **Julie Curtis**
HRA Accountant

The re-procurement of delivery arrangements is required to ensure continuity of programme delivery in order to meet the budget investment profile for years 2018/19 through to 2020/21. The estimated spend shown in this report is in line with the HRA Business Plan provision for the contract period.

8.2 Legal

Implications verified by: **Kevin Molloy**
Solicitor, Law and Governance

8.2.1 The current Thurrock housing framework contracts were put in place in May 2014 with their 4 year period expiring in May 2018. It is therefore not possible to use these frameworks to facilitate further contracts for which the term will extend beyond this period.

8.2.2 The recommended option for reprocurement will require full leasehold consultation from Stage 1 to Stage 3 under Section 20B of the Landlord and Tenant Act 1985 (amended). Therefore adequate timescales need to be considered as part of the procurement process for this.

8.2.3 The value of the contracts for both construction and cost management support exceed the threshold within the Public Contracts Regulations 2015 which therefore requires either advertisement through the Official Journal for the European Union (OJEU) or use of a previously procured and accessible framework. The recommendation is for use of the second option using public sector accessible frameworks.

8.2.4 The report author and responsible directorate are advised to keep Legal Services fully informed at every stage of the proposed tender exercise.

8.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Community Development & Equalities Manager

8.3.1 A full impact assessment has been undertaken of the implementation of the Housing delivery of the Transforming Homes investment programme.

8.3.2 The programme principles take into account the individual needs of tenants and makes adjustments for vulnerability. The diversity considerations include adherence to the Equality Codes of Practice in Procurement which require considered of the equality arrangements of all companies bidding for any

capital contract; that they have relevant policies on equal opportunities and are able to demonstrate commitment to equality and diversity.

8.3.3 The significant investment which is currently taking place in the Council's housing stock represents a real opportunity to provide additional social value to the local communities in the borough. It is therefore important that the commissioning and contract management approach continues to support a framework for social value delivery to support training and employment opportunities for our communities and maximise spend in the local economy.

8.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

- None

9. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright): -

Implications of the Housing and Planning Bill and Welfare Reform 2015 on the HRA Services and Affordable Housing Programme – Report to Cabinet December 2015

<https://thurrockintranet.moderngov.co.uk/ieListDocuments.aspx?CId=129&MIId=2562&Ver=4>

10. **Appendices to the report**

- **Appendix 1** – Option Appraisal of Procurement Routes for Housing Capital Programme Delivery
- **Appendix 2** - Option Appraisal – Purchasing Consortium Framework
- **Appendix 3a**– Procurement Stage 1 Approval Form for contract packages
- **Appendix 3b** – Procurement Stage 1 Approval form for strategic support package

Report Authors:

Susan Cardozo, Housing Asset Investment and Delivery Manager

Stefanie Seff, Corporate Procurement Strategy & Delivery Manager

**Option Appraisal
Procurement Routes for Housing Capital Programme Delivery**

Procurement Route	Advantages	Disadvantages
Full EU Procurement (using a two stage "Restricted" process)	<ul style="list-style-type: none"> • Gives the Council total control of the process • Open to every bidder to express an interest 	<ul style="list-style-type: none"> • Timescale is longer than other options • The market for contracts of this size is limited and it is likely that a full process will still bring forward the same contractors • More resource intensive evaluation required to reach the same outcome as other routes to market
Direct purchase from a purchasing consortium framework	<ul style="list-style-type: none"> • Quickest turnaround timeframe • Can award to the highest scoring bidder • Choice of frameworks allows the Council to select a contractor of our preference • Includes provision for local social value delivery targets • Consortium buying power generates (known) economies of scale • Specialist procurement support provided 	<ul style="list-style-type: none"> • No further opportunity for price or quality competition • With this option we would only be able to award one contract package.
Mini competition from a purchasing consortium framework	<ul style="list-style-type: none"> • Shorter timescale than full OJEU • Suppliers have been pre-assessed for quality and price so are proven to be offering highest quality and most competitive pricing • Mini competition enables further price and quality competition from within the highest quality and most competitively priced suppliers 	<ul style="list-style-type: none"> • Some restriction in bidder list may be unpopular if it excludes any of the current incumbents

Procurement Route	Advantages	Disadvantages
	<ul style="list-style-type: none"> • Contractor lists contain both major construction companies and smaller specialist providers • Choice of consortium frameworks that can be used to best fit Thurrock requirements • Includes provision for local social value delivery targets • Consortium buying power generates (known) economies of scale • Specialist procurement support provided 	

Option Appraisal – Purchasing Consortium Framework

Purchasing Consortium	Advantages	Disadvantages / Restrictions
London Housing Consortium (LHC)	<ul style="list-style-type: none"> • Thurrock is a member of this framework • Allows a degree of flexibility 	<ul style="list-style-type: none"> • No comparable framework for the building works packages we are procuring • No comparable specialist support option
Fusion 21	<ul style="list-style-type: none"> • Thurrock is a member of this framework • Flexible and allows Thurrock full control of process • Framework available that matches our works packaging requirements • Approved contractor list includes current providers • Not for profit organisation 	<ul style="list-style-type: none"> • No comparable specialist support services framework
South East Consortium (SEC)	<ul style="list-style-type: none"> • Thurrock is a member of this framework • Good choice of suitable specialist support options • Newly let specialist support framework reflecting current market requirements • Flexibility in terms of mini competition criteria 	<ul style="list-style-type: none"> • Building works framework does not include all current providers

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Appendix 3a
PROCUREMENT STAGE 1 – APPROVAL TO PROCEED TO TENDER

This form must be completed for all procurements above the tender threshold (£75,000 - Services and Supplies and £500,000 – Works)

If contract value is over Cabinet approval threshold (£750,000) this form shall be attached with the request to tender report to Cabinet. This form will be “Open” for Publication.

Section A: ABOUT THIS PROCUREMENT	
Title	Transforming Homes Refurbishment Works 2018-21
Directorate	Adults, Health and Housing
Procurement Reference Number	PS/2017/524 Transforming Homes Refurbishments 2018-21
Contract Cost (Maximum Spend)	£30M
Budget code(s)	HR
Introduction and Background	This is a re-procurement for the refurbishment element of the Transforming Homes Programme currently underway. The current programme is delivered by 2 contractors, Keepmoat and Wates and it is proposed that the Council reprocure 2 again, to ensure competitiveness on price and quality, and that back up is in place in case of significant failure in one
Proposed Contract Term	2 Years plus 1
Political Sensitivity	None – the programme has been approved at Cabinet and this proposal has been through Housing Scrutiny Committee in February 2017.

Section B: COMMISSIONING REPORT

Business Case	<p>The Housing Capital Programme provides a comprehensive internal and external refurbishment programme through Transforming Homes which commenced in 2013 and is currently part-way through its fourth year. The original programme timeframe aimed to upgrade all major internal facilities and carry out any required external works in 5 years to 2018/19, thereby raising all domestic Council assets to the new Thurrock standard. The programme brings significant improvements to the long term viability of the council housing assets and to the living conditions for our residents. It also ensures the Council fulfils its duty to provide warm homes with modern facilities.</p> <p>This procurement enables the programme to continue through the next three years.</p>
Key Deliverables (Draft Specification)	<p>High quality refurbishments within Thurrock Housing portfolio to above Decent Homes Standards Cost effective use of the HRA Social Value Outcomes</p>
Contractor Employment Status (use self-assessment tool: https://www.gov.uk/guidance/check-employment-status-for-tax or contact Procurement for further guidance)	N/A
Quality v Price evaluation	60:40 Quality:Price
Social Value	The Transforming Homes Programme has an excellent record of delivery against Social Value targets and this will continue with the new procurement.
Current / Previous Contract details	PS/2013/575d Refurbishment Works

FINANCIAL IMPLICATIONS

Current / Previous Contract Cost	Spend over Years 3-5 of the contract has been £XX.					
Cost Breakdown	Breakdown of Estimated Cost	16/17 £000's	17/18 £000's	18/19 £000's	Later £000's	Total £000's
	Total Spend	£	£	£	£	£
Confirm Funding Breakdown Identified	Revenue Budget	£	£	£	£	£
	Capital Budget	£	£	£	£	£
	Other (HRA)	£	£	£8-10M	£16-20M	Up to £30M
	Other (Please State)	£	£	£	£	£
	Total Funding	£	£	£10M	£20M	£30M
Budget Code(s)	H2000/H2200					
Unsupported borrowing?	N/A					

Other Financial Implications	None
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PROCUREMENT ROUTE ABOVE TENDER THRESHOLD (Choose 1(of A, B, C or D) only)	
A. COMPETITIVE PROCUREMENT (complete B if a Framework)	
Procurement Route	N/A
Procurement Justification	N/A
B. FRAMEWORK (Waiver in accordance with Rule 13.1 (c))	
Framework?	Is this a procurement from a Framework? Yes
Title & Reference of Framework	Fusion 21 – Whole House Framework Lot 1
Framework Rationale	This Framework is open to the Government-funded, not-for-profit organisations that provide affordable housing, including local authorities. It will enable Thurrock to carry out a mini competition with a shorter timescale and a limited number of contractors (including both the incumbents). Significant quality and price qualifications have already been made and therefore Thurrock’s competitive element can concentrate on the issues particularly relevant for the borough, including requirement for Social Value outcomes.
C. REQUEST FOR QUOTE FROM RESTRICTED MARKET (Waiver in accordance with Rule 13.1 (d))	
Restricted Market?	Is this a request for quotes from a restricted market? No
Rationale (only permitted below the EU threshold)	N/A
D. SINGLE SOURCE REASON (Waiver in accordance with Rule 13.1 (a, b or d))	
Single Source	Is this Procurement a Single Source – One Quote/Tender <i>(Exceptional circumstances only and select reason below)</i> No
Single Source justification below EU Threshold	<i>Select reason and explain your rationale</i> N/A
Single Source justification above EU Threshold	If you are seeking a single tender above the EU threshold – using the “Negotiated Procedure without Prior Publication” route, this is only available in very exceptional circumstances. You must select the reason below and explain your rationale. N/A
Single Source Rationale	N/A

PROCUREMENT TIMETABLE, RISK, CONSULTATION AND MANAGEMENT					
Milestones and target dates <i>(Draft)</i>	Key Event	Date			
	Publication of Contract Notice or Advert	21 August 2017			
	Return of PQQs (omit if not applicable)	N/A Mini Competition			
	Issue of Invitation to Tender	21 August 2017			
	Return of Tenders	02 October 2017			
	Notification of Results	06 November 2017			
	Standstill Period (omit if not applicable)	7-18 November 2017			
	Leaseholder Consultation (omit if not applicable)	June –July 2017 (Prior to exercise)			
	Expected date of Award	01 December 2017			
	Contract Commencement	01 June 2018			
Risk Management – Set out Main Risks and Mitigating Actions					
Risk	Likelihood (A – E)¹	Impact (I – IV)²	Level of Risk (High to Lower)³	Potential Negative Impact	Management / Mitigation of Risk
Tender Process Risks					
Timetable overrun	D	I	Lower	Gap in programme	Considerable time is in place for the procurement
Too many bidders	C	iii	Lower	Causes delay in procurement	Use of Mini competition shortens timetable
Enter Risk	L	I	Level	Impact	Mitigation
Contract Performance Management Risks					
Poor performance by contractors	C	I	Higher	Housing stock declines, customers dissatisfied	Use of framework has already significantly checked performance. Having 2 contractors enables 1 to take responsibility if other fails
Cost overspend	C	I	Higher	Unable to complete programme, HRA impact	Strong internal management responsive to changing budgets. Cost management by consultants to be appointed.
Enter Risk	L	I	Level	Impact	Mitigation
Contingency Arrangements	One contractor could take over from the other in case of significant or complete failure..				
Consultation	The proposal was discussed at Housing Scrutiny Committee on 2nd February. Leaseholders will be consulted after Cabinet approval and prior to procurement. A tenant representative will be included on the evaluation panel.				
Project and Contract Management Proposals	The project will be managed by the Housing Asset and Delivery Manager. A separate procurement will be run for a Cost Consultant to manage the payment and cost control elements whilst the contract is running.				

¹ **Risk Likelihood:** A = Very High, B = High, C = Significant, D = Low, E = Very Low

² **Risk Impact:** I = Critical, II = Significant, III = Marginal, IV = Negligible

³ **Risk Level:** High = AI, BI, All, BII, CI, CII, all others lower

Procurement Comments	This procurement will enable the Transforming Homes Programme to continue into the next phase. Use of the Fusion 21 Framework has been agreed as a cost effective option for reducing resources and timescale for the process and includes both of the current incumbents. The Corporate Procurement Manager will continue to support the project to its conclusion.
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Section C: LEGAL, FINANCE AND PROCUREMENT APPROVAL

Procurement Services	Name	Stefanie Seff, Corporate Procurement Manager
	Signed <i>(Or obtain email of confirmation)</i>	
	Date	Click here to enter a date.
Legal Services <i>(Insofar as it relates to Legal implications)</i>	Name	Name
	Signed <i>(Or obtain email of confirmation)</i>	
	Date	Click here to enter a date.
Finance <i>(Insofar as it relates to Finance implications)</i>	Name	Julie Curtis, HRA Accountant
	Signed <i>(Or obtain email of confirmation)</i>	
	Date	Click here to enter a date.

Section D: APPROVAL TO PROCEED VALUE

The Responsible Officer must sign the form, together with the Head of Service as a minimum. Delegated Authority Limits below.

Approval Level	Over £750,000 - Cabinet
-----------------------	-------------------------

Section E: SIGN OFF APPROVAL TO PROCEED

Confirmation by the Responsible Officer of Compliance with Contract Procedure Rules	The Responsible Officer Sue Cardozo confirms that the procurement of Transforming Homes Refurbishments 2018-21 and PS/2017/524 has been carried out in accordance with Rule 5 of the Council's Contract Procedure Rules (Chapter 9, Part 2 of the Constitution) and in particular the following duties have been met by the Responsible Officer: <ul style="list-style-type: none"> • Compliance will occur with all regulatory or statutory provisions and the Council's decision making requirements • The Contract will be included on the Council's Contract Register • Value for Money will be achieved • Advice has or will be sought from the Director of Finance and Corporate governance as to an appropriate security bond or guarantee • Document Retention Policy has and will be complied with • Financial Evaluation will be made of all the proposed tenders including the recommended bidder • Advice has been and will be sought and followed from Procurement, Legal and Finance as necessary 	
	Signed	
	Date	Click here to enter a date.
Approval to Proceed	In accordance with the Contract Procedure Rules, I/we confirm the accuracy of the information contained within this form and authorise this request to Proceed to Tender including, where relevant, the permitting of a Waiver from the Contract Procedure Rules in accordance with Rule 13	
Head of Service	Name	John Knight, Head of Housing
	Signed <i>(Or obtain email of confirmation)</i>	
	Date	Click here to enter a date.
Corporate Director <i>I confirm that the Portfolio Holder has been consulted as required</i>	Name	Click here to enter text.
	Signed <i>(Or obtain email of confirmation)</i>	
	Date	Click here to enter a date.
Director of Finance and IT <i>If waiver required</i>	Name	N/A
	Signed <i>(Or obtain email of confirmation)</i>	
	Date	Click here to enter a date.
Cabinet	Approval Minute Number	Enter minute reference
	Date	Click here to enter a date.
Now send complete form to Procurement Services signed and scanned (with emails if used)		

Appendix 3b
PROCUREMENT STAGE 1 – APPROVAL TO PROCEED TO TENDER

This form must be completed for all procurements above the tender threshold (£75,000 - Services and Supplies and £500,000 – Works)

If contract value is over Cabinet approval threshold (£750,000) this form shall be attached with the request to tender report to Cabinet. This form will be “Open” for Publication.

Section A: ABOUT THIS PROCUREMENT	
Title	Transforming Homes Cost Consultancy 2018-21
Directorate	Adults, Health and Housing
Procurement Reference Number	PS/2017/523
Contract Cost (Maximum Spend)	£1M
Budget code(s)	HR 452
Introduction and Background	The current Transforming Homes Programme successfully utilises cost consultancy services to manage spend against the planned programme, providing the necessary interface between the Contractor and the Council. This procurement will run alongside the procurement for the new contractors and continue the arrangement
Proposed Contract Term	2 years plus 1
Political Sensitivity	N/A

Section B: COMMISSIONING REPORT

Business Case	This procurement ensures that works against the planned programme are carried out and cost is managed according with the agreed scope and pricing structure. The Council does not have the specialist resources in house to do this and therefore it is necessary to procure externally. We will procure one consultancy firm (currently we have two) for which it is hoped there may be further value for money.
Key Deliverables (Draft Specification)	Cost control and high quality outputs from the Transforming Homes Programme
Contractor Employment Status (use self-assessment tool: https://www.gov.uk/guidance/check-employment-status-for-tax or contact Procurement for further guidance)	N/A
Quality v Price evaluation	70:30
Social Value	The majority of Social Value outputs are delivered by the Construction contractor for the Transforming Homes Programme. However we will look to secure additional opportunities through this procurement.
Current / Previous Contract details	PS/2013/638d

FINANCIAL IMPLICATIONS

Current / Previous Contract Cost	Current spend c. £350K per annum across 2 contractors. Reducing to 1 should generate a small reduction.					
Cost Breakdown	Breakdown of Estimated Cost	16/17 £000's	17/18 £000's	18/19 £000's	Later £000's	Total £000's
	Total Spend	£	£	£	£	£
Confirm Funding Breakdown Identified	Revenue Budget	£	£	£	£	£
	Capital Budget	£	£	£	£	£
	Other (HRA)	£	£	£330K	£600K	£1M
	Other (Please State)	£	£	£	£	£
	Total Funding	£	£	£330K	£600K	£1M
Budget Code(s)	HR452					
Unsupported borrowing?	N/A					
Other Financial Implications	N/A					

PROCUREMENT ROUTE ABOVE TENDER THRESHOLD (Choose 1(of A, B, C or D) only)	
A. COMPETITIVE PROCUREMENT (complete B if a Framework)	
Procurement Route	N/A
Procurement Justification	N/A
B. FRAMEWORK (Waiver in accordance with Rule 13.1 (c))	
Framework?	Is this a procurement from a Framework? Yes
Title & Reference of Framework	South East Consortium Consultancy Services OJEU Ref 2016/S 174-312427
Framework Rationale	The Council is a Member of the South East Consortium. Using this framework is therefore a cost effective method of shortening the procurement timescale. Both current incumbents are included on the framework
C. REQUEST FOR QUOTE FROM RESTRICTED MARKET (Waiver in accordance with Rule 13.1 (d))	
Restricted Market?	Is this a request for quotes from a restricted market? No
Rationale (only permitted below the EU threshold)	N/A
D. SINGLE SOURCE REASON (Waiver in accordance with Rule 13.1 (a, b or d))	
Single Source	Is this Procurement a Single Source – One Quote/Tender <i>(Exceptional circumstances only and select reason below)</i> No
Single Source justification below EU Threshold	<i>Select reason and explain your rationale</i> N/A
Single Source justification above EU Threshold	If you are seeking a single tender above the EU threshold – using the “Negotiated Procedure without Prior Publication” route, this is only available in very exceptional circumstances. You must select the reason below and explain your rationale. N/A
Single Source Rationale	N/A

PROCUREMENT TIMETABLE, RISK, CONSULTATION AND MANAGEMENT					
Milestones and target dates <i>(Draft)</i>	Key Event	Date			
	Publication of Contract Notice or Advert	22 September 2017			
	Return of PQQs (omit if not applicable)	N/A Mini Competition			
	Issue of Invitation to Tender	22 September 2017			
	Return of Tenders	31 October 2017			
	Notification of Results	30 November 2017			
	Standstill Period (omit if not applicable)	1-11 December 2017			
	Leaseholder Consultation (omit if not applicable)	14 August			
	Expected date of Award	02 January 2018			
	Contract Commencement	01 May 2018			
Risk Management – Set out Main Risks and Mitigating Actions					
Risk	Likelihood (A – E)¹	Impact (I – IV)²	Level of Risk (High to Lower)³	Potential Negative Impact	Management / Mitigation of Risk
Tender Process Risks					
Lack of interest	E	I	Lower	Unable to procure	The framework includes both incumbents who have expressed interest in bidding
Timescale overrun	D	II	Lower	Programme not cost managed at start	Mini competition significantly reduces timescale and has been planned with considerable lead in period.
Enter Risk	L	I	Level	Impact	Mitigation
Contract Performance Management Risks					
Poor performance	D	II	Lower	Cost management slippage	There are a number of frameworks from which we can direct award a replacement in case of failure
Enter Risk	L	I	Level	Impact	Mitigation
Enter Risk	L	I	Level	Impact	Mitigation
Contingency Arrangements	As above.				
Consultation	This proposal was included in the report to Housing Scrutiny on 2nd February 2017.				
Project and Contract Management Proposals	The procurement and contract will be managed by the Housing Asset and Delivery Manager				
Procurement Comments	Use of the South East Consortium Framework has been identified as the most cost effective compliant solution to secure the required outcome. Moving to one, from two consultants should help deliver some economies of scale and there are a number of alternatives that can be used in case of performance failure. The Corporate Procurement Manager will continue to support this project.				

¹ **Risk Likelihood:** A = Very High, B = High, C = Significant, D = Low, E = Very Low

² **Risk Impact:** I = Critical, II = Significant, III = Marginal, IV = Negligible

³ **Risk Level:** High = AI, BI, All, BII, CI, CII, all others lower

Section C: LEGAL, FINANCE AND PROCUREMENT APPROVAL

Procurement Services	Name	Stefanie Seff
	Signed <i>(Or obtain email of confirmation)</i>	
	Date	Click here to enter a date.
Legal Services <i>(Insofar as it relates to Legal implications)</i>	Name	Kevin Molloy
	Signed <i>(Or obtain email of confirmation)</i>	
	Date	Click here to enter a date.
Finance <i>(Insofar as it relates to Finance implications)</i>	Name	Julie Curtis, HRA Accountant
	Signed <i>(Or obtain email of confirmation)</i>	
	Date	Click here to enter a date.

Section D: APPROVAL TO PROCEED VALUE

The Responsible Officer must sign the form, together with the Head of Service as a minimum. Delegated Authority Limits below.

Approval Level	Over £750,000 - Cabinet
-----------------------	-------------------------

Section E: SIGN OFF APPROVAL TO PROCEED

Confirmation by the Responsible Officer of Compliance with Contract Procedure Rules	The Responsible Officer Sue Cardozo confirms that the procurement of Transforming Homes Cost Consultancy 2018-20 and PS/2017/523 has been carried out in accordance with Rule 5 of the Council's Contract Procedure Rules (Chapter 9, Part 2 of the Constitution) and in particular the following duties have been met by the Responsible Officer: <ul style="list-style-type: none"> • Compliance will occur with all regulatory or statutory provisions and the Council's decision making requirements • The Contract will be included on the Council's Contract Register • Value for Money will be achieved • Advice has or will be sought from the Director of Finance and Corporate governance as to an appropriate security bond or guarantee • Document Retention Policy has and will be complied with • Financial Evaluation will be made of all the proposed tenders including the recommended bidder • Advice has been and will be sought and followed from Procurement, Legal and Finance as necessary 	
	Signed	
	Date	Click here to enter a date.
Approval to Proceed	In accordance with the Contract Procedure Rules, I/we confirm the accuracy of the information contained within this form and authorise this request to Proceed to Tender including, where relevant, the permitting of a Waiver from the Contract Procedure Rules in accordance with Rule 13	
Head of Service	Name	John Knight, Head of Housing
	Signed <i>(Or obtain email of confirmation)</i>	
	Date	Click here to enter a date.
Corporate Director <i>I confirm that the Portfolio Holder has been consulted as required</i>	Name	Name
	Signed <i>(Or obtain email of confirmation)</i>	
	Date	Click here to enter a date.
Director of Finance and IT <i>If waiver required</i>	Name	Name
	Signed <i>(Or obtain email of confirmation)</i>	
	Date	Click here to enter a date.
Cabinet	Approval Minute Number	Enter minute reference
	Date	Click here to enter a date.
Now send complete form to Procurement Services signed and scanned (with emails if used)		

21 June 2017	ITEM: 12 (Decision 01104431)
Cabinet	
Contracted Environmental Enforcement Services	
Wards and communities affected: All	Key Decision: Yes
Report of: Councillor Pauline Tolson, Portfolio Holder for Environment	
Accountable Head of Service: Julie Rogers, Head of Environmental Services	
Accountable Director: Steve Cox, Corporate Director Environment & Place	
This report is Public	

Executive Summary

In December 2016 the Council entered into a pilot project to determine the viability of contracted Environmental Enforcement Services. The Council has a small internal team of Environmental Enforcement Officers who respond to a large number of service requests each year, the volume of service requests is such that a reactive service model only resolving priority cases, has been put in place. The objective of the pilot project was to determine whether a contracted enforcement service could offer a proactive service offering littering and dog fouling enforcement on a cost neutral basis. This report provides an update on the performance of the pilot to date and requests permission to progress the report's recommendations to Cabinet. Feedback from the pilot has been taken into account to request amendments to the range of services, level of fines levied and the publication of successful prosecutions.

1. Recommendation(s)

1.1 To delegate authority for the tender and subsequent award of a contract for enforcement services on a payment by results basis to the Corporate Director of Environment and Place in consultation with the Cabinet Member for Environment for a period of up to 4 years, to the value of approximately £960,000.

1.1(a) Cleaner, Greener and Safer Overview and Scrutiny Committee on 11 May 2017 recommended to Cabinet that the following amendments are inserted into recommendation 1.1;

- a. That the enforcement activities will be across the entire borough according to need,**

- b. That the contract is structured in such a way to not expose the Authority to undue financial risk, and**
 - c. That an adequate break clause or other means of exiting the contract be included in the agreement.**
- 1.2 To remove early repayment discounts for fixed penalty notices issued for environmental crime offences as detailed in 4.3.**
- 1.3 To set the value of fixed penalty notices to the maximum permissible amount for environmental crime offences as detailed in 4.3.**
- 1.4 To set the minimum age that formal enforcement action, including Fixed Penalty Notices, will be taken for offences to 16 years of age as detailed in 4.2.**
- 1.5 To publicise the successful prosecution of those who are prosecuted for committing environmental crime in the borough and to use media outlets to appeal for information pertaining to the identity of those persons committing environmental crime where identities are unknown.**
- 1.6 To approve the pursuit of and adoption of delegated authority from the DVLA for the removal, impounding and potential destruction of untaxed vehicles in line within the provisions of the vehicle excise duty (immobilisation, removal and disposal of vehicles) regulations 1997 (as amended).**

2. Introduction and Background

- 2.1 The cleanliness of the environment has a significant impact on the quality of life, enjoyment and perception of those who live, visit and work in the borough. The Council has committed to taking a zero tolerance approach to those who commit environmental crime in the borough with formal enforcement action being taken where appropriate.
- 2.2 Legislation provides the Council with the powers to take formal enforcement action including the issue of fixed penalty notices (FPN's) and prosecution of those who commit environmental crime. The Council has a small internal Environmental Enforcement Team consisting of two officers that are responsible for responding and taking appropriate action for the 5,000 service requests received each year. The size of the team restricts activity to being a purely reactive service, prioritising larger complex casework. In order to deliver a highly effective service to complement the existing in house service there is a need for a proactive enforcement solution resolving simple high volume cases.
- 2.3 In order to deliver this resource in December 2016 the Council entered into a pilot project to determine the viability of contracting external enforcement resources to support the proactive enforcement of environmental offences. The scope of the pilot project which was initially limited to Littering and Dog

Fouling Offences were recently extended with the enforcement of the Grays Town Centre Public Space Protection Order (PSPO) which came on line in April 2017.

- 2.4 In the pilot period to date 07/12/2016 to 07/05/2017 there have been 1,208 FPNs issued. The breakdown of statistics relating to the pilot performance to date is as follows:

Number of FPNs Issued	1,208
Number of FPNs Paid	830
FPN Payment Rate	68%
Income from FPNs	£62,250
Cost of issuing FPNs	£51,340
Net Position of Pilot	(£10,910)
Number of FPN's in the prosecution and prosecution evaluation stage	276
Number of FPN's in the administration process	102

At present the pilot is reporting a small financial surplus, in the first instance any surplus will be used to fund the prosecution of non-payers with any remaining income supporting additional enforcement activity. The initial objective of the Council's pilot was to deploy enforcement officers on the ground to enforce against those committing environmental crime and to dissuade others from committing environmental offences on a cost neutral basis, income is not a priority. Prevention is a priority; a reduction in the number of environmental crimes committed will reduce the burden on cleansing and wider environmental services as well as improving the appearance of the borough.

- 2.5 The current payment rate at 68% is resulting in a positive financial position. Should the payment rate drop below 60% this will result in a net cost to the authority. To prevent a drop in payments this Council is committed to prosecuting non payers and publicising those cases that result in a successful prosecution against offenders. As a first tranche the Council has passed 15 cases of non-payment for prosecution, these are scheduled to be heard in May. The intention is to pass all appropriate cases for prosecution to the Magistrate's court. As cases are tried and successful, prosecutions will then be publicised with an expectation that payment rates will subsequently increase. This position represents best practice as identified in the Government's new 2017 Littering Strategy for England *'Promote transparency and accurate reporting of enforcement action against littering, so that offenders know they will be fined for environmental offences'*¹

¹ HM Government; Litter Strategy for England April 2017, page 48.

3. Issues, Options and Analysis of Options

3.1 Option 1: Do Nothing

The current in-house environmental enforcement service consists of two officers. The level of environmental crime in the borough including the increase in large scale fly-tipping means that the service, as-is, is only resourced to deliver a reactive service prioritising the most high profile cases. There is a requirement to deliver a proactive enforcement offer dealing with simple high volume environmental offences such as littering and dog fouling. To do nothing would represent a step backwards with an increase in levels of litter in the borough and the perception of the Council being weak on environmental crime, leading to an escalation in the number of more serious offences. The pilot as-is has been delivered on a cost neutral basis and with the issue of over a 1000 FPNs in the first 4 months has proven to be a success with a visible impact on the local environment.

3.2 Option 2: Deliver an in-house proactive high volume Enforcement Service

The estimated cost of delivering an in-house comparative service per annum is £210,000 per year.

Employees	£187,000
PPE	£5,000
Transport	£8,000
Supplies and Services	£10,000
	£210,000

In order to achieve a financial break even position, based on the current payment rate the number of FPNs that the service would need to issue is 4,400 per year. Although potentially achievable this represents a significant financial risk to the authority. The payment by results model trialled in the pilot represents minimal risk to the Authority. In addition, investment in handheld systems and sophisticated automated systems would also be required. The Council could take steps to specify, procure and implement comparable software however this would come at a time and financial cost, not included in the calculation above. A suitable ICT solution is unlikely to be in place by the end of the pilot in December.

3.3 Option 3: Procure a Contracted Environmental Enforcement Service on a payment by results basis. ***The recommended option***

With over a 1,000 FPNs issued in the first 4 months the contracted Environmental Enforcement Pilot has proven to be a success in enforcing against those who commit environmental crime. The pilot has been delivered on a cost neutral basis and has demonstrated that, providing that it is closely managed, it can deliver results at minimal financial risk to the Council.

It is recommended that the Council enters into a formal EU compliant process to procure a contracted Environmental Enforcement Service on a payment by results basis similar to that employed for the pilot. The service will invite bids from experienced, suitably qualified contractors for the provision of high volume simple enforcement functions.

The contract is intended to complement the existing in-house team who will continue to focus on resolving complex serious environmental offences. The Council will invite bids for a range of simple enforcement functions such as fly posting and graffiti that complement the current littering and dog fouling enforcement, the proposed range of services is detailed in 5.1.

4. Proposed Contracted Environmental Enforcement Service

4.1 Scope of Contracted Environmental Enforcement Service

The proposed scope of the Contracted Environmental Enforcement Service is as follows:

Enforcement Activity	Description of Service
Littering	Pro active patrols across the borough enforcing against those committing littering offences.
Dog Fouling	Pro active patrols across the borough enforcing against those committing littering offences.
Fly Posting	Pro active patrols across the borough enforcing against those committing littering offences.
Graffiti	Pro active patrols across the borough enforcing against those committing littering offences.
PSPO Enforcement	Pro active patrols enforcing against those breaching the Grays Town Centre PSPO.
Commercial Waste Duty of Care Enforcement	Enforcement of duty of care compliance on a scheduled basis to support the in-house enforcement service.
Fly-tipping	Enforcement against fly tipping offenders on an ad-hoc basis to support the in-house enforcement service.
Other Environmental Offences	Enforcement in the case of Environmental Crime for offences in scope of the Environmental Protection Act 1990.

The contract will require the contractor to complete the end to end process for all enforcement actions including Fixed Penalty Notice issues, collecting payment, administering representations, issuing reminder notices and compiling prosecution files.

4.2 The Proposed age of FPN issue for those committing Littering and Dog Fouling offences.

At present officers deployed on the contracted Environmental Enforcement Service are not authorised to issue FPNs to those under 18. The pilot has made great strides to prevent littering in the areas where officers are

deployed. Anecdotal feedback from Councillors and residents, as well as formal feedback in the Grays Town Centre PSPO consultation, suggests that the appearance of high footfall patrolled areas (Grays Town centre in particular) as having improved markedly.

There is however an ongoing issue surrounding littering by those between the ages of 16 and 18. This is a particular issue around educational establishments and transport hubs. In order to address this issue and provide Officers with the tools to take formal action, it is recommended that the age that officers can issue FPNs for littering and dog fouling be reduced to 16 years of age. In line with the recently published litter strategy for England officers are exploring the opportunities for alternatives to the issue of a FPNs or prosecution for offenders below 18.

Proposals for alternative sanctions such as education and litter picking will be explored with a proposal to be brought back to committee as best practice following the publication of the Litter Strategy for England. Consultation will be undertaken with South Essex College to explore the options for sanctions towards students issued with Fixed Penalty Notices.

4.3 **Proposed charge for FPNs and the suspension of the early repayment discount for Fixed Penalty Notices relating to Environmental Crime as enforced by internal and contracted Environmental Enforcement Services.**

The recommendation is that all FPNs for Environmental Crime and related offences are set at the maximum permissible level and that charges are increased as legislation is amended to uplift maximum permissible levels, for example the proposed increase in the Littering FPN. This will act as a deterrent to those who commit environmental crime, contribute towards the contracted enforcement service breaking even and will support the Council's zero tolerance approach to Environmental Crime.

Offence	Current FPN charge	Current early repayment FPN charge	Proposed FPN charge	Proposed early repayment FPN charge
Littering	£75	No discount	£80* Maximum Permissible	None.
Dog Fouling	£75	No discount	£80 Maximum Permissible	None.
Fly Posting	£75	£60	£80 Maximum Permissible	None.
Graffiti	£75	£60	£80 Maximum Permissible	None.
Fly Tipping	£400	No discount	£400	None.

			Maximum Permissable	
Commercial Waste Duty of Care	£300	£180	£300 Maximum Permissable	None.
Commercial Waste Receptacle Offences	Not currently used.	Not currently used.	£110 Maximum Permissable	None.
Domestic Waste Receptacle Offences	Not currently used.	Not currently used.	£80 Maximum Permissable	None.
Breach of Public Space Protection Order (PSPO)	£100	No discount	£100 Maximum Permissable	None.
Breach of CPN	£100	No discount	£100 Maximum Permissable	None.

*This will increase in line with the revised maximum penalty for littering of £150 that has been proposed in the Litter Strategy for England 2017. Due for implementation in 2017/18.

4.4 **Publicising information relating to those who are successfully prosecuted for committing Environmental Crime or to aid in obtaining identification of offenders.**

In order to prevent and dissuade potential offenders from committing environmental crime, the Council intend to publicise the outcome of successful prosecutions through the Council's communication channels and in the local press. By releasing the details of offenders and the crimes that they have committed the Council will demonstrate its commitment to taking action against offenders and reassure the local community that action is being taken against those who choose to spoil the environment.

The Council are proposing the use of communication channels and local press outlets to obtain information that could lead to the identification of those committing environmental crime. In cases where the identity is unknown or where false details are given, information including pictures will be published in order to appeal for information pertaining to the identity of the offender. Section 29 of The Data Protection Act allows for 'data to be used for prevention and detection of crime, or, apprehension or prosecution of offenders' are exempt from the first data protection principle (principle 1 – data shall be processed fairly and lawfully).

The current payment rate of 68% is enough to break even and provide a small surplus however, the authority should be aiming for a payment rate of 75% in line with DEFRA best practice. Key to achieving an improved payment rate will be to ensure that prosecutions take place in the event of non-payment and that successful prosecutions are communicated to the public.

4.5 Proposed Contract Value

The contract will be let in line with the payment by results method as trialed in the pilot project. Potential contractors will be required to enter a formal bid into the tender process detailing the amount that they will charge for the issue of fixed penalty notices. All income deriving from FPN payment and awarded to the Council as a result of the prosecution will be retained by the Council. To date the pilot has demonstrated that this model is cost neutral. Based on the data gathered from the pilot, the proposed contract value per annum will over the 4 year period be £177,480. At a payment rate of 60% the expected income will be £200,400 resulting in a net income to the Council of £22,920 per annum.

Assumed Expenditure	
<i>Number of working days</i>	261
<i>Number of Issuing Officers</i>	4
Number of tickets issued per officer per day	4
Total number of tickets issued per day	16
Total number of FPNs Issued per year	4176
Estimated contract cost per ticket	£42.50
<u>Contract Value PA</u>	= 4176*£42.50 = <u>£177,480</u>

Assumed Income	
Total Number of FPNs Issued per year	4176
Payment rate	60%
Number of FPNs Paid	2505
FPN Level	£80
<u>Contract Income PA</u>	= 2505 @£80 = <u>£200,400</u>

The pilot was restricted to littering and dog fouling offences. This report is requesting an extension in the scope of activities offered as per paragraph 5.1 these services will be ancillary to the littering and dog fouling work and are reflected in the assumed figures as above. The value of a number of these FPNs is higher than that of the standard £80 for lower level offences. To allow for these additional services additional headroom of £50,000 will be built into the per annum contract value on the assumption that 100 higher value FPNs

will be issued per year for fly-tipping or duty of care offences. The revised contract value is therefore estimated to be £240,000 or £960,000 over the 4 year lifespan of the contract.

5. Abandoned Vehicles

- 5.1 The Council has a duty to remove abandoned vehicles from the public highway and land in the open air. Vehicles identified as abandoned must meet the abandoned vehicle criteria. That the vehicle is; only fit to be destroyed, that the vehicle has no number plates and is not taxed or where the owner cannot be found or fails to comply with a collection notice. In the last financial year 2016/17 the council received 1,800 abandoned vehicle reports.
- 5.2 In order to effect the removal, impounding and potential destruction of abandoned vehicles the Council employs a private contractor which has access to the specialist machinery and impounding facilities. At present the Council does not have a long term formal arrangement in place with the contractor and this means that each interaction is managed on an ad hoc basis. Taking into account the small size of the Environmental Enforcement Team and the large volumes of reported vehicles in the borough each year this is an unwieldy process. Additionally, the lack of a formal contract means that service levels vary with limited defined guarantees around vehicle removals.
- 5.3 The cost to the Council of delivering the service is 0.5 FTE which equates to £17,500 PA. The contractors collecting and disposing of abandoned vehicles is cost neutral. The income received from vehicle disposal is offset by the cost of the removal itself as well as the destruction of burnt out vehicles that have no residual value. The value of the contract is such that it can be let using existing delegated authority, Officers intend to commence procurement of a formal abandoned vehicle contract in September 2017 with a new fit for purpose contract in place by December 2017.
- 5.4 The DVLA are responsible for enforcing the removal and potential destruction of untaxed vehicles that are not on the curtilage of a domestic property. The vehicle excise duty (immobilisation, removal and disposal of vehicles) regulations 1997 allow the Council to apply to the DVLA for delegated authority to enforce this function. The Council intend to apply to the DVLA to gain delegated authority to remove and impound or destroy as appropriate untaxed vehicles. This function would be overseen by officers with removal actions being directed by the Council's contracted removal agent. Adoption of these delegated authority powers will ensure that untaxed vehicles are removed from the boroughs roads at a point at or before they fall into disrepair.

6. Reasons for Recommendation

- 6.1 Enforcing against those who commit environmental crime reduces offending rates and improves the appearance and standard of cleanliness of the

borough. A cleaner borough contributes towards the public's pride in the borough and creates a positive perception of the area for investors and visitors.

7. Consultation (including Overview and Scrutiny, if applicable)

7.1 Cleaner, Greener and Safer Overview and Scrutiny Committee, May 2017.

- The Committee considered and agreed the report requesting the inclusion of an additional recommendation as set out in paragraph 1.1(a).

7.2 Community Safety Partnership, May 2017.

7.3 Trade Union Pay and Reward Board, May 2017

7.4 South Essex College, May 2017.

8. Impact on corporate policies, priorities, performance and community impact

8.1 This report supports the Councils priority to "Promote and Protect our Clean and Green Environment.

9. Implications

9.1 Financial

Implications verified by: **Carl Tomlinson**
Finance Manager

The Pilot Environmental Enforcement Project demonstrated that the service can be delivered on a cost neutral basis. The proposed four year contract is structured on a payment by results basis that should be cost neutral with the potential for a small amount of income that will be used to fund prosecutions and support related Environmental Enforcement Services. The measures proposed including setting fixed penalty notices at the maximum allowable amount should increase the likelihood of the service delivering on a cost neutral basis.

9.2 Legal

Implications verified by: **Dianne Woode**
Solicitor – Contracts and Procurement
Adam Rulewski
Barrister - Litigation and Prosecutions

This report is seeking approval from Cabinet to go out to tender and subsequently award a contract for the provision of environmental enforcement services. The proposed payment model for this contract shall be based on a payment by results basis, and the proposed contract period is four years.

The value of the contract is over the EU threshold of £164,176 for services contracts, which means that it falls squarely within the full scope of the Public Contract Regulations 2015 (the “2015 Regulations”) requirements, and as such a full and compliant EU procurement process must be followed.

Thurrock Council has the legislative power to take formal enforcement action against perpetrators of environmental crime; this includes the power to issue fixed penalty notices and commence formal prosecutions.

It is noted that the report refers to an intention by the Council to increase the amount payable of the fixed penalty notice for a range of the environmental crime offences. The Local Authority has the power to treat a fixed penalty as paid, if a lesser amount is paid within a specified period. However, there is no obligation on a Local Authority to offer a discounted payment period. The Local Authority may set the maximum amount to that prescribed in the relevant statutory provisions.

It is also noted that there is a proposal to lower the minimum age that formal enforcement action against an individual can be taken, to under the age of 18 years. The minimum age of criminal responsibility is 10 years old. FPNs may be issued to those aged 16 or above as proposed, however enforcement officers should use special procedures for offenders aged under 18 and work with both the youth offending team and children’s services. Enforcement Officers should familiarise themselves with government guidance on these issues. The Local Authority should develop an enforcement strategy for dealing with juveniles if it does not already operate such a strategy.

In order to be able to legally remove and impound untaxed vehicles, as proposed in the report, the Council will need to obtain delegated authority from the DVLA, pursuant to The Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997. It is noted that some contact has already been established with the DVLA in that regard, and that progress is being made to effect this proposal.

In consideration of all of the points made above pertaining to the 2015 Regulations, there is sufficient reason for it to be deemed that the proposed

procurement strategy shall comply with the 2015 Regulations, as well as the Council's Contract Rules, which sit within the Council's Constitution.

The report author and responsible directorate are advised to keep Legal Services fully informed at every stage of the proposed tender exercise. Legal Services are on hand and available to assist and answer any questions that may arise.

9.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Community Development & Equalities Manager

The proposed enforcement activity is an extension of the current pilot project. The zero tolerance approach taken will ensure that all offenders who commit offences will be penalised uniformly. Concessions are made for young people under 16 and those who are classified as vulnerable including those who suffer from relevant mental health conditions. A Community Equality Impact Assessment will inform any further actions required to ensure fair enforcement.

9.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

The Contracted Enforcement Service will involve officers enforcing the Grays Town Centre Public Space Protection Order.

10. Background papers used in preparing the report

- Cabinet December 2016 'Environmental Enforcement'
<http://democracy.thurrock.gov.uk/documents/s10776/Environmental%20Enforcement.pdf>
- HM Government: Litter Strategy for England April 2016
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/607747/litter-strategy-for-england-2017.pdf

11. Appendices to the report

- NA

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